

Agenda

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THE ROYAL BOROUGH OF
KINGSTON
UPON THAMES

Published on 20 July 2021

Kingston Town Planning Sub Committee

Date: Wednesday 28 July 2021

Time: 7:30 pm

Place: Guildhall, Kingston upon Thames

Covid-19 Risk Mitigation

This meeting will be livestreamed and we encourage residents to watch virtually, if possible.

The Council remains committed to keeping residents, colleagues and Members safe and will continue to act with a degree of balance and caution in relation to its meetings as restrictions are lifted.

Seating capacity in the Council Chamber will continue to be limited for the time being and for that reason, if Members of the public wish to attend in person or speak at the meeting, we ask that you register your interest by 10am the day before the meeting by contacting democratic.services@kingston.gov.uk

Face coverings should be worn in the Guildhall, including the Council Chamber, unless and exemption applies.

We also strongly advise all those who attend to take a COVID-19 test on the day of the meeting, if possible. You can find more information about testing on the Council's website at kingston.gov.uk/rapidtesting

Members of the Committee

Canbury Ward	Councillor Zain Abbas Councillor Olivia Boulton Councillor Caroline Kerr
Grove Ward	Councillor Fiona Boulton Councillor Rebekah Moll Councillor Jon Tolley
Norbiton Ward	Councillor Emily Davey Councillor Dave Ryder-Mills Councillor Oly Wehring
Tudor Ward	Councillor David Cunningham Councillor Katrina Lidbetter Councillor Maria Netley

Everyone is welcome to attend the meeting

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Agenda

1. **APOLOGIES FOR ABSENCE**

2. **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.

3. **MINUTES**

To confirm the minutes of the meeting held on 1 December 2020

4. **PLANNING APPLICATIONS**

Appendix A

To determine the applications as set out in the attached report by the Head of Planning and Regeneration:

21/00408/HOU	3 Studland Road Kingston Upon Thames KT2 5HJ	Erection of a part single, part two storey rear extension and two storey front extension. with associated changes to fenestration. Installation of 4no rooflights to facilitate loft conversion. Erection of new front and side boundary walls and gate	Decision
21/00332/FUL	Wickes Site 153-161 London Road Kingston Upon Thames KT2 6NU	Change of Use of existing retail warehouse to enable sale of food and non-food retail items, to include elevational alterations to building, installation of plant and a substation, re-configuration of site car park, increase in floorspace at mezzanine level, landscaping, servicing, and other associated works.	Decision

5. **URGENT ITEMS AUTHORISED BY THE CHAIR**

6. **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)

Welcome to this meeting

Notice of Webcasting

This meeting is being recorded and the webcasting will be publicly available on the Council's website and may also be used by the Council for training purposes. By publicly speaking at the meeting, you are consenting to being recorded and the audio recording being used for these purposes.

Information about the Committee: The Committee is made up of your local elected councillors. As one of four Neighbourhood Committees of the Council, it helps the Council in its service delivery locally.

Accessibility

- All meetings have access for people who may have mobility difficulties. Disabled parking spaces are available on site.
- Toilet facilities are easily accessible from the meeting room.

Covid risk mitigation measures

This meeting will be livestreamed and we encourage residents to watch virtually if possible.

For those registering to speak on a planning application you need to register by 10am three working days before the meeting (by 10:00am on Monday 26 July 2021).

If Members of the public wish to attend in person, you must register your interest by 10am the day before the committee by contacting democratic.services@kingston.gov.uk

Emergency evacuation arrangements

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

Running order

Items may be taken in a different order depending on the interests of the members of the public present at the meeting.

Contact for further information

The rules on public participation at Committee meetings can be found in the Council's Constitution on the Council's website. For enquiries, please contact

Kevin Jones 020 8547 6622, email: kevin.jones@kingston.gov.uk

Speaking on Planning Applications, Enforcement, or Tree Preservation Orders

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

(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**

Registration deadline: 10:00am, **Monday 26 July 2021**

To register please contact: **Kevin Jones 020 8547 6622, email: kevin.jones@kingston.gov.uk**

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

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

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

The order of speaking is:

	Planning applications	Enforcement/Tree Preservation Orders
1.	Planning Officer to present item	Planning Officer to present item
2.	Objector(s) (5 minutes)	Land/property owner (5 minutes)
3.	Applicant (5 minutes)	The Council as applicant and/or supporters of the action proposed (5 minutes)
4.	Questions from Committee:	Questions from Committee
5.	Objector(s) (5 minutes) Applicant (5 minutes)	Land/property owner (5 minutes) The Council as applicant and/or supporters of the action proposed (5 minutes)
6.	Sweep up by Planning Officer	
7.	Questions from Committee to Officers	
8.	Debate and decision by Committee	

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 interest declared, it might be necessary for the Councillor to leave the meeting during the debate on any given item. Further information regarding declarations of interest can be found in Part 5A of the Constitution - Members' Code of Conduct.

Call-in

Call-in **does not** apply to decisions of this committee in respect of **planning** or **licensing** matters. **These are subject to a separate legal appeals process.**

Minutes

The minutes briefly summarise the item and record the decision. They do not record who said what during the debate.

