Agenda

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Published on Wednesday 30 May 2018

South of the Borough Neighbourhood Committee

Date: Thursday 7 June 2018
Time: 7:30 pm
Place: Hook Centre, Hook Road, Chessington KT9 1EJ

Members of the Committee

Chessington North & Hook Ward
Councillor Stephanie Archer
Councillor Margaret Thompson
Councillor Sharon Young

Chessington South Ward
Councillor Patricia Bamford
Councillor Andreas Kirsch
Councillor Christine Stuart

Tolworth & Hook Rise Ward
Councillor Lorraine Dunstone
Councillor Dennis Goodship
Councillor Thay Thayalan

Everyone is welcome to attend the meeting

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Agenda

1. **Appointment of Chair and Vice Chair for 2018/19 municipal year**

   To appoint a Neighbourhood Committee Chair and Vice Chair for the municipal year 2018/19.

2. **Emergency evacuation procedures**

   **Neighbourhood Working Arrangements**

   To enable the Committee to determine arrangements for managing its business for the new municipal term (ie the period to May 2022).

3. **Community Manager’s Report**

   The Community Manager will report on issues arising.

4. **Public Questions**

   There is a period of up to 30 minutes for public questions on matters relevant to the Committee’s remit which are not related to items featuring on the agenda.

   Advance notice of questions, while not essential, is encouraged, in order that replies can be sought from relevant officers ready for the meeting.

   On a trial basis, if there is any time remaining of the 30 minutes, residents will be invited to report any local news items which they consider will be of interest to those attending the meeting.

5. **Petitions**

   To receive any petitions submitted by councillors or members of the public.

6. **Apologies for Absence**

7. **Declarations of Interest**

   Members are invited to declare any disclosable pecuniary interests and any non-pecuniary interests (personal interests) relevant to items on this agenda.

8. **Minutes**

   To confirm as a correct record the minutes of the meeting held on 14 March 2018.


   Hook Rise North

   To comment on this planning application; the Committee’s comments will be referred to the Development Control Committee which will determine the application.
10. Planning Consultation (16/10482/FUL): Development Land at 1 Hook Rise South

To comment on this planning application; the Committee’s comments will be referred to the Development Control Committee which will determine the application.

11. Sanger Avenue and Durbin Road Petitions

To provide an update on the issues raised in the petitions received from residents in relation to the Durbin Road and Sanger Avenue petitions, and for the Neighbourhood Committee to agree the way forward.

12. Gilders Road roundabout - pedestrian accessibility review

To consider the findings of the pedestrian accessibility review, along with other requested measures, at the Gilders Road roundabout and agree improvements.

13. South of the Borough Community Plan

To consider the reviewed and updated Neighbourhood Community Plan, which is based on the priorities identified by residents through the Neighbourhood Conversation held on 21 February 2018.

14. Appointments to Outside Bodies (Tolworth Hospital Community Forum)

To appoint the three Tolworth and Hook Rise Ward Members to the Tolworth Hospital Community Forum.

15. Appointment process for Community Advisers

To agree a process for appointment of an Advisory Member(s) to the Neighbourhood Committee.

16. 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.

17. Information Items

- Dates of next meetings
- Urgent Action Taken Under Standing Order 32: Field 3680 Malden Rushett
- Traffic Schemes updates (to follow)
18. **Exclusion of the Press and Public**

The following resolution is included as a standard item which will only be relevant if any exempt matter is to be considered at the meeting for which the Committee wish to resolve to exclude the press and public:

To exclude the public from the meeting under Section 100(A)(4) of the Local Government Act 1972 on the grounds that it is likely that exempt information, as defined in paragraph *….of Part I of Schedule 12A to the Act, would be disclosed and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

(*relevant regulatory paragraph to be indicated)

**Dates of Future Meetings**  (start time: 7.30pm) :

- Thursday 6 September 2018: Chessington Methodist Church, Church Lane, Chessington KT9 2DJ

- Thursday 18 October 2018: this is a proposed change of date to the meeting scheduled for 1 November 2018 – the venue is TBC: (request to Tolworth Girls School, Tala Close, Surbiton KT6 7LQ)

- Tuesday 22 January 2019 – venue to be confirmed: Chessington Methodist Church, Church Lane, Chessington KT9 2DJ

- Thursday 7 March 2019 Conversation - Southborough School Hook Road, Surbiton, Surrey, KT6 5AS

- Wednesday 27 March 2019 – venue to be confirmed: Chessington Methodist Church, Church Lane, Chessington KT9 2DJ (to be confirmed)
Welcome to this meeting

The following information explains the way some things are done at the meeting and some of the procedures.

Information about the South of the Borough Neighbourhood Committee

The South of the Borough Neighbourhood Committee is made up of your local elected Councillors and is responsible for making decisions about local services, which can be tailored to the local area

Do you want to ask a question?

There is a Question Time of up to 30 minutes from 7.30pm – 8pm. Questions may be submitted in writing before the meeting or handed in at the start of the meeting on the green forms provided. (There are some green slips on the chairs and there are more copies.) Please fill in the relevant part and hand this in to the Committee Secretary at the top table. For enquiries please contact Jean Cousens tel. 020 8547 5023, e-mail:jean.cousens@kingston.gov.uk.

Where a full reply cannot be given at the meeting, a written reply will be sent to the questioner, members of the Committee and the local press. The Chair may disallow any question which, in his/her opinion, is scurrilous, capricious, irrelevant or otherwise objectionable.

Running order

Are you here for a particular item? 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 at the start of the meeting and hand this to the Committee Secretary if you would like to request that a particular item is heard earlier in the meeting.

Taking part in the meeting

During the course of the meeting, the Chair, at his/her discretion, may allow contributions, including questions on items listed on the agenda. To attract the Chair’s attention, please raise your hand.

Speaking at meetings

Speaking at a meeting can be a daunting prospect and every effort is made to make this as easy as possible. Speech-friendly arrangements will take account of people who may have a speech impairment, e.g. they may have a stammer. If you have any individual requirements or feel that standing or addressing the meeting may present a difficulty, please let us know beforehand. Arrangements will be made to help you as far as reasonably possible.

Emergency evacuation arrangements

If the fire alarm sounds, please leave the building by the nearest exit. If you require assistance, please remain seated and an Officer will assist you from the building.
More meeting information

Accessibility

- All meetings have access for people who may have mobility difficulties. If there are stairs, a lift or stairlift is available. Disabled parking spaces are available on site.
- Toilet facilities will be easily accessible from the meeting room.
- For people who have hearing impairments, there is an induction loop (depending on the building, this may only be available in the first 2 or 3 rows).
- **A large print copy of the agenda can be requested in advance.**

Recording of the meeting

This meeting will be recorded and the recording will be available on the web site (www.kingston.gov.uk) with the agenda and minutes.

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.

Phrases used at meetings

Like all organisations, the Council has its own ‘jargon’. On the agenda and during debates you will see/hear the following phrases:

- **Interests** - Councillors must say if they have an interest in any of the items on the agenda. Interests may be personal or pecuniary. Depending on the interests declared, it might be necessary for the Councillor to leave the meeting. The detail on interests is in Part 5A of the Constitution - Members’ Code of Conduct.

- **Call In** - Most of the decisions made at the Committee, except decisions on planning applications, planning enforcement, tree preservation orders and any licensing applications, can be called in for review by 100 people who live, work or study in the Borough. The call in period is 10 days after the meeting - the deadline for the call in for decisions will be set out on the relevant reports. Decisions are not, therefore, acted upon until it is clear that they are not going to be called in.

  The call in means the decision will be reviewed by a full meeting of the Council. The Council at this meeting cannot change the original decision; it may decide that no further action is necessary, in which case the decision will be implemented, or it will refer the issue back to the Committee with its views and a request that the decision is reconsidered taking account of these views.

Minutes

The minutes briefly summarise the item and record the decision. They do not record who said what during the debate.
Speaking on Planning Applications, Enforcement, or TPOs

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.

(For other items on the agenda, including planning applications on which the Neighbourhood is being consulted before the application is considered by the Development Control Committee, residents may ask questions and give their views at the discretion of the Chair.)

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.** To register please contact: Jean Cousens tel. 020 8547 5023, e-mail: jean.cousens@kingston.gov.uk

**Registration deadline:** 10am Monday 4 June 2018

**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 is 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.

**The order of speaking is:**

<table>
<thead>
<tr>
<th>Planning applications</th>
<th>Enforcement/Tree Preservation Orders</th>
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</thead>
<tbody>
<tr>
<td>1. Planning Officer to present item</td>
<td></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 to Objector(s) and Applicant</td>
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<tr>
<td>5. Objector(s) (5 minutes)</td>
<td>Land/property owner (5 minutes)</td>
</tr>
<tr>
<td>Applicant (5 minutes)</td>
<td>The Council as applicant and/or supporters of the action proposed (5 minutes)</td>
</tr>
<tr>
<td>6. Sweep up by Planning Officer</td>
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<tr>
<td>7. Questions from Committee to Officers</td>
<td></td>
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<tr>
<td>8. Debate and decision by Committee</td>
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Purpose
To enable the Committee to determine arrangements for managing its business for the new municipal term (ie the period to May 2022).

Recommendations
To Resolve that:

1. the arrangements for public participation set out in paragraphs 6 - 12 be agreed, subject to any changes the Committee may wish to make;

2. licensing matters (within the remit of the Neighbourhood Committees) be dealt with at the Neighbourhood Committee meeting wherever possible but, when necessary, a Licensing Sub-Committee is established by the Neighbourhood Committee to deal with particular cases which arise;

3. a Chair and Vice Chair for the 2018-19 municipal year are appointed; and

4. arrangements for appointment of new community advisers and a Community Plan Steering Group are considered, as set out in accompanying reports in this agenda, and the Committee is invited to consider any additional changes it may wish to make to its working arrangements.

Key Points

A. Within the constitutional framework, Neighbourhood Committees decide their own arrangements for chairing, public participation at meetings and determine how they deal with regulatory functions within their responsibilities – eg street café and sexual entertainment licences. The aim of the arrangements is to enable Committees to work effectively, enable public participation and avoid overly long agendas and meetings.

B. At the beginning of each four year Municipal term, it is customary for each Neighbourhood Committee to review its working arrangements.

C. Neighbourhood Chairs and Vice Chairs are appointed annually by the relevant Neighbourhood Committee at the beginning of the new Municipal Year.

Context

1. The current constitutional arrangements for Neighbourhood Committees are reproduced in Annex 1 to this report.

2. Key elements of Neighbourhood responsibilities are summarised below:

   ● Neighbourhood powers over highways and traffic management schemes relate to all roads other than “A” roads and strategic routes managed by Transport for London and where proposals concern no more than two roads, or a junction of up to four roads within a single Neighbourhood. Neighbourhood Committees can continue to consider and propose schemes of wider application but these must be referred for approval to the Environment and Sustainable Transport Committee.
● Each member, through the Neighbourhood Manager, may allocate £2,000 for bids and award to community initiatives within their Ward or Neighbourhood.

● Neighbourhood Committees may determine planning applications if the scheme is for no more than 10 units of accommodation and either:
  a) there are a minimum of 10 valid objections and the Chair has requested that the application be reported to Committee,
  b) all relevant ward Members request that the application be submitted to Committee, or
  c) at the request of the Chair and with the agreement of the Head of Planning and the Chair of the Development Control Committee.

● Consultations on major planning applications will be submitted to Neighbourhoods where the Head of Planning, in consultation with the Chairs of Development Control and the relevant Neighbourhood Committee, considers it appropriate.

● Specific direction to place a greater focus on community consultation, engagement and leadership, empowering the local communities and building capacity and resilience within them.

● Encouragement to promote and support local health and public health provision, cultural, artistic and sporting initiatives and community assurance and cohesion. Responsibilities for the provision of policies and services within these areas remain with the relevant Strategic Committee.

3. Neighbourhood Committees meet on five occasions per municipal year and there is a further single date in the 2018-19 municipal calendar reserved for Community Forums (see paragraphs 14 and 15 below).