KINGSTON TOWN PLANNING COMMITTEE**27/07/2021****REPORT BY****Assistant Director of Strategic Planning & Infrastructure****INDEX**

ITEM NO	REGISTER NO	ADDRESS	DESCRIPTION	RECOMMENDATION	PAGE NO
A1	21/00408/HOU	3 Studland Road Kingston Upon Thames KT2 5HJ	Erection of a part single, part two storey rear extension and two storey front extension. with associated changes to fenestration. Installation of 4no rooflights to facilitate loft conversion. Erection of new front and side boundary walls and gate	PERMIT, subject to legal agreement and planning conditions	A6
A2	21/00332/FUL	Wickes Site 153-161 London Road Kingston Upon Thames KT2 6NU	Change of Use of existing retail warehouse to enable sale of food and non-food retail items, to include elevational alterations to building, installation of plant and a substation, re-configuration of site car park, increase in floorspace at mezzanine level, landscaping, servicing, and other associated works.	PERMIT, subject to legal agreement and planning conditions	A17

REPORT BY THE

Assistant Director of Strategic Planning & Infrastructure

PLANNING APPLICATIONS

All recommendations for planning permission in this section are automatically subject to the condition limiting the duration of the permission required by Sections 91 and 92 of the Town and Country Planning Act (as amended) 1990 unless permission is to be granted for a limited period or unless there is a specific recommendation that the period for such duration be other than the period referred to in the standard condition.

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area comprises

- Royal Borough of Kingston upon Thames Local Development Framework Core Strategy, Adopted April 2012

, and the 2016 London Plan (Consolidated with alterations since 2011). 11 The following are also relevant material considerations: • The National Planning Policy Framework 2019 and National Planning Practice Guidance; page 4 • The London Plan Intend to Publish version (December 2019); and, • Secretary of State Directions on the Intend to Publish London Plan of 13 March 2020, issued under Section 337 of the Greater London Authority Act 1999 (as amended).

Background Papers - 21/00408/HOU

Application Form

Deposited Plans below

A100 Location Plan

A101 Existing Site Plan

A102 Proposed Site Plan

A103 Existing Ground Floor Plan

A104 Existing First Floor Plan

A105 Existing Roof Plan

A106 Existing Front Elevation

A107 Existing Rear Elevation

A108 Existing North Elevation

A109 Existing South Elevation

A110 Proposed Ground Floor Plan

A111 Proposed First Floor Plan

A112 Proposed Second Floor Plan

A113 Proposed Roof Plan

A114 Proposed Front Elevation

A115 Proposed Rear Elevation

A116 Proposed North Elevation

A117 Proposed South Elevation

A118 Proposed Section

A119 Proposed Extension

A120 Street Views

Daylight Analysis

Design & Access Statement

Background Papers - 21/00332/FUL

Preliminary Ecological Appraisal Report Ref: 20-7462

Statement of Community Involvement March 2021

Tree Survey BS5837:2012

Drainage Strategy _ SUDS Appraisal -20-7462

Design and Access Statement 4950 P03 -15/12/2020

20-7462 - 153-161 - Energy Strategy Report - Rev B

Cover Letter

1282 Rev F Landscaping Plan

1282_1 Rev B Landscaping Plan

19-6465 - 153-161 - Site Waste Management Plan- Rev A

20-7462 - 153-161 - Energy Strategy Report - Rev B

216000-05-EX02 - Existing Ground and First Floor Plans

216000-05-EX03 - Existing Roof Plan

4950-0100 P03 Existing Site Plan

4950-0103 P04 Site Surface Dressing Plan

4950-0104 P06-2 Proposed Site Plan

4950-0105 P01 Site Location Plan

4950-0311 P04 Proposed Store Plan - Option B

4950-0312 P03 Proposed First Floor Plan- Option B

4950-0314 P02 Proposed Roof Plan

4950-0400 P01 Existing Elevations

4950-0401 P01 Existing Elevations 02

4950-1007 P01 Proposed Sub-Station Details

8467/RD -Noise Impact Assessment

Cover Letter Dated 02/02/2021

D-378408_CALC_LiDL Car Park Details

DWG00 & DWG01 - LiAS Design Notes and Proposed
Lighting Layout

Planning and Retail Statement, including Updates (With
Appendices)

Transport Assessment 16/12/2020

Transport Assessment Scoping Report 11/12/2020

Travel Plan 11/12/2020

20210602-01 A Proposed Access Alterations

4950-0402 P05 Proposed Elevations 01

4950-0403 P06 Proposed Elevations 02

4950-0104 P06-2 Site Plan as Proposed

Kingston Town Sub Planning Committee
Date of Meeting:27/07/2021

A

Register No 21/00408/HOU
Address: 3 Studland Road Kingston Upon Thames KT2 5HJ



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[Please note that this plan is intended to assist in locating the development; it is not the site plan of the proposed development which may have different boundaries. Please refer to the application documents for the proposed site boundaries.]

Ward	Tudor
Description of Proposal	Erection of a part single, part two storey rear extension and a two storey front extension. with associated changes to fenestration. Installation of 4no rooflights to facilitate loft conversion. Erection of new front and side boundary walls and gate
Plan Type	Householder Application
Expiry Date	16/04/2021

EXECUTIVE SUMMARY

- This is an application for a house extension.

RECOMMENDATION;

Approve, subject to completion of relevant 'Legal Agreement', as specified in the legal agreements section, and to delegate to the Assistant Director of Strategic Planning and Infrastructure any consequent changes to conditions and agreements to be agreed in consultation with the Chair of the Kingston Planning Sub Committee.

Planning Policy

National Planning Policy Framework (NPPF) 2019; and,
National Planning Practice Guidance (web based resource).

Development Plan: London Plan 2021; and,
LDF Core Strategy 2012.

Consultations

1. 12 surrounding owners/occupiers were notified in writing of the application. 5 responses from separate addresses were received, all of which were objections. The material objections are summarised as follows:
 - Excessive height or bulk of buildings
 - Inadequate landscaping/means of enclosure
 - Inappropriate design/layout
 - Loss of light/Sunlight
2. Kingston Town CAAC: Objection - This is effectively an application for a new build property. The existing property is undistinguished but relatively unobtrusive whereas we consider the proposed new-build is over-sized for

this plot - in contravention of RBK planning guidance (PG33) as conceded by the applicant himself. Furthermore the proposed design & materials are awful & would jar profoundly with the character & appearance of the surrounding conservation area being traditional Victorian/ Edwardian housing.

Site and Surroundings

3. The application site relates to a detached residential property. The application site is located on the west side of Studland Road between the junctions of St Albans Road and Latchmere Road.
4. The surrounding area is predominantly residential in character and the site is located in the designated Richmond Road Conservation Area. The buildings and curtilage are not listed.

Proposal

5. The proposal is for the erection of a part single, part two storey rear extension and two storey front extension. with associated changes to fenestration. Installation of 4no rooflights to facilitate loft conversion. Erection of new front and side boundary walls and gate.
6. The proposed rear extension would be built to the existing ridge height of the building and have a depth of 3m at ground and 4 m at first floor and span the width of the rear elevation. The two storey front extension would have a depth of 570mm spanning the width of the property.
7. The front boundary wall and gates would have a height of c. 1.8m.

Relevant Planning History

8. 20/03132/HOU - Erection of part single, part two storey rear extension and first floor extension to front elevation and conversion of loft into habitable space - Withdrawn 03.02.2021.

Assessment

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

- Impact on the character and appearance of the surrounding area; and,
- Impact on the amenities of neighbouring occupiers.

Character and Appearance

9. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character and

appearance of conservation areas, when considering development proposals that would affect land or buildings within them.

10. Paragraph 124 of the NPPF 2019 states that the Government attaches great importance to the design of the built environment. It states that “*The creation of high quality buildings and places is fundamental to what the planning and development process should achieve.*” and “*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*” However, Paragraph 130 states that where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
11. Richmond Road Conservation Area was designated in 1998. The special architectural and historic interest of this area can be summarised as: A range of fine late Victorian and Edwardian houses of distinctive groups of red brick construction.
12. The land between Albany Park Road and Richmond Road originally formed part of the Bank Grove Estate which on the death of the owner Sir Charles Freake in 1884, was subdivided into 35 lots and offered for sale as freehold building land for housing.
13. The houses in Albany Park Road and Richmond Road were the first to be built in this conservation area with 47 out of 55 houses within these roads built over an 8 year period between 1891 -1898. While seven different developers were responsible for these buildings, only two architects designed 44 of them, which explains the close harmony of architectural treatment between the group of detached houses on Albany Park Road and the group of semi detached houses on both sides of Richmond Road.
14. The houses are good examples of middle class housing in the Vernacular Revival style; which is a style which became fashionable in the 1890s. The buildings have a robust, picturesque appearance with gabled fronts, bay windows, tile hanging and decorative brickwork.
15. The boundary walls, mature gardens and trees are also of townscape interest and make a positive contribution to the visual amenity of the area.
16. London Plan Policies D1 and D4 seek to ensure that new developments are well-designed and appropriate to the local character of an area. New buildings and spaces should respond to the form, style and appearance to successfully integrate into the local character of an area, with a positive relationship with the natural environment and with the historic environment. London Plan Policy D3 also seeks to optimise the potential of sites, having regard to local context, design principles, public transport accessibility, and capacity of existing and future transport services.