4. Neighbourhood Committees have responsibility for licensing functions (Annex 2) covering street cafes, sexual entertainment venues, markets and street trading. It is proposed that, where possible, these are dealt with as part of the usual agenda. In complex/ lengthy cases a sub-committee could be established to deal with these.

5. Information items and update reports for Strategic and Neighbourhood Committees are generally circulated to all members via a regular pack of information papers and published on the Council’s website. There are arrangements for reports presented in this way to be referred to Committee by Members if required.

Public Participation

6. Participation by residents and other members of the public is encouraged. There are separate arrangements for speaking on planning applications which are explained in paragraph 11.

7. To date, the arrangements at all Neighbourhoods have been broadly similar and have been:
   ● a 30 minute question and answer session at the start of the meeting. (Whilst advance notice of questions is encouraged, questions can be raised on the night but not necessarily answered at the meeting.)
   ● contributions during the debate on items at the discretion of the Chair of the meeting.
   ● the opportunity to present petitions at the start of the meeting
8. In terms of Community Forums, these will be open forums and as such no formal public participation arrangements will be required and the Forums will be open to all.

9. The Neighbourhood Committee will annually appoint a Chair to manage the meetings and ensure that everyone has a fair and equal opportunity to participate.

10. The Committee may also appoint non-voting Advisory Members with appropriate expertise to assist it with its work in its formal decision making role. The number of Advisory Members must not be more than a third of the membership of the Committee.

Speaking on planning applications

11. The scheme for planning applications gives registered objectors and applicants the right to speak, in that order, for a maximum of five minutes each. If there is more than one person either objecting or supporting the application, then they will need to share the five minutes or decide amongst themselves on a spokesperson. In addition, the Committee may ask questions of each side for a maximum of five minutes.

12. There are similar arrangements for enforcement items.

Other Sub Committees/ Working Groups

13. The Committee may establish small sub-committees/ working groups to deal with specific issues. Sub Committee members can only be drawn from the Neighbourhood Committee. An example is working parties of Councillors and residents to consider issues such as revitalisation schemes and/or traffic issues. These would meet as and when required.

Community and Street Forums

14. In accordance with changes to the Neighbourhood Committees agreed by Council in 2015 the Neighbourhood Committees may host themed Community Forums arranged by the Community Managers and Ward based Street Forums. In the current Municipal Calendar one themed Community Forum is scheduled and up to two Street Forums per year, per ward may be held.

15. Community Forums (or ‘Neighbourhood Conversations’) provide the key focus for engagement, a local point of access to the Council for the community, and enable Ward Members to act as community champions. The format enables flexibility, the ability to identify solutions to local needs and working together with the community to resolve issues. Community Forums are themed on an area of concern to local people. Topics can include parks and open spaces, anti social behaviour, planning, policing, health, employment and environmental matters.

16. Ward based street forums can be held up to twice a year in each ward, the arrangements for each ward will be agreed between the Ward Councillors and Community Manager. Street Forums provide opportunity for residents across the Neighbourhood to engage at a local level, on their doorstep, on the streets and at pre existing community events as appropriate. Local Neighbourhood issues identified can then be fed into the Community Plan, passed to service areas for resolution or addressed at future Community Forums.
Resource Implications

17. Establishing other bodies such as working groups which meet on a regular basis places additional demands on Members and staff. These need to be borne in mind and a balance achieved in managing the volume of business efficiently, avoiding overload and, indeed, a proliferation of meetings which are poorly attended by residents.

18. The financial and environmental costs are hire of venues, audio support and setup, paper, printing, and postage. An additional Neighbourhood meeting costs an average of £1,700 including staff time associated with planning, engineering or other staff who may be required to provide reports/attend the meeting.

19. The current budget allocation does not include promotional costs and Neighbourhood Committees may need to set aside funds to cover such costs. The only discretionary budget that Neighbourhoods currently have are the Ward Funding allocations.

20. Decisions on any commitments to the Ward funding allocations budgets will be reported at Committee and updates on any remaining funds included as part as the Neighbourhood Manager’s updates as required.

Legal Implications

21. None arising from this report.

Risk Assessment

22. Not required.

Equalities Considerations

23. Accessibility and suitability for those with disabilities or impairments are considered when selecting meeting venues. Large print copies of the agenda are available on request and audio recordings of the meeting are placed on the Council’s website for those unable to attend meetings.

Background papers – none

Author of report – Gary Marson, Democratic Support Team Leader, tel: 020 8547 5021, email gary.marson@kingston.gov.uk and Marian Morrison, Democratic Services Officer, tel: 020 8547 4623, email marian.morrison@kingston.gov.uk
NEIGHBOURHOOD COMMITTEES

Details of the Neighbourhood structure are set out in Article 10 of the Constitution and the functions for which Neighbourhood Committees are responsible are set out below. Each Neighbourhood Committee is composed of the Councillors representing the electoral wards within the Neighbourhood.

The role of the Neighbourhood Committees broadly comprises three distinct but complementary elements; to exercise the formal powers and duties of the Council in respect of certain services and functions, to support and complement the work of the Strategic Committees and to use their positions of leadership and influence to actively engage with and empower the respective local communities and build capacity and resilience within them.

POWERS

Each Neighbourhood Committee may exercise the following powers and duties of the Authority provided that:

- they are within Council policy / there is no conflict with Council policy;
- any decision taken is properly within the remit of the Neighbourhood Committee concerned;
- any financial implications of decisions taken are capable of being contained within the approved budget;
- they do not involve matters of a highly controversial nature as identified by the Chief Executive in consultation with the Chair of the Neighbourhood Committee concerned.

The Local Environment

1. Responsibility for Development Control matters, excluding the determination of those categories of planning applications which are the responsibility of the Development Control Committee. (Matters that, for whatever reason (e.g. where a significant number of Members have a pecuniary interest) cannot be dealt with at Neighbourhood level to be dealt with by the Development Control Committee.)

Street based issues

2. Responsibility for Area revitalisation and minor environmental improvement schemes within the Area, including local shopping centres. The exercise of the powers relating to untidy land under Section 78 of the Public Health Act 1936 and Section 34 of the Public Health Act 1961.

3. Highway and verge maintenance, street signs, traffic signs and furniture, land drainage; the approval of traffic management schemes on all roads, other than ‘A’ roads and strategic routes managed by Transport for London, where the proposals concern no more than two roads or a junction of up to four roads within a single Neighbourhood* and for the recommendation of schemes with wider coverage to the Residents Committee for approval; schemes for public realm and other pedestrian spaces where they intersect several roads; and the recommendation of traffic management schemes of wider application to the relevant Strategic Committee; and agreements for the execution of highway works.
*Where traffic management scheme proposals cross Neighbourhood boundaries, the approval of each relevant Neighbourhood Committee be required. In circumstances where it is not possible to reach agreement on the outcome the matter shall be referred to the Residents Committee for determination.

4. The making and implementation of on street parking restrictions; the approval of advisory parking bays for people with disabilities; and the exemption of roads from the footway parking ban.

5. The maintenance of Coombe Estate roads (under the Maldens and Coombe UDC Act 1933) (Maldens and Coombe).

6. The provision and location of recycling facilities; the control of litter; the provision and maintenance of highway trees and policy on Neighbourhood Community Noticeboards and managing community information sharing in the Neighbourhood.

7. Town Centre Management, including Shopmobility.

8. The management and operation of caravan sites.


Leisure and Recreation

10. The management of public parks and the promotion and control of events therein and the management of playgrounds within parks.

11. Operation and management of community halls and the Market House (Kingston Town).

Licensing and Regulation

12. Responsibility for Licensing and Regulation functions that do not fall to be dealt with under the Licensing Act 2003. (Set out at Annex 2)

13 a) To undertake any necessary consultation on, and recommend to the Treasury (Partnerships) Committee any proposals for making or revoking Public Place Protection Orders (PSPOs) under the Anti-Social Behaviour Crime and Policing Act 2014 for their respective Neighbourhoods.


Community

14. To oversee the operation of a scheme for the allocation of Community Grants to voluntary organisations by the relevant Neighbourhood Manager in consultation with the Chair and individual Members as appropriate.
In addition to the exercise of its formal powers and duties, each Neighbourhood Committee is expected to:

1. engage with and respond to local residents, businesses, campaign groups and voluntary and community sector organisations in order to give them a voice and enable them to effectively participate in and influence the development of local services and policies and to identify solutions to local needs.

2. act as a conduit for consultation with and feedback from the local community and to develop and maintain an annual Community Engagement Plan and a Communications Plan.

3. work with the local community in order to identify local priorities and approve and maintain a Community Plan.

4. empower the community, build capacity and resilience within it and encourage self-help schemes and volunteering programmes and opportunities, and to promote and engage the voluntary sector on community issues.

5. facilitate access by local residents to the decision making process and to regularly host community forums to which Portfolio holders, partner agencies and other community leaders, including representatives of schools, social care services, residents associations, the Police and health providers, will be invited to participate alongside Neighbourhood Members. The Forums, which will not be formal meetings of the Committee, will provide an opportunity for discussion of issues of local concern and for the creation of action plans and policies to meet the locally identified vision for the area.

6. have a local community leadership role and to empower and support individual Members to act as community leaders.

7. be responsible for representing the interests of residents of the Neighbourhood in relation to the effectiveness and demand lead provision of services by other public agencies.

8. act as a conduit for bringing together the community and providers of educational, children’s and youth services. Within Community Forums and Community Panels, to focus on opportunities for young people around social activities provision, employment and engagement.

9. include Young People representation and views in all aspects of Neighbourhood work building communities for the future.

SUPPORT FOR CORPORATE FUNCTIONS AND SERVICES

Each Neighbourhood Committee may support, promote and assist the work of the Council and its Strategic Committees in the following ways (responsibility for the management and implementation of the respective services and functions remains a matter for the relevant Strategic Committee).

1. Within such discretionary budget as may be allocated, the ability to incur expenditure for the general benefit of the Neighbourhood. This could be for example, the promotion or subsidy of courses and activities at leisure facilities, the promotion of community use of facilities or other appropriate activities.
2. Scrutiny of the provision of Council services within the area, including the monitoring and use of Neighbourhood service data.

3. To comment on proposed specifications for any Borough wide contracts where service delivery is likely to impact on the Neighbourhood and to monitor performance of the contractor where appropriate.

4. To promote and support Local health provision, campaigns and GP engagement and to promote, support and engage with public health services to achieve greatest benefit to residents.

5. Encourage and support and promote existing and new community lead local cultural, artistic and sporting initiatives, events and participation by public agencies to strengthen community wellbeing.

6. Support and promotion of emergency services community safety campaigns and initiatives providing Ward based community assurance during incidents and encouraging community cohesion and building community resilience.

Strategic Matters

1. Where any matter under consideration by a Neighbourhood relating to Kingston Town Centre or the District Business Centres is deemed by the Committee to be strategic (i.e. with implications extending significantly beyond the town centre and impacting on other neighbourhoods) it shall be referred to the Treasury Committee for final decision along with any recommendation for action by the Neighbourhood Committee.

2. Cross Neighbourhood Boundary issues should be considered by both Neighbourhoods with the Neighbourhood where most impact and cost will fall having the overall and final decision.

3. In cases of doubt as to whether a particular matter under consideration falls within the definition of “strategic”, and where at least three Members of the Committee so request, advice shall be sought from the Monitoring Officer. In such cases no further action will be taken in respect of the matter until the Committee has met and considered the Monitoring Officer’s advice.