17. Policy DM10 of the Core Strategy 2012 states that new development proposals will be required to incorporate principles of good design and those elements that are identified as contributing to the character and local distinctiveness of a street or areas which should be respected, maintained or enhanced.
18. Policy DM11 of the Core Strategy 2012 states that the Council should take a more flexible approach to new development where the existing development lacks any identifiable or cohesive character and / or is located in a lower quality environment; in these circumstances it will seek a high quality development that creates its own distinctive character.
19. Paragraphs 193 to 202 of the NPPF set out the method for assessing the impact of development proposals on heritage assets. Policy HC1 of the London Plan 2021 and Policies CS8 and DM12 of the Council's Core Strategy 2012 echo these requirements.
20. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
21. The proposal seeks to extend the existing residential property to the front and rear and construct a new brick wall and gates to replace the existing front boundary wall. The property does not sit in a run of properties; instead it is situated between the rear gardens of St Albans and Latchmere Roads and fronts onto Studland Road.
22. It is considered that the proposed extensions and alterations would be a subordinate addition and of an architectural design sympathetic to the host property. The external finishes would be of a matching or similar appearance to the external finishes of the surrounding properties and would be secured by condition. Whilst the single storey rear extension is 4 metres deep and therefore 500mm greater than the recommended depth for single storey extensions as per the guidance in the LPA's Residential Design Guide It is considered that extension would be proportionate to the existing built form and plot size and would sit comfortable with the host property and its surroundings.
23. It is considered that the proposal would improve the appearance of the host property which is currently of a tired appearance. It is considered that the proposal would be in keeping with the general pattern and form of development in the surrounding area and would preserve the character and appearance of the Richmond Road Conservation Area.
24. As such, the proposed development would be in accordance with policy D1 and D4 of the London Plan 2021 and policies CS8, DM10 and DM12 of the LDF Core Strategy 2012.

Impact on Neighbours' Residential Amenity

25. Paragraph 127(f) of the NPPF (2019) and Policy D6 (Housing Quality and Standards) of the London Plan (2021) seek to ensure that development secures a good standard of amenity for all existing and future users of land and buildings.
26. Policy D6 of the London Plan directs that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outdoor amenity space.
27. Policy D8 of the London Plan states that development proposals should: inter alia ensure buildings are of a design that activates and defines the public realm, and provides natural surveillance. Consideration should also be given to the local microclimate created by buildings, and the impact of service entrances and facades on the public realm. Whilst there are no specific local or national policies relating to these issues, it is recognised their consideration falls under the principles of good design.
28. The proposed development by virtue of its size, siting and design in relation to the neighbouring properties would not cause any harm to the outlook, daylight/sunlight provision (supported by a daylight study) or privacy of the neighbouring occupiers. It is suggested that any windows in the flank elevations at first floor level be obscure glazed to be secured by condition.
29. The proposed extension would not extend the building closer to the side boundaries of the property continuing along the same existing side building line on both flanks. The extension at the rear would reduce the distance to the rear boundary in part from 7593mm to 4593mm and 16212mm to 12212 in part due to the I-shape design of the rear of the plot. Whilst these distances to the rear boundary would not comply with the guidance set out in the Residential SPD the existing does not comply with the guidance. In addition the rear boundary this point meets side on with the extremity of the end of the residential gardens of plots in Latchmere Road and it is considered that on balance the proposal would not worsen the relationship between neighbouring properties that would result in a deterioration in the living conditions of neighbouring occupiers.
30. The proposal would accord with Policy D3 of the London Plan 2021 and Policy DM10 of the LDF Core Strategy 2012.

Conclusion/Planning Balance

31. In conclusion, it is considered that the proposed development would preserve the character and appearance of the area, and would not have an adverse impact on the amenities of neighbouring occupiers, and would ensure an acceptable standard of accommodation for future occupants, in accordance with

policies policy D1 and D3 of the London Plan 2021 and policies CS8, DM10 and DM12 of the LDF Core Strategy 2012.

32. Since the proposal is considered to be in accordance with the development plan and there are no other material considerations which indicate that permission should be refused, it is recommended that planning permission be granted.

Recommendation:

Approve subject to conditions, and to delegate to the Assistant Director of Strategic Planning and Infrastructure any consequent changes to conditions and informatives to be agreed in consultation with the Chair of the Development Control Committee.

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

A100 Location Plan
A101 Existing Site Plan
A102 Proposed Site Plan
A103 Existing Ground Floor Plan
A104 Existing First Floor Plan
A105 Existing Roof Plan
A106 Existing Front Elevation
A107 Existing Rear Elevation
A108 Existing North Elevation
A109 Existing South Elevation
A110 Proposed Ground Floor Plan
A111 Proposed First Floor Plan
A112 Proposed Second Floor Plan
A113 Proposed Roof Plan
A114 Proposed Front Elevation
A115 Proposed Rear Elevation
A116 Proposed North Elevation
A117 Proposed South Elevation
A118 Proposed Section
A119 Proposed Extension
A120 Street Views

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The development hereby permitted shall be commenced within 3 years from the date of this decision.

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

3. Prior to the commencement of any development above ground level, samples of the facing materials to be utilised in the development to which this permission relates shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved samples.

Reason: To ensure a satisfactory appearance on completion of the development, in accordance with policy D3 of the London Plan 2021 and policies CS8 and DM10 of the LDF Core Strategy 2012.

4. Prior to the commencement of any development above ground level, detailed drawings at a scale of 1:10 or 1:20 of the following features shall be submitted to and approved in writing by the local planning authority:

- windows, including any aprons, sills, mouldings, heads, jambs, transoms, mullions, lintels or reveals
- Rainwater goods
- Boundary Treatment

The development shall then be carried out in accordance with the approved drawings.

Reason: To ensure a satisfactory appearance on completion of the development, in accordance with policy D3 of the London Plan 2021 and policies CS8 and DM10 of the LDF Core Strategy 2012.

5. Prior to beneficial occupation of the development to which this permission relates, any windows or rooflights at first floor level and above in the side elevations and roof slope shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with and permanently retained in obscure glazing to a minimum of level 3 on the standard scale. Any film used to achieve the requisite obscurity level shall be non-perishable, tamper-proof, and shall be replaced immediately in the event that it ceases to result in obscurity to level 3.

Reason: To ensure satisfactory living conditions for neighbouring occupiers, in accordance with policy D3 of the London Plan 2021 and policy DM10 of the LDF Core Strategy 2012.

6. The flat roof area(s) of the development to which this permission relates shall not be used as a roof garden, balcony, seating area or other similar amenity area, and shall not be accessed except for the purpose of maintenance or in the case of emergency.

Reason: To ensure satisfactory living conditions for neighbouring occupiers, in accordance with policy D3 of the London Plan 2021 and policy DM10 of the LDF Core Strategy 2012.

7. Prior to the beneficial occupation of the development, details of waste and recycling facilities to serve the development to which this permission relates shall be submitted to and approved in writing by the local planning authority.

The refuse and recycling facilities as shown in the approved details shall be provided prior to beneficial occupation of the development and shall be permanently retained thereafter. The developer and/or their successors in title shall take all reasonable steps to ensure that all refuse and recyclable materials associated with the development are either stored within these facilities or internally within the building(s) on the application site, and that no refuse or recycling material is stored or placed for collection on the public highway except on the day of collection.

Reason: To ensure proper waste management in the interests of the character and appearance of the area and the living conditions of neighbouring occupiers, in accordance with policy SI17 of the London Plan 2021 and policies CS8 and DM10 of the LDF Core Strategy 2012.

8. Prior to the beneficial occupation of the development, details of secure cycle parking facilities to serve the development to which this permission relates shall be submitted to and approved in writing by the local planning authority.

The cycle parking facilities as shown in the approved details shall be provided prior to beneficial occupation of the development to which this permission relates and shall be permanently retained for that purpose and kept free from obstruction thereafter.

Reason: To ensure that appropriate opportunities to promote sustainable transport are taken up, in accordance with policy T5 of the London Plan 2021 and policies CS6 and DM8 of the LDF Core Strategy 2012.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and reenacting that Order with or without modification), no additions or enlargements to any dwellinghouse(s) on the site (other than those expressly authorised by this permission) shall be erected unless otherwise agreed in writing by the local planning authority.

Reason: To ensure satisfactory living conditions for neighbouring occupiers, in accordance with policy D3 of the London Plan 2021 and policy DM10 of the LDF Core Strategy 2012.

10. Prior to the commencement of any above ground works, a landscaping scheme including details of the front boundary treatment shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented within the first planting season following substantial completion of the development. The tree planting and landscaping shall thereafter be maintained for five years to the satisfaction of the Local Planning Authority.

Any trees or shrubs which die during this period shall be replaced during the following planting season, and the areas shown to be landscaped shall be permanently retained for that purpose.

Reason: To ensure a satisfactory appearance on completion of the development, in accordance with policies CS8 and DM10 of the LDF Core Strategy 2012.

Informative(s)

1. In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
2. Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.
3. The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
 - carry out work to an existing party wall;
 - build on the boundary with a neighbouring property;
 - in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet".