4. This procedure shall not apply to:
   - development control matters where there is already provision within the terms of reference of both the Committee and the Development Control Committee for significant planning matters to be dealt with by the Development Control Committee; or
   - Licensing and regulation matters where there is already provision within the terms of reference of the Committee and the Licensing Committee for significant licensing and regulatory matters to be dealt with by the Licensing Committee.
NEIGHBOURHOOD LICENSING AND REGULATION FUNCTIONS

1. To consider reports from officers where it is considered that the most appropriate course of action in respect of a dwelling is the making of a demolition Order or the declaration of a clearance area and to determine the most appropriate course of action in respect thereof subject to the receipt of any representations;

2. To consider representations from any person, including tenants, having an interest in a property where hazards exist and which may be the subject of a demolition order and to determine the course of action to be taken under the Housing Acts;

3. To consider representations from any persons having an interest in the buildings which may be included within a clearance area and to determine the declaration of such an area under the Housing Acts;

4. To consider and determine appeals from any person aggrieved by a decision under the Council’s Housing Renewal Policy (as revised):
   a) appeals against a decision by officers that a grant be withheld, repaid, recalculated or redetermined or where the applicant is aggrieved by any of the discretionary conditions applied as a prerequisite to grant approval;
   b) whether to demand repayment where there has been a breach of grant conditions, and, if so, how much;

5. To consider and determine applications for licences, registrations and other consents (other than in respect of the Licensing Act, 2003 and the Gambling Act, 2005) where the appropriate officers feel unable to grant such consents under their delegated authority, this to include the consideration of representations;

6. To exercise the Authority's final discretion as to the showing of films, where appropriate;

7. To determine applications for the grant of sex establishment licences for the first time in respect of any premises and to consider applications for the renewal or transfer of licences where there are objections;

8. To consider and determine any statutory appeal against the rejection of an application for the grant or renewal of a consent under the Marriage Act, 1994;

9. To review decisions made by the appropriate officers in relation to the Access to Personal Files (Housing) Regulation 1989, where the tenant is, or under the Act is treated as, the subject of relevant information held by the Authority and where he or she or a member of his or her family is aggrieved by any decision concerning access to, or correction or erasure of, that information;

10. Responsibility for markets and street activities, including the allocation of stalls and pitches, and the issue of licences for street trading and street cafes. This to include:
    a) to hear and determine appeals by market traders against suspension;
    b) to determine the allocation of Market Stalls where this is necessary;
c) to consider and determine appeals by street traders against the refusal, revocation or suspension of a licence;

d) to consider and determine applications for street cafés where objections have been received following public consultation;

11. Registration of Births, Deaths and Marriages including Civil Partnerships;

12. The Council's Health and Safety at work functions where the Council is regulating other businesses, including the issue of Licences for storage of petroleum and to licence and close premises for the keeping and selling of explosives; and

13. Environmental Protection functions in respect of control of pollution, (air, land and water) regulation of statutory nuisances and other such environmental protection functions.
South of the Borough Neighbourhood Committee: 07 June 2018
Planning Consultation (18/10123/FUL): 174 (The Cap in Hand) Hook Rise North

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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.]
Summary:
Demolition of existing Public House and provision of no. 38 x1, 2 & 3 bed units (16 no.1 bed, 18 no.2 bed & 4 no. 3 bed) up to 7 storeys in height together with 14 off street car parking spaces, 145 sqm of Class A1 retail space, new access/egress arrangements and hard and soft landscaping.

Recommendation
It is RECOMMENDED that the Committee express its views on the application so that the Development Control Committee can consider them when it determines this planning application.

Key Standards Dashboard

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<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>70-170 u/ha</td>
<td>130 u/ha</td>
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<tr>
<td>Affordable housing</td>
<td>50%</td>
<td>50%</td>
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</tr>
<tr>
<td>Unit Mix</td>
<td>30% 3 beds</td>
<td>11% 3 beds</td>
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</tr>
<tr>
<td>Car Parking Spaces</td>
<td>40 maximum</td>
<td>14</td>
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<td>Cycle Parking Spaces</td>
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<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>

Site and Surroundings

1. The application site is 0.29 hectares in size and is located by the Hook underpass to the north on the A309, south of Surbiton and is occupied by the Cap in Hand public house (PH). The building is detached and has four storeys including a basement and accommodation in the roofspace. The PH occupies the ground floor and basement, with ancillary accommodation within the upper floors. There is a large existing car park for the PH to the west of the building. The area to the north of the site is characterised by two storey terraced residential development.

2. The site does not contain any listed buildings and is not located within a conservation area. It most western part of the site is located within Flood Zone 2. The site is designated as a Key Area of Change within the LDF Proposals Map (2012). To the west of the site on Hook Road is the Ace of Spaces Local Centre.
Planning History

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Description</th>
<th>Approval Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>16/10365/FUL</td>
<td>Demolition of existing conservatory and creation of paved pedestrian route. Retention of existing public house on ground floor and basement. Conversion of ancillary accommodation on upper floors to 4 x 1 bedroom flats and provision of roof terraces/balcony with associated elevational alterations and alterations to the existing flue. Erection of part single/part two storey building to create three two bedroom houses with basements, gardens and roof terraces. Erection of part single/part two storey building including pitched front roof and front dormers to create 1 No. two bedroom flat and 1 No. one bedroom flat with associated terraces and access stairs to the first floor accommodation.</td>
<td>28/02/2017</td>
</tr>
</tbody>
</table>

Proposal

3. The planning application proposes the demolition of the PH and the redevelopment of the site to provide no. 38 residential units (16 x no.1 bed, 18 x no.2 bed & 4 x no. 3 bed. 14 off street car parking spaces would be provided. The proposal includes 145 sqm of Class A1 retail space, new access/egress arrangements and hard and soft landscaping

4. The proposed development comprises two buildings ranging in height between three to seven storeys, with the highest building being at the eastern end of the site and built form being positioned towards the southern boundary, adjacent to the Kingston Bypass. There are x12 parking spaces and a new vehicular access proposed towards the western end of the site and x2 disabled parking spaces proposed to be located towards the eastern end of the site. Cycle parking provision is proposed for the residential and commercial uses. The retail/commercial unit is proposed at ground floor level at the eastern end of the site adjacent to Hook Road.

5. The legal agreement would secure:

- Affordable housing units (50% - 70% affordable rent, 30% intermediate)
- Carbon Offset contributions approximately £57,060.

6. The residential floorspace for the development is expected to be 2308 sqm (with affordable units not being CIL liable) and 145 sqm of non-residential floorspace. Using the indicative figures, the CIL liability is likely to be in the region of £57,700 for residential and £2,900 for non-residential.

Consultations

7. 170 neighbouring properties have been consulted and the application was advertised by a site notice and a press notice.
8. 70 residents have responded stating the following key concerns:

- Scale and design
- Highways/Parking
- Residential Amenity
- Environmental impacts (pollution, flooding)
- Impact upon social infrastructure
- Loss of public house.

9. Statutory and Non Statutory Consultation

**Metropolitan Police Designing out Crime Officer**: No objection, subject to conditions.
**Thames Water**: No objection, subject to conditions and informatives.
**Transport for London (TfL)**: No objection to the proposed level of car parking. Further information required including a Road Safety Audit and Construction Logistics Plan,
**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 informatives.
**RBK Flood Risk**: Objection, lack of information on drainage and SUDS conditions.
**RBK Neighbourhood Traffic Engineer**: No comments received.
**RBK Tree and Landscaping Officer**: No objection, subject to conditions.
**RBK Waste and Recycling**: No objection, subject to conditions.
**Chessington District 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.

**BACKGROUND PAPERS** held by Laura Taylor (author of this report)
Tel. 020 8547 4681
Email laura.taylor@kingston.gov.uk
South of the Borough Neighbourhood Committee: 7th June 2018

Planning Consultation (16/10482/FUL): Development Land at 1 Hook Rise South

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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.]
Summary
Part detailed/ part outline application for a total of 950 residential dwellings and other uses consisting of:
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.

Recommendation
It is RECOMMENDED that the Committee express its views on the application so that the Development Control Committee can consider them when it determines this planning application.

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>
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<td>231.7 u/ha</td>
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<tr>
<td>Affordable housing</td>
<td>50%</td>
<td>30%</td>
<td>Yes, subject to a full viability test</td>
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<td>Unit Mix</td>
<td>30% 3 beds</td>
<td>30% 3 beds</td>
<td>Yes</td>
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<tr>
<td>Car Parking Spaces</td>
<td>647 maximum</td>
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<td>Cycle Parking Spaces</td>
<td>1,563 minimum</td>
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<td>Sustainability – C02</td>
<td>Zero Carbon</td>
<td>35% reduction</td>
<td>Yes, subject to the receipt of the Carbon Offset payment</td>
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<tr>
<td></td>
<td></td>
<td>and a Carbon</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Offset Payment</td>
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</table>

Site and Surroundings

1. 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.

2. 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.
3. 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.

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

5. 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.

Appeal

6. This site has been the subject of a recent Appeal Decision (September 2017) for a residential led, mixed-use scheme consisting of 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.

Proposal

7. 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.

8. The matters of Appearance and Landscaping are to be reserved with Means of Access, Layout, and Scale to be determined.

9. The phases would consisting of:

   Detailed Phase:
   - **Phase 1**: 211 residential units in Blocks D1, D2 and D3 which consist of a part 10 (34.6 metres in height), part 8 (28.1 metres in height), part 2 storey (6.8 metres in height) building with two single storey podiums (3.5 metres in height) for a total combined width of 87.4 metres and 54
metres in depth at its deepest, a ground floor Nursery (Class D1), Community Facility (Class D1), temporary energy centre, 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.

**Outline Phases:**

- **Phase 2:** Blocks G1 and G2 consisting of two 10 storey buildings with three 2 storey high podiums, Police welfare centre, enlarged community facility for phase 1, site management office and permanent energy centre;
- **Phase 3:** Blocks F1 and F2 consisting of two 8 storey buildings with three 2 storey high podiums;
- **Phase 4:** Blocks A1, A2, B1, B2, C1, C2 and C3 consisting 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, final landscaping, highways works to Hook Rise South;
- **Phase 5:** Block H consisting of a 8 storey building and cycle hub; and
- **Phase 6:** Block E consisting of a part 8, part 6, part 1 storey building, doctors surgery and retail unit.

10. Proposed Legal Agreement Contributions:

- £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 consisting 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.

11. In addition, a series of S278 works will be required.

12. Following negotiation with officers, the development will be providing 285 (30%) affordable housing units instead of the originally offered 125 (13.18%) 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 2\textsuperscript{nd} and 4\textsuperscript{th} phases.

13. 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.

14. 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.

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

16. 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.

Consultations

17. 2401 neighbouring properties have been consulted and the application was advertised by a site notice and a press notice.

18. 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:

- Concern about the design and build time;
- Too dense and too many units;
- Should include housing for homeless people;
- Lack of affordable housing;
- Concerns of level of car parking and impact on highways;
- Lack of trains at Tolworth station;
- 281 extension is unnecessary and would cause delays to the service;
- Impact on surrounding residential amenity;
- Increase in air pollution;
- Impact of the poor air quality on the residents of the development;
- Increased flooding;
- Water, drainage and electricity facilities should be improved to take additional development;
• Pressure on school places, health and health services;
• No benefit to Tolworth or the local community;
• Site should be used for leisure facilities, a cinema, restaurants or a shopping centre instead;
• 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.

19. 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: The affordable housing offer has increased to 30% and the children’s play space is at a policy compliant level in the detailed phase and indicative outline phases.

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.

BACKGROUND PAPERS held by Martin Holley (author of this report)
Tel. 020 8547 5365
Email martin.holley@kingston.gov.uk
South of the Borough Neighbourhood Committee
7 June 2018

Durbin Road area and Sanger Avenue area traffic management issues
Report by the Interim Head of Shared Environment Service

Call-in deadline: Thursday 21 June 2018 (ten working days after the meeting)

Purpose
To provide an update on the issues raised in the petitions received from residents in relation to the Durbin Road and Sanger Avenue petitions, and for the Neighbourhood Committee to agree the way forward.

Recommendations
To Resolve that a public consultation is undertaken, outlining the suggestions made in paragraphs 14 to 20 of the report, to be distributed in June/July 2018, and the results reported back to the next meeting of this Committee for consideration.

Key Points.

A. Two petitions have been submitted relating to parking and traffic issues in the Sanger Avenue/Durbin Road area, one requesting a residents parking scheme for Durbin Road and the other requesting measures to address speeding and safety issues in Sanger Avenue and Coutts Avenue.

B. When considering parking restrictions, the impact of the level of remaining on street parking on safety and accessibility needs to be considered. Officers do not recommend isolated resident permit schemes, but rather recommend that a wider residential area around Chessington North Railway Station and Chessington Industrial Estate could be considered. Options for sections of ‘No Waiting’ restrictions that can operate for short periods during the day could be considered to reduce all day commuter parking. As LIP funding cannot be used for resident parking schemes, a Kingston Capital Bid could be submitted to cover this area.