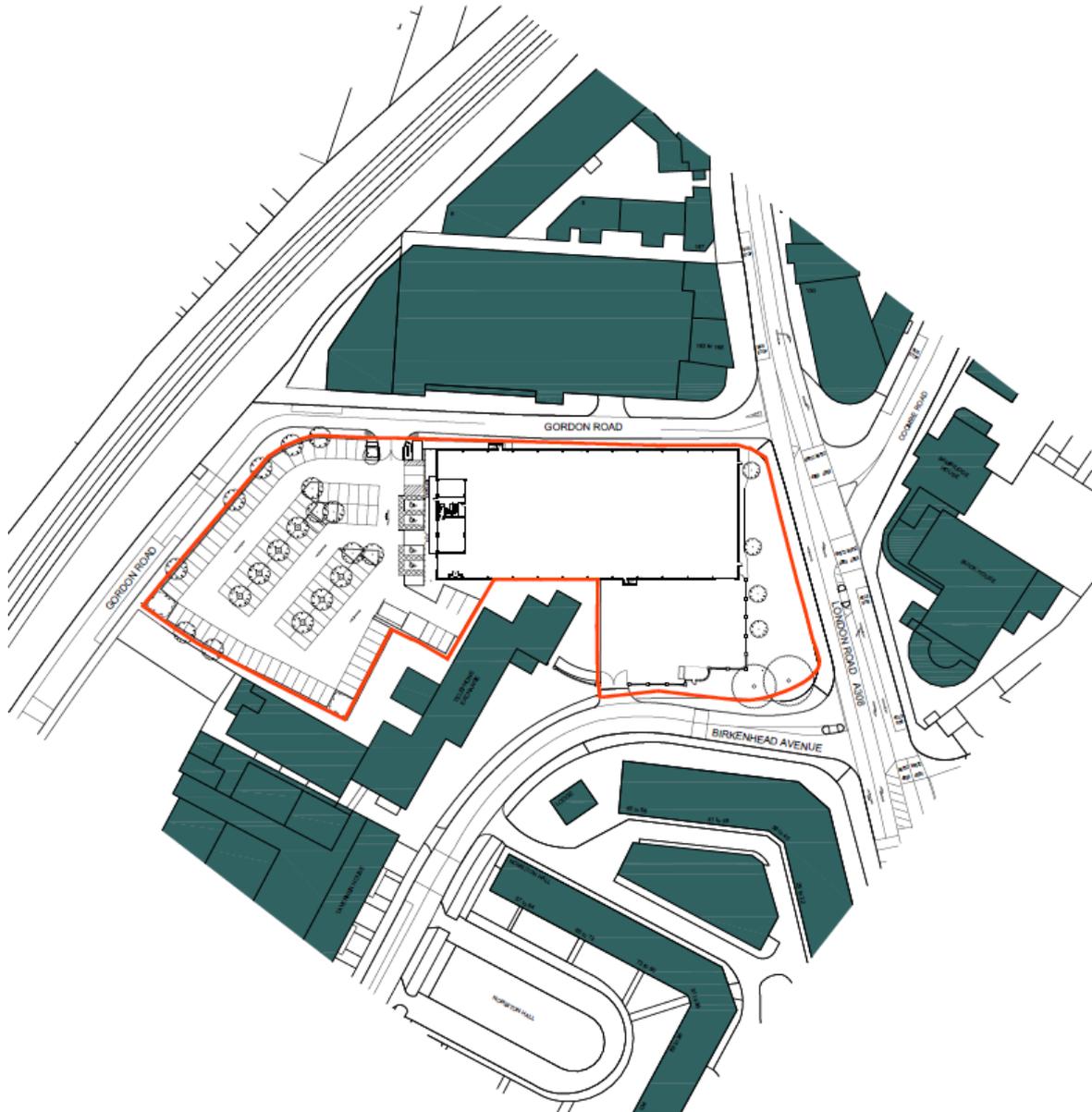
4. Your attention is drawn to the fact that planning permission does not override property rights, and that if your proposal involves construction on or near the site boundary then you should take appropriate steps to ensure that you have correctly identified the position of the boundary, that you do not build over it, and that any works which affect a neighbour's property in any way have the benefit of the

appropriate agreement from that landowner. Failure to undertake the above steps may leave you liable to legal action by neighbouring landowners. If you require further information or advice, you should consult a solicitor.

5. Reasonable efforts have been made to check that the plans submitted for the purposes of this planning application are consistent from one to the next, and that the development hereby approved can be implemented in accordance with all of the plans submitted. Should it transpire that this is not possible and that your plans are flawed, please be clear that it may be impossible to implement this permission, and that any development undertaken which relies on this permission may be unauthorised and subject to enforcement action if expedient.
6. When undertaking demolition and/or noisy building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation, and that any works undertaken which impact unreasonably upon the surrounding area may be subject to action by the Council's Environmental Health Department.
7. Where reference is made within the decision notice to a condition applying 'unless otherwise agreed in writing with the local planning authority', please be aware that only a formal application under section 73 or 96a of the Town and Country Planning Act 1990 (As Amended) is acceptable as a method of said written agreement.
8. Unless clearly specified otherwise, the base of the development shown on the approved plans is taken to be external ground level, and not a Damp Proof Course or Internal Finished Floor Level. The external ground level is expected to remain consistent before and after construction of the approved development unless specified otherwise on the approved plans.

Register Number: 21/00332/FUL

Address: Wickes Site, 153-161 London Road, Kingston Upon Thames
KT2 6NU



(c) copyright of applicant

[Please note that this plan is intended to assist in locating the development; it is not the site plan of the proposed development which may have different boundaries. Please refer to the application documents for the proposed site boundaries.]

Ward: Norbiton

Description of Proposal

Change of Use of existing retail warehouse to enable sale of food and non-food retail items, to include elevational alterations to building, installation of plant and a substation, re-configuration of site car park, increase in floorspace at mezzanine level, landscaping, servicing, and other associated works.

Plan Type:

Full Application

Expiry Date:

07/04/2021

EXECUTIVE SUMMARY

Planning permission is sought by Lidl for the reconfiguration of and change of use of the existing retail warehouse building on the site to enable it to trade as a foodstore. The proposal would include elevational alterations to the building, the installation of plant, a reconfiguration of the site car park, and a marginal increase in floorspace (of 3 sq.m to the mezzanine floor). The existing building, currently occupied by Wickes as a DIY store, is subject of a planning condition that precludes the retail sale of food products.