C. Assessments of the on-street parking conditions and existing parking restrictions are already underway in this area, and a package of proposals to address the safety and visibility at junctions and access issues along the road can be drawn up for public consultation to report back to the 6 September meeting of the Committee. This may include the extension of the 20 mph speed restriction measures on Sanger Avenue, with associated traffic management measures.

Context

1. A petition was received from 33 residents in Durbin Road requesting the Council ‘to implement a Residents only parking scheme, to a distinct area of unrestricted on-street parking in Durbin Road.’

2. The petition cited a number of reasons for requesting this action, which were related to the level of non-resident parking in the area, which they reported was caused by a local car garage and local businesses from Chessington Industrial Estate, and commuters for Chessington North Railway Station.

3. A further petition was subsequently received from the residents of Sanger Avenue and Coutts Avenue, requesting that ‘the Council investigate and address the problems caused by speeding and safety issues in our roads.’ This petition was received at the South of the Borough Neighbourhood Committee meeting on 24
January 2018, and was signed by 61 residents of Sanger Avenue, Durbin Road, Coutts Avenue and one from Gosbury Hill.

4. On-street parking has been raised as an issue with officers in Durbin Road/The Causeway, and this related to access issues being experienced for large vehicles, which included colleagues collecting the refuse and waste. Site meetings were held to assess the problems, and at that time a scheme was included in the borough’s Local Implementation Plan (LIP) submission to TfL to secure funding for investigations.

5. There have also been historic complaints related to Abandoned Vehicles in Durbin Road, although on investigation it was found that all vehicles were taxed. However, it was concluded that these vehicles appeared to be associated with someone who works in the motor trade.

6. Members will be aware that the issues raised by the Durbin Road petitioners are not exclusive to the roads mentioned here and there have been, and are still, regular reports of similar problems from other residential areas around the Chessington Industrial Estate.

7. It is not good practice to consider individual roads for any type of parking scheme, as the introduction of isolated measures will lead to the displacement of an existing problem into other nearby roads, who may already be experiencing similar issues.

8. The use of resident permit parking schemes are successful where they are introduced on an area wide basis, although experience has shown that it can be difficult securing the necessary levels of support when the operational issues are considered, such as paying for permits and hours and days of operation.

9. However, the level of on-street parking can in some instances lead to access issues which is of significant concern, and as mentioned above has been reported by Reuse and Waste Collection colleagues. This may also therefore be an issue for Emergency Vehicles should they need to attend an incident, and as such merits further investigation.

10. In terms of the speeding and safety issues, there is one recorded collision within the the last three year period on all of the roads mentioned in both reports, which occurred by the junction of Sanger Avenue/Coutts Avenue. This involved vehicles turning at the junction, and it is noted that there are no yellow line junction protection markings here, which may have contributed to the collision.

11. It is accepted that these statistics do not include ‘near misses’ or other incidents that residents may observe on a more frequent basis, and which create the belief that there are safety issues. Traffic speed and volume surveys have been commissioned to provide current data, which will allow officers to undertake a more informed assessment of the on-site conditions.

12. There are 20 mph speed restriction measures in place at the south end of Sanger Avenue and on Moor Lane, an extension of which could be considered, with associated traffic management measures.
Proposal and Options

13. There are a number of different issues that need to be considered as part of an assessment, and it is recommended that these are looked at on an area wide basis, covering the Sanger Avenue/Durbin Road area.

14. It should be noted that officers do not recommend isolated resident permit schemes, and further, should Members wish this to be investigated, it would need to be done such that it covered a wider residential area around Chessington North Railway Station and Chessington Industrial Estate. Although LIP funding is available in the current financial year, it is important to note that this funding cannot be used for resident parking schemes. Consideration can be given to parking restrictions, but that is considered as part of the impact the level of on-street parking has on safety and accessibility concerns.

15. Should Members wish this matter to be investigated further, a Kingston Capital Bid could be prepared and submitted to cover the area mentioned above. However, as highlighted this would need to be an extensive piece of work and would need a strategic overview before moving forwards.

16. Assessments of the on-street parking conditions and existing parking restrictions are underway, and it is likely that a package of proposals to address the safety and visibility at junctions and access issues along the road will be forthcoming.

17. This assessment will also examine the residential parking demand, against the level of daytime parking by non-residents, and will consider options for sections of ‘No Waiting’ restrictions that can operate for short periods during the day. This type of proposal would remove the all day commuter parking but, as highlighted above, needs to be carefully considered so that the problem is not simply transferred to other nearby residential areas.

18. The option for the use of additional verge parking areas will also be considered, in particular for the section of The Causeway closest to Durbin Road, where the banked verge currently results in on-street parking on both sides of the road, leading to access problems.

19. Traffic Management proposals will be developed for public consultation and, as advised in paragraph 12 above in relation to speeding and safety concerns, this could involve the extension of 20 mph speed limit schemes currently in place, and the introduction of measures such as raised tables at the Sanger Avenue/Coutts Avenue and Sanger Avenue/Durbin Road junctions. Options could also include the use of Priority Working points along Sanger Avenue, and Members’ views are welcomed on these suggestions.

20. It is recommended that a public consultation outlining the proposals is distributed in June/July 2018, and the results reported back to the next meeting of this Committee (6 September) for consideration.

Consultations

21. At present no consultations have been undertaken, and as set out above, it is proposed that the next course of action is to carry out a public consultation. It is proposed that this will include residents in Durbin Road, The Causeway, Sanger Avenue and Coutts Avenue.

22. Colleagues in the Waste and Refuse Collection Team and the Fire Brigade will also be included in any consultation.
**Timescale**

23. The programme for the consultation is for papers to be distributed in late June, subject to agreeing the content with Ward Councillors. The usual practice is for the public consultation to last 3 weeks, and that will ensure it finishes before the summer holiday period.

24. The results of the consultation would then be reported back to the 6 September meeting of this Committee.

**Resource Implications**

25. Durbin Road/The Causeway is identified as an element of the current LIP allocation for South of the Borough Neighbourhood Improvements, and any works associated with this scheme will be funded using this allocation.

**Legal Implications**

26. There are no legal implications to be considered with this report at this stage.

**Risk Assessment**

27. As part of the scheme development, a risk assessment will be carried out.

**Equalities Impact Assessment**

28. An overarching LIP EQIA is in place that covers all LIP schemes and as such individual assessments are not required.

**Road Network Implications**

29. There are no Network Implications to be considered at this stage, and as highlighted in the report should any measures be approved for implementation the impact on the network would be assessed at that stage.

**Environmental and Air Quality Implications**

30. As highlighted above, the impacts of any measures would be assessed if a scheme were to be approved.

**Background papers** - held by the author of the report, Ian Price, Team Leader Strategy & Commissioning, tel 020 8547 5934 email: ian.price@kingston.gov.uk:

- Petitions papers for both Durbin Road and Sanger avenue.
Purpose
To consider the findings of the pedestrian accessibility review, along with other requested measures, at the Gilders Road roundabout and agree improvements.

Recommendations
To Resolve that -

1. the Team Leader Strategy & Commissioning (Highways & Transport) is authorised to investigate and develop the proposals set out in paragraphs 5 to 8 of the report to detailed design stage, for consultation with Ward councillors; and

2. in consultation with Ward councillors, the Team Leader Strategy & Commissioning (Highways & Transport) is authorised to determine and undertake appropriate stakeholder engagement, review the proposals in the light of the outcome of the consultation, and progress the developed proposals to implementation.

Key Points.

A. The issues reviewed within this report have been raised on several occasions by residents, businesses and councillors. The primary focus of investigations relates to accessibility across and around the Copt Gilders area, which was audited using the Pedestrian Environment Review System (PERS). Other issues investigated were around crossing safety, parking and overrunning of kerbs.

B. The audit looked at the two paths across the centre island of the roundabout, the adjacent informal crossings and pedestrian routes across the roads adjoining the roundabout, including Gilders Road. Many of the crossing points give access to adjacent bus stops serving route 71, local shops and businesses.

C. A longstanding objective of the council is to provide accessible routes to public transport, which is also a requirement of the Disability Discrimination Act (DDA). The audit has identified that the layout, alignment and location of pedestrian facilities providing access to the bus stops do not meet the DDA requirements. Crossing points giving access to adjacent side roads have also been identified as requiring basic improvements to alignment and layout.

D. In addition to the above, the audit has indicated that visibility can be affected by indiscriminate parking at crossing points where there are no yellow lines. This is a particular problem at the junction with Billockby Close.

E. The Council has received a request to improve safety by upgrading the informal crossings to the centre island to zebra crossings. It should be noted that the PERS audit has not identified this as an issue. However, we have reviewed this request in paragraph 9 and have concluded that there are a number of disadvantages to such proposals; moreover, the number of vehicle and pedestrian movements would not meet the criteria necessary to justify zebra crossings.
F. Other parking issues include a lack of turnover on the north-west side of the roundabout. Requests for time limited parking to match those on the south-east side have been received. Following comments received from residents that parking may be leading to large vehicles overrunning the kerbs, an investigation has confirmed the presence of ruts, worn patches and broken paving on areas of the centre island along with damage to footways on the approaches.

G. The proposals include realignment of paths and crossing points to meet DDA requirements, and reduce the likelihood of obstruction by parked vehicles. Additional restrictions to protect visibility splays and access to crossings, and time limited parking controls on the northwest side of the roundabout to increase turnover. Subject to meeting the relevant design criteria, proposals will also seek to reduce damage caused due to overrunning by altering kerb alignments or installing measures to protect the centre island and footways.

H. Officers met with Ward councillors on site on 25 May 2018, to review the area and discuss some of the proposals prior to the Neighbourhood Committee meeting.

Context

1. The paths across the roundabout provide a valuable link for residents accessing the local shops and businesses. The 71 bus route provides a link to Chessington South and North Railway Stations, and to areas of Hook, Surbiton and Kingston. The crossing facilities are therefore an important and integral part of the local network.

2. Locating crossing facilities on pedestrian desire lines and ensuring full DDA compliance may not always be possible because of the many private driveways in the area. This will require further investigation.

3. Comments indicate that turnover and indiscriminate parking issues may relate to vehicles being left for long periods by commuters or persons visiting local town centre facilities.

Proposal and Options

4. Officer proposals are divided into five main elements as listed below, although some are linked. It should be noted that these represent officers’ initial assessment, based on the PERS audit, along with other requests, and may be subject to change following further investigation.

5. Proposals for pedestrian routes across the roundabout:

   ● Southern path from Billockby Close to Stokesby Road. Widen path to 2 metres along with crossing points at each end (The new width will allow wheelchair and pushchair users to pass each other). Move east end of path southwards to align with a new informal pedestrian crossing point to be positioned near the post box. Benches and cycle stands to be renewed, and repositioned to match new alignment. Move south end of parking bay northwards to remove potential obstructions to new dropped kerb by post box and allow new double yellow lines on corner with Billockby Close. Remove redundant dropped kerbs.

   ● Northern path from Filby Road to northbound bus stop. Widen path to 2 metres along with crossing points at each end. Review arrangements at the west end of the path, to consider options to align with a new informal crossing
point at the north end of the bus stop. Consideration of moving the bus shelter further south to be discussed with TfL Buses, and noted that there are power supply issues which may impact on costs of doing so. Benches and cycle stands to be renewed. It should be noted that the new crossing point may impact on one of the parking space by the bus stop shelter.

6. Proposals for pedestrian routes around the roundabout:

- Re-align crossing points on Filby Road to comply with DDA guidance and widen to 2 metres. Extend the yellow lines on the south side of the road to 10 metres to ensure zones of pedestrian - vehicle intervisibility meet the directions of the Highway Code.
- Re-align crossing points on Billockby Close and install tactile paving to comply with DDA guidance, along with widening to 2 metres. Remove redundant dropped kerbs. It may be necessary to make amendments to the junction layout to locate the crossing point at or near desire lines. Install new double yellow line “at any time” waiting restrictions on the northern corner of Billockby Close to protect the crossing points and ensure intervisibility as above.
- Widen crossing points on Stokesby Road to 2 metres. See also third bullet point of paragraph 8 below.
- Investigate the feasibility of providing dedicated DDA compliant informal crossing points of Gilders Road to the north and south of the roundabout.

7. Proposals for parking areas:

- Advertise a Traffic Management Order for limiting the duration of parking to 1 hour maximum stay, with no return for 2 hours, in a bay to be marked on the northeast side of the roundabout, between the bus stop clearway and a point to be determined near the fish and chip shop. The extent of the parking bay will be subject to the review highlighted in the first bullet point of paragraph 8 but it is likely to terminate at the existing waiting restrictions.

8. Proposals for resolving overrunning of kerbs:

- Review layout of roundabout against design criteria to determine if alignment of the corners of the centre island can be amended to allow for turning movements of large vehicles.
- Review the relationship between the bus stops and the centre island to determine the best course of action to resolve issues with vehicles overrunning kerbs to get past buses at the stops.
- Review layout of the junction of Stokesby Road with the roundabout to determine how to resolve the problem with large vehicles overrunning the footway on the southern side. This may lead to the realignment of the crossing points referred to in third bullet point of paragraph 6 above.

9. Review of request for zebra crossings:

- It is important that an assessment of zebra crossings not only considers the level of pedestrian demand against traffic flow, but also the impact on the road layout. Whilst pedestrian demand may be higher than other locations at a local level, the pedestrian flows are far below the design criteria normally required in order to justify a zebra crossing. In addition, the “no stopping” restrictions associated with zebra crossing zig-zag markings, that would be required on the approaches, would result in the removal of all on-street parking by the local shops. Officers therefore recommend that zebra
crossings are not pursued and that instead the proposals concentrate on ensuring the informal crossings meet current design standards.

Consultations

10. At present no consultation has been undertaken on the above proposals, other than the consultation with Ward members on 25 May 2018. In most cases, the proposed works are located away from residential properties where residents might be negatively affected. It is proposed that scheme drawings are prepared for further discussions with the ward councillors and the level of engagement agreed at that time.

11. Furthermore it is highlighted that all new yellow lines would subject to a statutory consultation and objection period of 21 days, as part of the Traffic Management Order process.

Timescale

12. Subject to Committee approval, and local engagement, it is anticipated that these works could be implemented in August/September 2018.

Resource Implications

13. The accessibility works around the Gilders Road roundabout will be implemented using the 2018/19 LIP allocation for the South of the Borough Neighbourhood Improvements.

Legal Implications

14. At this stage there are no legal implications with this report.

Risk Assessment

15. As no works have been approved yet, no risk assessment has been carried out. However, it is clear that there is a need for the accessibility requirements to be addressed and a more detailed assessment will be made prior to the works being installed.

Equalities Impact Assessment

16. An overarching LIP EQIA is in place that covers all LIP schemes and as such individual assessments are not required.

Road Network Implications

17. There are no Network Implications to be considered at this stage, and as highlighted in the report, should any measures be approved for implementation, the impact on the network would be assessed at that stage.

Environmental and Air Quality Implications

18. As highlighted above, the impacts of any measures would be assessed if a scheme were to be approved.

Background papers - held by author of the report, Graham Clapson, Project Engineer, tel 020 8547 5947 graham.clapson@kingston.gov.uk

- None other than those referred to in this report
South of the Borough Neighbourhood Committee

7 June 2018

South of the Borough Neighbourhood Community Plan

South of the Borough Community Manager

**Purpose**

To consider the reviewed and updated Neighbourhood Community Plan, which is based on the priorities identified by residents through the Neighbourhood Conversation held on 21 February 2018. (The Community Plan will continue to be a living document, constantly updated as priorities are identified via ongoing Community Engagement.)

**Recommendations**

To **Resolve** that -

1. the updated Neighbourhood Community Plan set out in **Annex 1** of the report be noted;
2. any views or comments from the Committee on the Plan (including on the new Topics) are taken into account in ongoing review and prioritisation; and
3. a Community Plan Steering Group is re-established (ref. paragraphs 2 and 4 of the report) to prioritise actions contained within the Plan.

**Key Points**

A. On 21 February 2018 the Neighbourhood Committee hosted a Neighbourhood Conversation event to which members of the public were invited at Southborough School. Attendees were seated by Ward of residence or, in the case of Elected Members, Ward represented. During this event, attendees were asked to review actions on the Community Plan and highlight other issues that the community felt were important to them and required action to address.

B. The updated Community Plan document is attached at **Annex 1** to this report. The Community Plan is divided into five key areas: Sustainable Travel; Safety and Anti Social Behaviour; Planning and Development Control; Traffic; and Parks and Open Spaces.

C. In addition, a list of 21 new topics (on the last page of the Plan) reflects comments made at the Neighbourhood Conversation, and the Neighbourhood Committee may wish to consider whether any of these new topics should be added to the Plan.

D. Previously the development of the Community Plan has been undertaken in consultation with a Community Steering Group. It is proposed that a Steering Group is re-established to prioritise actions in the Plan.

E. The Community Plan is a living document that will be updated throughout the year. The Neighbourhood Committee will receive regular updates on the progress of identified priorities.

**Context**

1. The South of the Borough was the first Neighbourhood to approve a Community Plan and have piloted this process, which is now embedded in the Council’s policy.
2. At its meeting on 20 May 2009, this Committee agreed to set up a South of the Borough Community Steering Group drawn from the local community with a responsibility to oversee the drafting of the Neighbourhood Community Plan. In addition to residents, the Community Steering Group had Member representatives from the three Neighbourhood Wards and was chaired by the Neighbourhood Committee Chair. The Terms of Reference for the Steering Group approved by this Committee at its meeting in March 2010 were as follows:

- develop relationships with key stakeholders.
- develop, and coordinate the production of a South of the Borough Community Plan, derived from the local community.
- monitor the implementation of the Action Plan.
- facilitate and coordinate consultation with the wider community through the use of the South of the Borough Community Panel.
- keep the South of the Borough Neighbourhood Committee updated on issues and Progress.
- maintain good communication with the Kingston Strategic Partnership through the Neighbourhood Management team.

Proposal and Option

3. The aim of the Neighbourhood Community Plan is to ensure that wider engagement identifies and prioritises things that really matter to the community. The Plan will act as the record of these priorities and evidence work undertaken with Service Areas and Commissioners in ensuring that local priorities are taken account of when decisions are made.

4. It is proposed therefore that the Steering Group is re-established with the above terms of reference and that anyone who works, lives or plays in the Neighbourhood and is interested in being part of the Steering Group should contact the Community Manager. The Community Manager will aim to convene meetings of the re-established Steering Group and report back to the Committee later in the year.

5. An alternative approach, given that consultation with residents has already been undertaken at the February Conversation, would be for the Community Manager, having taken into account any comments made by the Committee at this meeting, to review and prioritise the Plan, in collaboration with responsible officers in the Council and partner agencies, and in consultation with the Chair and Vice Chair, and report back any updates to the September meeting of the Committee to consider.

Timescale

6. The Neighbourhood Community Plan is a living document, constantly updated as new priorities are identified. Regular updates on progress will be provided to Committee.

Resource Implications

7. The recommendation of the report does not have any direct resource implication other than support by the Community Manager (and relevant officers) for the Community Plan review.

Legal Implications

8. No Legal Implications identified at this time. This will be subject to continual review.
Background documents held by the author of report - Richard Dean, Community Manager, tel 020 8547 5361 richard.dean@kingston.gov.uk:

- Report to Neighbourhood Committee on 2 February 2016
### Sustainable Travel

<table>
<thead>
<tr>
<th>Strategic Issue</th>
<th>Background</th>
<th>Planned outcome</th>
<th>Required actions</th>
<th>Table Feedback</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Strategic Bike Hire scheme for Borough</strong></td>
<td>Bike Hire schemes being implemented as part of the Go Cycle programme which does not extend to SoB</td>
<td>Expansion of Bike Hire scheme to all parts of Borough</td>
<td>Identify possible sites/locations and consider how these could be funded ($106/CIL)</td>
<td><strong>Tolworth &amp; Hook Rise</strong>&lt;br&gt; ● Association of the Blind&lt;br&gt; o Shared spaces affect accessibility&lt;br&gt; ● Jubilee Way Route - add in&lt;br&gt; ● Manhole covers and potholes in cycle lanes - not fit for purpose&lt;br&gt; ● Shared use issues&lt;br&gt; o Education campaign with cyclists</td>
</tr>
<tr>
<td><strong>Working with businesses to reduce the impact of traffic on residential neighbourhoods</strong></td>
<td>Provide better sustainable links to/from Fullers Way North and Tolworth Industrial Estate</td>
<td>More use of sustainable transport resulting in less negative impact on residents caused by traffic</td>
<td>Identify 1 or 2 businesses to work intensively with and prepare a “Smarter Travel Report” as a pilot for other parts of the Borough</td>
<td><strong>Tolworth Road</strong>&lt;br&gt; ● Traffic management from companies in terms of parking</td>
</tr>
<tr>
<td><strong>School Crossing Patrol Service</strong></td>
<td>High vacancy rate in Kingston</td>
<td>All sites meeting traffic/pedestrian threshold to be staffed</td>
<td>Advertise and seek to fill existing vacancies. In the longer term consider alternative funding sources to reduce impact on Council budget</td>
<td><strong>Approach, schools, parents, local sponsorship</strong>&lt;br&gt; ● Put it in the highway budget. Sponsor them</td>
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</table>

### Safety and Antisocial Behaviour

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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Flytipping across South of the Borough</strong></td>
<td>Community feedback suggests that illegal fly tipping is on the increase across SoFB.</td>
<td>To reduce incidents of flytipping</td>
<td>Joint Action Group to identify/agree locations SoFB to undertake joint enforcement/prevention activity. (Community Intelligence &amp; Information)&lt;br&gt; To review activity on a bi-monthly basis</td>
<td><strong>Tolworth Road</strong>&lt;br&gt; ● Make resident aware of process and reporting method</td>
</tr>
<tr>
<td><strong>Groups of young people gathering causing a nuisance/disturbance</strong></td>
<td>Community evidences a number of locations SoFB whereby residents see gathering of youths as an issue.</td>
<td>Reduce community concerns/fear regarding groups of young people</td>
<td>To identify “HotSpots” related to young people gathering and to establish if any ASB/Offences are associated with those locations.&lt;br&gt; In appropriate cases to work collaboratively across the partnership (including schools) to undertake</td>
<td><strong>Cutbacks have been successful at deterring - add in.</strong>&lt;br&gt; ● Where is the youth provision?&lt;br&gt; ● Community awareness</td>
</tr>
</tbody>
</table>
proportionate enforcement activity.