The development would provide:

- 2,349 sq.m (GIA) retail food store, with a sales area of 1,518 sq.m
- 111 on-site car parking spaces (9 spaces fewer than existing), including the provision of Electrical Vehicle Charging points;
- A total of 48 short stay cycle parking spaces (including space for larger bikes / bikes with trailers) and 12 long-stay (staff) cycle parking spaces

RECOMMENDATION;

Approve, subject to completion of relevant 'Legal Agreement', as specified in the legal agreements section, and to delegate to the Assistant Director of Strategic Planning and Infrastructure any consequent changes to conditions and agreements to be agreed in consultation with the Chair of the Kingston Planning Sub Committee.

Planning Policy and Guidance:

National Planning Policy Framework (2019);
Planning Practice Guidance (web-based);

The London Plan (2021);
RBK LDF Core Strategy (2012);
RBK Residential Design Guide SPD (2013); and,
Borough Character Study (2011).

Greater London Authority Supplementary Planning Guidance documents (SPGs)
RBK Supplementary Planning Documents (SPDs)
The Town and Country Planning (Consultation) Direction 2021
The Town and Country Planning (Mayor of London) Order 2008

Planning History:

1. The site was originally used as a bus garage. Planning permission was granted on appeal in 1994 for the redevelopment to form a retail warehouse (application reference 94/0604/FUL and appeal reference T/APP/Z5630/A/94/243356/P5). Condition 9 of the parent planning permission states that: "The building hereby permitted shall not be used for the sale of food products." Condition 7 relates to servicing hours, and does not allow for Sunday and Bank Holiday deliveries.
2. There is a separate and concurrent application for associated illuminated signage comprising 3no. fascia-mounted signs, 1no. projecting sign, 1no. poster display unit, 4no. illuminated billboard display frames and 1no. totem sign (21/00325/ADV)
3. Other relevant planning history relates to the proposed Lidl development at 4 Manorgate Road involving the demolition of the existing buildings on site and the erection of an A1 retail foodstore (2181sqm) with undercroft car parking, external car parking, servicing, landscaping, public footpath improvements, substation, plant equipment and other associated works (18/13000/FUL), refused permission 18/10/2019 for the following reasons:

The proposed development would result in a significant increase in the number of vehicle movements in the Manorgate Road Home Zone. The increase in vehicle movements would result in the Home Zone becoming dominated by motor vehicles and as such would devalue the public open space and harm the sense of community which currently exists. As a result the development would

harm the character of the area and be injurious to the residential amenities of the residents of the Home Zone. The proposed development would be contrary to Policies DM9 (Managing Vehicle Use for New Development) and DM10 (Design Requirements for New Developments) of the LDF Core Strategy (2012), Policy 7.4 (Local Character) of the London Plan (2016), and Paragraph 91 of the National Planning Policy Framework 2019.

Consultations:

4. Neighbouring Occupiers: Notification letters were sent to 485 neighbouring properties, and site notices were displayed around the application site. A total of 40 representations have been received. Of the 40 representations received, 27 object to the proposed development, 9 offer support, and the remaining are neutral.

5. The letters of objection make the following summarised comments:
 - Loss of DIY store (more beneficial than another supermarket, of which there are many)
 - Highway safety, intensification of use of the junctions of Gordon Road and London Road and the Birkenhead Road junction - the potential conflict with the cycle lane. Existing junctions are already dangerous.
 - Increased traffic and queuing (traffic often grid locked), including additional traffic using Gordon Road (which is a designated “quiet road” for cyclists and a residential road) and Birkenhead Road.
 - Additional HGV traffic and associated disturbance
 - Another supermarket is not needed
 - More cycle parking spaces required for public use, and less car parking
 - Noise and disturbance
 - Additional litter and anti-social behaviour
 - Air pollution
 - Underdevelopment of the site
 - Conflict with policy KT1 and detrimental impact on Local Centres, Kingston Town Centre and viability of existing retailers. Deep Discount retail model would also compete with other “mainstream” food operators. Outdated information presented in applicant’s documentation, including reliance on Council retail capacity evidence (2013) and Town Centre AAP (2008). Kingston/Norbiton area is well-served by supermarkets. Sequential testing deficiencies identified. Whilst below the threshold where a retail impact assessment is required, as it has been submitted it must be given due consideration, and it does not provide a robust basis on which to be sure that the development will not have a significant adverse impact on existing centres.