To raise awareness within the "youth community" about the impact their behaviour has on others via Youth Panels and the Youth Conversation / Youth Workers

### Planning and Development Control - Agreed 13/03/17

<table>
<thead>
<tr>
<th>Strategic Issue</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Concerns about infrastructure needed for new developments</td>
<td>Concern that new developments will be provided and the existing infrastructure will not be able to cope - particularly transport infrastructure for Tolworth regeneration and parking across the Neighbourhood.</td>
<td>Ensure that development is of a high quality and in Sustainable locations and helps provide the infrastructure to deal with its impacts.</td>
<td>Continue to collect Community Infrastructure Levy from developments to help fund infrastructure such as road improvements. Seek site specific financial contributions to secure improvements to road infrastructure and seek provision of health services / community space and nurseries and liaise with Schools team. Promote increased community consultation from an earlier stage in large development plans.</td>
<td>Tolworth &amp; Hook Rise</td>
</tr>
<tr>
<td>New development in relation to Crossrail 2 and the London Mayor’s Housing Targets</td>
<td>The Adopted London Plan requires the Royal Borough of Kingston to provide 6434 additional residential units between 2015 and 2025. The Draft London Plan (December 2017) which is out to public consultation has set a target to provide 13,640 additional residential units between 2019/20 and 2028/29. Crossrail 2 is expected to come to each of the Borough’s train stations.</td>
<td>Continue to bring forward development in accessible and sustainable locations where there is site availability and seek to improve the vitality and viability of town centres.</td>
<td>Support the implementation of Crossrail 2 and consider what positive impact Crossrail 2 can have on transport and development capacity.</td>
<td>Elbridge overspill on infrastructure once determined</td>
</tr>
<tr>
<td>The perceived under delivery of affordable housing and the perception that developers are not making a suitable contribution to affordable</td>
<td>A number of developments have been delivered which do not meet the Core Strategy Policy of 50% of the units to be affordable units. The under provision is predicted on reason of viability. Concerns about required provision of genuinely affordable housing.</td>
<td>Improved knowledge of Financial Viability Assessments and their role in the planning application process.</td>
<td>The Council has adopted a Supplementary Planning Document: Financial Viability in Planning. This provides guidance to Developers and the community.</td>
<td>High concern</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tolworth &amp; Hook Rise</th>
<th>Chessington South</th>
<th>Chessington North &amp; Hook</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elbridge overspill on infrastructure once determined</td>
<td>Tighter legal agreement</td>
<td>More holistic/loaded approach</td>
</tr>
<tr>
<td>Housing across the Borough</td>
<td>Continue to apply Green Belt policy which requires built development to demonstrate very special circumstances. Ensure that we meet London Plan target for house building to reduce pressure on Green Belt.</td>
<td>Officers will continue to apply Green Belt policy in accordance with the National Planning Policy Framework and only allow development in Green Belt if very special circumstances have been demonstrated. Ensure that residents are kept up to date with any Green Belt classification changes.</td>
</tr>
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</table>

| Perception that the requirement to meet the Borough’s housing needs is resulting in development which is unsympathetic to the surroundings in terms of both design and density. | A number of large developments have been delivered which some perceive to be out of character and appearance with the wider area, eg North Parade flats and St Mary’s Centre Y-cube plans. | Ensure that new developments represent quality architecture and provide the infrastructure required to assimilate the development into the community. | Officers to continue to work with developers and the community to ensure that developments of the highest quality design are delivered. Officers will further work with developers to ensure that the infrastructural requirements of new developments are addressed through the planning process. | • Agree | • Agree |

### Traffic

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<tr>
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</thead>
<tbody>
<tr>
<td>Strategic development of Bus Services</td>
<td>Growth in the area will result in the need to change/modify bus services</td>
<td>Work with TfL through regular PT Liaison Group to lobby for new services and changes to services brought about by growth and development</td>
<td>Regular review of bus services prior to Liaison Meeting to flag any services of concern</td>
</tr>
<tr>
<td>Working with businesses to reduce the impact of traffic on residential neighbourhoods</td>
<td>Provide better sustainable links to/from Cox Lane Industrial Estate</td>
<td>More use of sustainable transport resulting in less negative impact on residents caused by traffic</td>
<td>Identify 1 or 2 businesses to work intensively with and prepare a “Smarter Travel Report” as a pilot for other parts of the Borough</td>
</tr>
<tr>
<td>Review public transport accessibility especially to buses and trains</td>
<td>Poor disabled access to Chessington South Station</td>
<td>Improved access to station for wheelchair users</td>
<td>Arrange meeting with SW Trains to discuss</td>
</tr>
</tbody>
</table>
| Pedestrian crossing improvements at Garrison Lane | Ongoing monitor by TfL | RBK to have regular meetings with TfL for updates. | • Signs are going up - agreed at Neighbourhood Committee  
• Cyclists - signposted onto the pavement where the lane disappears  
• Right turn  
• No filter lights |
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<tbody>
<tr>
<td>Malden Rushett traffic lights</td>
<td>Congestion and phasing of the lights on A243 is a problem</td>
<td>Ongoing monitor by TfL</td>
<td>RBK to have regular meetings with TfL for updates.</td>
</tr>
</tbody>
</table>
| Malden Rushett speeding | Residents reporting of vehicles regularly speeding. | Officers to look at traffic calming measures | • Speed cameras - are they for lights or speed as well  
• No filter lights (needed) |
| Kent Way Access | Residents report poor access to Kent Way. | This is on the Local Implementation Plan for 18/19 | Implementation of the agreed scheme. |
| Ace of Spades and Tolworth Roundabouts | Issues with congestion and safety. | Picked up under the Tolworth Area Plan. | Implementation of the TAP |

**Parks and Open Spaces - Agreed 13/03/17**

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<tr>
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<th>Required actions</th>
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</thead>
<tbody>
<tr>
<td>Nature conservation/ Biodiversity</td>
<td>Some services and activities previously provided by the Council are now undertaken increasingly through community groups. Concern that the groups cannot undertake these activities alone.</td>
<td>Continue to work with and support the activities of groups such as Environment Trust and Lower Mole Valley, and encourage further community involvement.</td>
<td>Publicise community clean-up events and findings to raise awareness of the benefits and opportunities offered by Kingston’s green spaces. Facilitate greater links with local schools. Promote opportunities for community involvement and the Council / contractor support provided.</td>
</tr>
<tr>
<td>Large underutilised spaces with limited connectivity.</td>
<td>Residents identified Tolworth Court Farm/King George’s Field as examples of this.</td>
<td>Strengthen community involvement and use of the sites to meet local needs.</td>
<td>Review existing use and users of the site and widen the scope of uses for the site, in line with planning regulations. Provide better signposting for access in terms of walking and parking where beneficial.</td>
</tr>
<tr>
<td>Adopt a plot scheme</td>
<td>Residents have taken ownership of planted areas around the local area.</td>
<td>Increased take-up of Adopt a Plot scheme across the Neighbourhood</td>
<td>Review the current position of adopted sites. Further advertise the scheme to the wider community and review existing arrangements to ensure sustainability.</td>
</tr>
<tr>
<td>Parks maintenance</td>
<td>Concerns about general maintenance issues in parks</td>
<td>Provide a service that better caters to the needs of residents.</td>
<td>Continue to deal with operational issues through Council contracts and explore external funding bids where possible.</td>
</tr>
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</table>

- Agreed
- Recycling bins
- Footballers to take
<p>| <strong>Flood risk reduction</strong> | Concerns about flooding to local properties. Further associated concerns are paved front gardens exacerbating issues. | Deliver a range of community projects that embeds resilience and reduces flood risk. | Build on work done to facilitate partnership measures (eg with TfL) and a coherent approach in support of the Local Flood Reduction Strategy Lead. |  | • Agreed. • Look at planning permissions regarding run off for drives |  | • Devon Way • Volunteer action. |
| <strong>Recreation/ biodiversity</strong> | The green corridors, paths and hedgeways from Chessington to Dorking are a reason of community pride, a leisure destination and nature link between London and the countryside. Their maintenance is mostly done by TfL. | Improved consistency of maintenance schedule for a better environment | Strengthen community involvement and review possible partnership work with eg Environment Trust and Lower Mole Valley. |  | • Add Chessington World of Adventures • Ensure maintenance follows advice of Kingston Biodiversity Network. |  |  |</p>
<table>
<thead>
<tr>
<th>New Topics</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Resources supplied by Council in environmental matters (out of office hours)</td>
</tr>
<tr>
<td>2. Over weekend need number for environmental health</td>
</tr>
<tr>
<td>3. Messaging on out of hours to advise residents</td>
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<tr>
<td>4. Student accommodation - monitoring usage after students (~3 year after development)</td>
</tr>
<tr>
<td>5. Villiers Road Access - South Lane (look at possibility of access for HGVs? Type of land?)</td>
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<td>6. HGV petition for access by Red Lion Road - chase what happened</td>
</tr>
<tr>
<td>7. Access to Red Lion Road properties - carers need access</td>
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<tr>
<td>8. Police - what is happening locally?</td>
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<tr>
<td>9. Dogs not on leads walking on path</td>
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<td>10. Parking on pavements (over parking)</td>
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<td>11. Parking control officers available at night to enforce parking</td>
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<tr>
<td>12. Overgrown hedges on footways (enforce)</td>
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<tr>
<td>13. Making open spaces = village greens</td>
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<td>14. Maintain identity of the Borough</td>
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<td>15. Consider our wildlife (impact)</td>
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<td>16. Mayor Open Space = Green Space?</td>
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<td>17. London Plan based Neighbourhood Conversation</td>
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<td>18. Affordable Housing</td>
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<td>19. Second Merritt Centre - North of Neighbourhood</td>
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<tr>
<td>20. Local Police</td>
</tr>
<tr>
<td>21. Access road to Chessington World of Adventures off A3</td>
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South of the Borough Neighbourhood Committee

7 June 2018

Appointment of representatives onto Outside Bodies: Tolworth Hospital Community Forum (and Henry Smith’s Charity)

Report by the Director, Corporate and Commercial

**Purpose**
To appoint Neighbourhood Committee representatives onto Outside Bodies relevant to the local area.

**Recommendations**
To **RESOLVE** that

1. the three Ward members for Tolworth and Hook Rise be appointed onto the Tolworth Hospital Community Forum; and
2. it be noted that currently the Neighbourhood representative appointed to the Henry Smith’s Charity is the former Councillor Andrew Day who was appointed to serve until June 2019 (The trustee does not need to be an Elected Member.)

**Tolworth Hospital Community Forum**

1. The South West London and St George’s Mental Health NHS Trust has established a community forum to support and contribute to effective communication and community engagement relating to the Trust's estate modernisation programme at Tolworth Hospital.
2. The terms of reference for this community forum are attached at **Annex 1** to this report. The group will meet quarterly in July, November, January and April.
3. Local councillors from the wards neighbouring the site (ie Tolworth & Hook Rise Ward and Surbiton Hill Ward) are invited to membership of this Forum. (The Chair of the RBK Health Overview Panel and the RBK Portfolio Holder for Adults Social Care are also likely to be invited to membership.)

**Henry Smith’s Charity**

4. The Council appoints two trustees to help administer local endowments from The Henry Smith’s Charity and distribute funds. Although nationally The Henry Smith Charity is a large charity ([www.henrysmithcharity.org.uk/](http://www.henrysmithcharity.org.uk/)), locally it has around just £2,500 to distribute, for which there are 4 trustees (the other two trustees having originally been Elmbridge Councillors). This small charity meets annually to consider its income and how to distribute its funds, mainly to elderly people in Parishes specified by the Charity.
5. Trustee appointments are limited to five years and do not need to be elected Members. This Neighbourhood Committee appoints a trustee representing the ‘Parish of Long Ditton and Tolworth’ and former Councillor Andrew Day was appointed to this role by the South of the Borough Neighbourhood Committee in June 2014 for a 5 year period expiring in June 2019. (The Council’s other
appointed trustees was Councillor David Fraser representing the ‘Parish of Old Malden’ who was appointed by Maldens and Coombe Neighbourhood Committee on 25 September 2013 – any re-appointment of this trustee would lie for consideration by Maldens and Coombe Neighbourhood Committee.

**Background documents** held by the author of the report, Jean Cousens, Democratic Support, tel 020 8547 5023 jean.cousens@kingston.gov.uk

- reports to South of the Borough Neighbourhood Committee on 9 February 2011 (Appendix G) and 18 June 2014.
Estate Modernisation Programme
Tolworth Community Forum
Terms of Reference

1 Introduction
1.1 The Tolworth Community Forum (formerly the Community Engagement Steering Group) has been established to support and contribute to effective communication and community engagement relating to the Trust’s Estate Modernisation Programme (EMP) at Tolworth Hospital.

1.2 This is as recommended by the Trust’s public consultation on proposals for future provision of its services in south west London, and confirmed in the EMP communications strategy:

The Trust is establishing community steering groups for the proposed developments at Springfield University Hospital and Tolworth Hospital, with representation from local ward councillors, Healthwatch, local community, volunteer and faith groups, the Trust’s shadow council of governors and Trust staff. The groups would identify opportunities for the local community to become involved in these developments.

1.3 The group is focussed on the Tolworth Hospital site, where the EMP will provide new hospital facilities for the Trust to replace its outdated facilities.

2 Purpose and scope
2.1 Through ongoing community engagement at Tolworth, the Trust aims to ensure that local stakeholders’ voices are heard and their views considered throughout the development of these proposals so that the scheme’s value to its community is maximised.

2.2 This steering group is authorised by the Capital Programme Board (CPB) to review the community engagement plan for the Estate Modernisation Programme at Tolworth and be actively involved in its delivery.

2.3 The group is authorised to bring to the attention of the CPB views expressed by the community and stakeholders local to Tolworth relating to the redevelopment programme for the site.

2.4 It will seek authorisation by the CPB to feed back to relevant parties outcomes and decisions made within the EMP in response to views expressed by the local community and local stakeholders.

2.5 All activity carried out under the auspices of the steering group is to be done with prior agreement by group members.
2.6 The group is not a decision-making body, and cannot make purchases or authorise payments on behalf of the community engagement work. It is authorised to inform and make recommendations in response to proposals and views given by the local community, but work is subject to approval by the CPB.

3 Membership and attendance

3.1 The Forum will comprise:

- Head of Operations (Chair)
- Estate Modernisation Programme Director
- Service Director
- Clinical Director
- Involvement and Co-Production Lead
- Shadow Council Governor: Service User
- Kingston Healthwatch representative
- Chair of the Kingston Health Overview and Scrutiny Panel
- 6 Ward councillors – for Tolworth & Hook Rise and Surbiton Hill
- Kingston Carers representative
- Kingston upon Thames Society representative
- Mind in Kingston representative
- League of Friends of Surbiton & Tolworth Hospitals representative

3.2 Membership will be reviewed annually.

3.3 Four members of the steering group, including at least one member of the CPB and two external representatives, will be required as a quorum.

3.4 Meetings will be chaired by the Trust’s Head of Operations. Where the Chair is absent, the other Capital Programme Board member attending the group will chair the meeting.

3.5 Administrative duties, including minutes of meetings, will be undertaken by Cascade Communications.

4 Frequency

4.1 Meetings will be held quarterly. The frequency of meetings will be reviewed over time as work progresses.

4.2 Alternatives to face to face meetings such as teleconferences may be used to maintain communication and reduce cost and demands on time.
5 **Reporting arrangements**

5.1 Meetings of the steering group will be formally recorded. Minutes and actions arising will be circulated to members as soon as possible after each meeting.

5.2 The steering group is a sub-group of the Capital Programme Board, to which it is accountable. Meeting minutes will be circulated to the CPB for review.

6 **Review**

6.1 These Terms of Reference will be reviewed annually or as directed by the Capital Programme Board.
South of the Borough Neighbourhood Committee
7 June 2018
Appointment of Advisory Members to the Neighbourhood Committee
Report by the Director, Corporate and Commercial

**Purpose**
To agree a process for appointment of an Advisory Member(s) to the Neighbourhood Committee.

**Recommendation**
To resolve that the process set out in paragraphs 3-4 and 8-10 of the report is agreed for appointment of a Community Adviser for the 2018-19 and 2019/20 municipal years.

**Key Points**

A. Since 2015 this Neighbourhood Committee has annually appointed Community Advisers to sit on the Committee, bringing a fresh perspective and helping the Committee to develop its community leadership role. Prior to the appointment process, invitations for nominations for the role are publicly advertised.

B. For the appointment of the Community Adviser in 2017/18, nominations were sought through Chessington Chat and the Neighbourhood’s Facebook page. It is proposed that a similar process is undertaken for appointments for the 2018/19 municipal year. Any expressions of interest will be considered by the Community Manager in consultation with the Chair of the Committee for reporting to the Committee to make an appointments at its next meeting on 6 September.

**Context**

1. In July 2014 Kingston Council agreed to allow Neighbourhood Committees to appoint non-voting Advisory Members in order to promote Neighbourhood working, particularly with Schools in their areas. Neighbourhood Committees have the power (under Standing Order 20(4)) “to appoint non-voting Advisory Members so that representatives of local Schools, residents and other Community Associations and other appropriate Agencies can have more involvement in Neighbourhood meetings so as to facilitate closer working between the Council and those bodies”. The appointments are considered to be one way in which Neighbourhood Committees can develop their ‘community leadership’ role.

2. In February and March 2015 the Committee agreed the process for appointment and requirements for any prospective Advisory Members to the Committee and this was endorsed again at the Neighbourhood Committee meeting in April 2016. At that meeting the Committee agreed that Advisory Members could serve for more than one municipal year.

3. The Committee indicated that they would be interested to appoint (an) adviser(s) who had experience in one of the following areas: schools or young people; environmental action or awareness; transport; housing; a community organisation.

4. The Committee agreed the following criteria for the role: An applicant:
• must live, work or study in the Neighbourhood
• must be able to attend all the evening meetings of the Neighbourhood Committee in different venues across the Neighbourhood
• should be someone who brings a fresh perspective to the Committee
• can be a member of a political party as long as the role is not used for political party activism

5. Nominations were invited for the Community Adviser role via Chessington Chat and by posters in the Neighbourhood Noticeboards and in Hook and Tolworth Libraries. Nominations were also sought on the Neighbourhood Facebook page.

6. Arising from this process, Sue Towner (chair of the North Surrey branch of the Federation of Small Businesses which covers Kingston and a regional vice chair) was appointed as a Community Adviser for 2017/18 at the Neighbourhood Committee meeting in July 2017.

7. It was also agreed at that meeting that Simon Jakeman (a local fireman who has brought an emergency services perspective to the considerations of the Committee and is also highly active in local and national environmental action, for which he was awarded a British Empire Medal in 2017, and who had served as a community adviser in the 2015/17 and 2016/17 municipal years) would be re-appointed, to serve for a further year.

Proposal and Timescale

8. It is proposed that similar criteria are adopted as set out in paragraphs 3-4 above and that the role is publicised in Chessington Chat and via the Neighbourhood social media and nominations are sought in the June/July period.

9. The responses will be considered by the Community Manager, in consultation with the Neighbourhood Committee Chair, who will report recommendations to the Committee for appointment at its meeting on 6 September. When considering the nominations, the Committee can re-appoint a community adviser who has served previously.

10. Given that the Adviser appointed in September would not be able to join the Committee until the October meeting and would therefore sit for only 3 meetings, it is proposed that the post be for a two-year, rather than one year, period (2018-19 and 2019-20) ie up to and including June 2020.

Legal and Financial implications

11. None arising from the recommendation of the report.

Background papers – held by the author of the report, Jean Cousens, Democratic Services tel 020 8547 5023 jean.cousens@kingston.gov.uk:
- Report to and Minutes of the meeting of the Neighbourhood Committee on 5 July 2017
South of the Borough Neighbourhood Committee

7 June 2018

INFORMATION SECTION

1. Dates and venues of forthcoming meetings

- Thursday 6 September 2018: Chessington Methodist Church, Church Lane, Chessington KT9 2DJ
- Thursday 18 October 2018: this is a proposed change of date to the meeting scheduled for 1 November 2018 – the venue is TBC: (request to Tolworth Girls School, Tala Close, Surbiton KT6 7LQ)
- Tuesday 22 January 2019 – venue to be confirmed: Chessington Methodist Church, Church Lane, Chessington KT9 2DJ
- Thursday 7 March 2019 Conversation - Southborough School Hook Road, Surbiton, Surrey, KT6 5AS
- Wednesday 27 March 2019 – venue to be confirmed: Chessington Methodist Church, Church Lane, Chessington KT9 2DJ (to be confirmed)

2. Urgent Action taken under Standing Order 32: Enforcement action in relation to Field 3680 (aka Rushett Stables), Leatherhead Road, Chessington

Report by the Director, Corporate and Commercial

1. Standing Order 32 requires that any urgent action taken by an officer in consultation with the Committee Chair is reported to the next meeting of the Committee for information.

2. On 22 March 2018, urgent action under the provisions of Standing Order 32 was authorised in consultation with the former Chair of the Neighbourhood Committee (former Councillor Rachel Reid) in relation to unauthorised use of land for the stationing of a mobile home in residential use by a gypsy traveller family at Field 3680 (aka Rushett Stables) as follows:

the Head of Planning was authorised, in conjunction with the South London Legal Partnership (SLLP), to:

1. pursue action as necessary to enforce the existing undertakings given to the Court by Mr xxx, owner of Field 3680 (aka Rushett Stables), Leatherhead Road, Chessington (the Land), to remove the mobile home from the Land and cease all residential occupation, including by the committal of Mr xxx.
and:

2. make an application in the present proceedings for an injunction against persons unknown to prohibit the use of Field 3680 (aka Rushett Stables), Leatherhead Road, Chessington (the Land) for the stationing of Mobile Homes and/or Caravans for residential purposes, the importation of hard core, the creation of hard surfaces or any other works to facilitate occupation of the land, and to take action against any person who breaches the Injunction including bringing of committal proceedings.

-both pursuant to Section 187B of the Town and Country Planning Act 1990 (As Amended) (the 1990 Act).

3. This matter was urgent because a decision was required before this meeting of the Neighbourhood Committee, as the Council needed authority to:

1. Enforce, by way of committal proceedings, the undertaking Mr xxx gave to the Court, in lieu of an injunction, whereby he promised that, if all his attempts to secure permission for his residential use of the Land were unsuccessful, he and his family would cease residential occupation of the Land and remove any mobile home and/or caravans stationed on the Land etc. within 3 months of the final disposal of his challenges. The final challenge was dismissed on 25th October 2017 and he therefore had until 25th January 2018 to honour his undertaking. An application by Mr xxx to be released from the undertaking was dismissed by the High Court on 15th March 2018. Mr xxx has therefore been in breach of his undertaking since 25th January 2018 and is in contempt of court.

And:

- Apply to the Court in the existing proceedings for an injunction against persons unknown to prohibit such persons from using the Land for stationing of mobile homes and/or caravans for residential purposes, importing hard core, creating hard surfaces or any other works to facilitate occupation of the Land in the event that Mr xxx and his family vacate the Land thereby complying with his undertaking to the Court, whether voluntarily or after committal proceedings have been commenced, and/or he sells or parts with possession all or any part of the Land.

Background Information

4. The owner of Field 3680 (aka Rushett Stables), Leatherhead Road, Chessington (the Land) is xxx xxx. In February 2016 Mr xxx moved a Mobile Home onto the Land, without planning permission and in breach of planning control. This was despite assurances he had given to the Council that he would not do so. On the same day Mr xxx submitted a planning application to change the use of part of the Land to a mixed use comprising the keeping of horses and the stationing of a mobile home for residential purposes for one Gypsy Traveller family.

5. The Council immediately served a Temporary Stop Notice (TSN) to prevent the mobile home being used for residential occupation. The TSN required Mr xxx to cease all activities associated with the placing of a mobile home on the Land, cease all activities associated with preparing the mobile home for use, including,
but not limited to, plumbing, wiring, furnishing and fitting with gas or other heat, and to cease any use of the mobile home.

6. Mr xxx ignored the TSN, “installing” the mobile home on the Land and then took up residential occupation of it. The Council sought to restrain the breach of planning control, and any further breach, by way of an injunction, rather than prosecute him for contravening the TSN.

7. The authority for commencing injunction proceedings that was obtained by way of the Standing Order 32 Procedure on 4th April 2016, and a copy of the relevant authority is attached. The background in terms of planning policy has not altered in any material way since that authority was sought. It has not therefore been repeated here but is relied on in support of this requested authority.

8. Injunction proceedings were commenced in High Court in April 2016 but were stayed on Mr xxx undertakings to the Court in lieu of an injunction as follows: -

“In relation to the land known as Field 3680, Leatherhead Road, Chessington, Surrey and registered in the Defendant’s name at the Land Registry under Title No SGL 757058 (“the Land”) the Defendant UNDERTAKES until final judgement on the Claim or further order:

1. whether by himself or by instructing, encouraging or permitting any other person not to carry out any further activities on the Land in breach of planning control as defined by the provisions of Part VII of the 1990 Act and, in particular, not to:

   (a) Bring onto the Land any further mobile homes and/or caravan (either as replacement or otherwise) for the purpose of residential occupation or any other purpose in breach of planning control save that in the event that the mobile home stationed on the Land as at the date of this Order, is destroyed or otherwise becomes unfit for human habitation, the Defendant may replace it, provided: -

      (i) the replacement is of the same size and colour; and
      (ii) the Defendant gives such written notice to the Claimant of his intention to do so, as is reasonable in all the circumstances;

   (b) Bring onto the Land any portable structures including portable toilets and any other items and paraphernalia for purposes associated with residential occupation or any other purpose in breach of planning control;

   (c) Bring onto the Land any waste materials and/or hardcore for any purpose including the creation of hardstandings or hard surfaces in association with the use of the Land for the stationing of mobile homes and/or caravans for the purpose of residential occupation or for any other purpose in breach of planning control;

   (d) Carry out any further works to the Land associated with or in preparation for its use for siting mobile homes and/or caravans for residential occupation or any other purpose in breach of planning control;

2. Not to cause or permit any other person to occupy the Land, whether in the existing mobile home or otherwise save for the Defendant’s wife xxx xxx, and his four children………………..;
3. Not to sell the Land, or any part of it, or otherwise part with possession of the Land or any part of it, without giving to the Claimant 28 days advance written notice of his intention to do so;

4. Subject to any Directions given by the Court in accordance with paragraph 2 of the Order herein to abide by the determination of the Claimant in relation to the Application, including any conditions, subject to which any planning permission is granted, or, as the case may be, the decision of the Secretary of State’s Inspector on any appeal against any refusal of the grant of planning permission, or conditions attached to any grant of permission on appeal. For the avoidance of doubt, in the event that the Application is refused and any appeal to the Secretary of State’s Inspector is dismissed or abandoned, then unless the Court directs otherwise, the Defendant undertakes within the period of three calendar months from the date of the decision letter of the Claimant, the Secretary of State’s Inspector’s decision notice, or the date of the withdrawal/abandonment of any appeal, as the case may be, that the Defendant and his family will cease residential occupation of the Land and remove any mobile home and/or caravans stationed on the Land, together with any other items and paraphernalia for the purposes of residential occupation of the Land or any purpose in breach of planning control.

9. The planning application for the stationing of a mobile home was refused by the Council in July 2016, a subsequent Appeal to the Secretary of State (SoS) was dismissed on 19th May 2017.

10. Following the dismissal of that Appeal, Mr xxx lodged an application for Statutory Planning Review with the Planning Court against the decision of the SoS’s Inspector (the Review). The Court refused permission on the papers and an application for a reconsideration at an oral hearing was dismissed on 25th October 2017.

11. Pending the determination of the Review the parties agreed a variation to the terms of Mr xxx’ undertaking No.4 above, so that the three month period ran from the date of the disposal of the Review by the Planning Court. The variation was approved by the Court by Order dated 15th August 2017.

12. Following the refusal of permission to bring the Review on 25th October 2017, Mr xxx had until 25th January 2018 to comply with undertaking No.4 above, subject any direction of the Court. On 22nd January 2018 on an application for directions the Court declined to direct otherwise and ordered him to pay the Council’s costs. It further made provision for any application Mr xxx might make to be released from his undertaking.

13. An application to be released was made that day and was heard by the Court on 15th March 2018. The application was dismissed and Mr xxx was ordered to pay the costs. The Master in giving judgment recorded that Mr xxx had exhausted his legal rights and indicated that he may be subject to committal proceedings and committed to prison if he failed to comply with Undertaking No.4 by ceasing residential occupation of the Land and removing the mobile home from it.
14. In light of the undertakings to the Court the breach of planning control has been "tolerated" by the Council whilst Mr xxx sought permission to remain on the Land. Despite the challenging the Council's refusal of permission by an appeal to the SoS and the Review to the Planning Court Mr xxx failed to secure permission and has exhausted his legal rights.

15. Mr xxx and his family however continue to occupy the Land in breach of planning control and Mr xxx is therefore breaching Undertaking No.4 s to the Court. Mr xxx is therefore in contempt of court.

16. The breach of an undertaking is enforced like a breach of an injunction by way of an application for committal. The undertakings Mr xxx signed included penal notices warning him of the consequences of any breach including fine, seizure of assets or imprisonment. Mr xxx was represented by solicitors when the undertakings were negotiated until 8th February 2018 when they ceased to act for him.

17. The previous SO32 authority which authorised the commencement of the injunction proceedings could be argued to impliedly include any necessary enforcement action by committal. To avoid any doubt it is however considered prudent to seek express authority to avoid any potential challenge.

18. The planning application, the Appeal and Review have carefully considered the harm to the Green Belt caused by the unauthorised development and all the personal circumstances of Mr xxx and his family. These include the fact that the mobile home is occupied by Mr and Mrs xxx and their four young children, who are all of school age. It has also taken account of the possibility that the refusal of permission may render the family homeless. Both the planning system and the Courts have nonetheless concluded that the breach of planning control is sufficiently harmful that it must cease.

19. Aside from planning enforcement action taken to date, the Council has also sought to liaise with the xxx family to see if any support can be offered in respect of housing and/or the avoidance of homelessness. If authority is granted to commence committal proceedings, the Council's housing and "welfare" officers will continue to seek to work with the xxx family to ensure the Council's statutory obligations, including in relation to housing and education are met. This may enable Mr xxx to voluntarily comply with undertaking No.4 and avoid committal to prison for contempt.

20. Given the fact that Mr xxx has been in flagrant breach of planning control now for over 2 years, and in breach of his undertaking since 25th January 2018, and thus in contempt, it is considered inappropriate to delay the commencement of committal proceedings prolonging the harm to the Green Belt.

21. Officers consider committal proceedings should be commenced without further delay to encourage Mr xxx to comply with Undertaking No.4. The personal circumstances of Mr xxx have been thoroughly considered through the course of Mr xxx’ application for permission, the subsequent Appeal and the Review. Moreover, the High Court on 15th March 2018 considered and rejected Mr xxx's' application to be released from Undertaking No.4.

22. By concurrently seeking to provide whatever appropriate support and assistance the Council properly can it is to be hoped Mr xxx will voluntarily comply with undertaking No.4. Aside from adopting an appropriate position in
respect of the children, any further action is more likely to be successful if the Council can demonstrate a holistic approach.

23. The fact that Mr xxx has exhausted all lawful avenues to seek to secure planning permission for residential occupation of the Land and the need to commence of committal proceedings to bring the breaches of planning control to an end exposes the Council to the very real risk of breaches of planning control on the Land. If Mr xxx and his family vacate in compliance with undertaking No.4, whether voluntarily or to after committal proceedings have commenced, and/or he sells or parts with possession all or any part of the Land persons unknown may enter the Land and use it to station of mobile homes and/or caravans for residential purposes, and/or import hard core, and/or create hard surfaces and/or any other works to facilitate occupation of the Land.

24. Officers therefore seek authority to apply for an injunction in the existing proceedings to prohibit persons unknown from using the Land for stationing of Mobile Homes and/or Caravans for residential purposes, importing hard core, creating hard surfaces or any other works to facilitate occupation of the Land.

25. Under Section 187B of the 1990 Act 1990 the Council, as the local planning authority, is empowered to seek an injunction in respect of apprehended breaches of planning where it is considered necessary and expedient. In deciding whether it is necessary or expedient to seek an injunction, the Council should to consider what appear to be relevant considerations, including the personal circumstances of those concerned; whether there is clear evidence that a breach of planning control has already occurred, or is likely to occur; and whether injunctive relief is a proportionate remedy in the circumstances of the particular case.

26. Officers consider it is necessary and expedient to commence such proceedings given the history set out above and detailed in the original SO32 authority attached. The apprehension of further breaches of planning control is also justified on account of the following factors: -

- On 15th March 2018, outside Court after the dismissal of Mr xxx’ application to be released from Undertaking No.4, Mr xxx, and his wife and mother-in-law, who accompanied him were discussing their options and the steps with the Council’s solicitor. The prospect of committal proceedings was put to them and Mr xxx and his wife both stated, at different points in the discussion, that they had been approached by travellers wishing the buy the Land. Mr xxx said he did not wish to do so but, in order to comply with Undertaking No.4 and the costs orders made against him in the proceedings, he may do so since he needed to provide for his family. He said he saw no other way of paying the costs since he had used up all his money paying his legal advisers already. They explained that if they were made to move on, the Council could have a far greater problem with undesirable Travellers bring large numbers of mobile home and caravans etc. onto the Land.

- Whilst the undertakings given to the Court includes an undertaking to give written notice of any intention to sell the Land etc. (Undertaking No.3), Travellers often sell land for cash and without following the usual pre-sale enquiries such that sale could take place and have effect very quickly and without advance notice. Given the promises Mr xxx has broken in the past (see original SO32) and his refusal to
comply with undertaking No.4, officers have no confidence it would have notice of any sale or other disposal.

- Even if the Land is not sold, once vacated in compliance with Undertaking No.4, as unoccupied Green Belt land it will be vulnerable to unauthorised occupation in breach of planning control and such incursion may occur any anytime.

27. Further to the above, the Council is currently in receipt of two applications of relevance:

- Application 18/10023/FUL is for planning permission for the change of use of an undeveloped part of the Land to provide 2 No. mobile home units with detached day rooms/utility blocks and associated parking for two Gypsy traveller families.

- Application 18/10025/LDE is for a certificate of lawfulness for the use of the Land as a permanent caravan pitch for 1 caravan as a residential dwelling, and seeks to claim that a caravan in residential use has been in situ for a period of more than 10 years and is therefore lawful.

28. Both applications appear to lack serious merit. The determination of the original application, the Appeal and the Review has illustrated in no uncertain terms the extent to which residential use of the Land conflicts with established planning policy, and is unacceptable in principle. Despite this, the Application (18/10023/FUL) contains nothing to address the obvious conflict with planning policy, and is so lacking in supporting evidence and/or arguments that officers have written to the agent to seek clarification.

29. The certificate of lawfulness application (18/10025/LDE) similarly contains little relevant evidence in support of the claim made, which in any event appears to be very easily disproved by the evidence of the Council’s own inspections of the Land during the course of Mr xxx’s ownership.

30. When Mr xxx breached planning control in February 2016 by bringing a mobile home on to the Land, a TSN was served to prevent the breach. When serving the TSN, officers explained to Mr xxx that he was committing an offence by continuing to breach planning control, to which he replied by providing a copy of the planning application he claimed to have made that same day. Though officers explained that his having made an application was irrelevant as he did not have planning permission, Mr xxx was of the view that the existence of an application was relevant, and appeared to believe that it legitimised his actions, or at least protected him from enforcement action in some way.

31. Part of the Council’s justification for an Injunction against Mr xxx in 2016 was his proven history of untrustworthiness. He had told officers that he would not bring a mobile home or caravan onto the Land when constructing a hard surface (subsequently granted planning permission for use with stables), repeated these assertions via his representative (his mother-in-law) when appearing at Planning Committee in the Summer of 2015, but then proceeded to do exactly that.

32. By Undertaking No.3 Mr xxx has to provide 28 days’ notice in writing of any intention to sell or part with possession of any part of the Land, but failure to do so would not affect the position of the buying party.
33. An application seeking an injunction against persons unknown is justified by Mr xxx’ blatant disregard for the planning control system, to the point of knowingly committing an offence (contravening the TSN), his statements that he has both the need and motivation to sell the Land to persons likely to breach planning control, and, as a person who has previously argued that the presence of planning applications is of relevance when breaching planning control, he has submitted applications for continued and/or further residential use.

**Conclusion**

34. Officers consider it necessary and expedient to:

1. Pursue action as necessary to enforce the existing undertakings given to the Court by xxx xxx, owner of Field 3680 (aka Rushett Stables), Leatherhead Road, Chessington (the Land), to remove the mobile home from the Land and cease all residential occupation of it, such action to include the committal of Mr xxx.

and;

2. Make an application in the present proceedings pursuant to Section 187B of the 1990 Act for an injunction against persons unknown to prohibit the use of Field 3680 (aka Rushett Stables), Leatherhead Road, Chessington (the Land) for the stationing of Mobile Homes and/or Caravans for residential purposes, the importation of hard core, the creation of hard surfaces or any other works to facilitate occupation of the land, and to take action against any person who breaches the Injunction, including the bringing of committal proceedings.

Background documents held by the author of the report, Jean Cousens, Democratic Services
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