6. The letters of support make the following summarised comments:
 - Creation of jobs and economic prosperity

- Landscaping enhancements, particularly along London Road
 - Will benefit local shops, as customers will be able to visit
 - Locally accessible discount supermarket
7. Other comments, expressing neither support or objection::
- Preference for a mixed use scheme with food-retail led and affordable housing development
8. Kingston Cycling Campaign (KCC): Objection grounds of road safety and lack of road safety audit and traffic studies. Additional traffic in Gordon Road and Birkenhead Avenue - mitigation is required. Gordon Road is a designated Cycleway route (delivered as part of the Go Cycle project linking, as a quietway, London Road to Queen Elizabeth Road and onward routing along Canbury Park Road to Richmond Road). Lack of consideration of safety of road junctions. Car parking in excess of new London Plan standards. Location of short stay cycle parking is more than 15m away from the store entrance and not well lit or overlooked. Short stay parking below London Plan standards. Access should be via London Road to encourage active frontage
9. Environment Agency: No objection
10. Greater London Archaeological Advisory Service (GLAAS): No archaeological requirement. The proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are therefore necessary.
11. Highways England: Having assessed the application documents, including the submitted Transport Assessment (TA), we note that the proposed development would result in a considerable increase in peak hour vehicle trips, compared with its extant use as a Wickes DIY store. We have reviewed the TA, which includes an assessment of the nature of trips and we acknowledge that the majority of trips will be 'linked' and 'pass-by' trips on the local road network to the proposed Lidl supermarket. Noting that the closest part of the SRN for which Highways England is responsible for is located some distance (A3 - 4.7 miles away) from the proposed development, consider that the development is unlikely to have an impact on the safety or operation of our strategic road network.
12. RBK Neighbourhood Traffic Engineer: No objection, subject to conditions and S106 agreement to secure mitigation measures to include financial contributions toward provision of a traffic enforcement camera to discourage left hand turning traffic, and to secure additional signage and road markings at the junction of Gordon Road /London Road.

13. RBK Trees and Landscape Officer: No objections to the proposals, which would present improvements in terms of the size and species of trees on site and of the other areas of planting.
14. RBK Environmental Health Department: Clarification has been received on the air quality modelling data, and the matter is suitably addressed. Conditions recommended regarding noise emission, air quality during construction, and hours of servicing.
15. Ecology Officer: Welcome the inclusion of some urban greening. Would encourage the use of native species planting to encourage urban pollinator population.
16. Flood Risk Officer: No objection subject to conditions regarding implementation and maintenance of the proposed SuDs features.

Site and Surroundings:

17. The site comprises a large retail store, located on the north west side of London Road (A308).
18. The site is approximately 0.7 ha in size. It comprises a retail warehouse building, a service yard and its surrounding car park. The site is occupied by Wickes, a DIY retail operator. The site is restricted in terms of goods that can be sold by way of a planning condition.
19. Vehicular and pedestrian access to the site is from Gordon Road. The existing car park is located to the north-west of the unit and is currently laid out to provide 120 spaces. The unit is serviced from a separate service yard, which is accessed from a separate entrance on Birkenhead Avenue.
20. The surrounding area is mixed in character and appearance, comprising both commercial and residential use. The site is bordered to the north-east by a self-storage warehouse building, with residential flats above. To the west is the telephone exchange. To the south-west on the opposite side of Birkenhead Avenue, and on the opposite side of London Road are residential properties.
21. The railway line lies to the north of the site
22. The site does not contain a Listed Building and is not located within a Conservation Area.

23. There are a number of trees covered by blanket Tree Protection Orders (TPO) to the rear of the site and adjacent to London Road.
24. The site is within an Archaeological Priority Area.
25. The site lies on the edge of two local centres, these being Kingston Hill / Park Road Local Centre(275m from the store entrance) and also Coombe Road Local Centre (200m from the store entrance). Both centres contain a mixture of small retail units and service uses, including take-aways, public houses, and independent operators. Asda supermarket is located to the south of the application site, further along London Road
26. In addition, the site has a public Transport Accessibility Level (PTAL) of 5 (Very Good)/4 (Good), where 6b is ranked as the 'best' level of public transport accessibility.
27. The site is within Fluvial Flood Zone 1 (Low Probability).

Proposal:

28. Lidl seek full planning permission for the reconfiguration of and change of use of the existing retail warehouse building on the site to enable it to trade as a foodstore. The proposal would include elevational alterations to the building, the installation of plant, a reconfiguration of the site car park, and a small extension of the mezzanine floor (3 sq.m).
29. The new Lidl store would provide a gross internal area of 2,349sq.m and a sales area of 1,518 sq.m, which would include an in-store bakery. Internally, the existing mezzanine level would be removed and replaced with a new mezzanine providing back of house staff welfare facilities, with an increase of floorspace at the mezzanine level of 3 sq.m
30. Condition 9 of the original planning permission (94/0604/FUL), precludes the sale of food products. Condition 7 also includes restrictions on the building's delivery hours. This application seeks an 'open' Class E Use, so as to permit the sale of food and other convenience goods, as well as non-food goods from the unit. More flexible delivery hours are also required for Lidl servicing, including on Sundays.
31. Vehicular and pedestrian access would remain as existing from Gordon Road. The reconfigured car park would provide a total of 111 spaces (9 spaces less than existing) including seven parent and child spaces and six disabled bays, in close proximity to the building's customer entrance / exit doors. It is proposed

that two of the car parking spaces will be served by a single rapid charging point for electric vehicles (allowing an 80 percent charge within 30 minutes), and four spaces will be served by fast chargers, and 22 of the spaces will provide facilities for passive vehicle charging.

32. The proposal has been amended to provide 44 short-stay cycle parking spaces and 12 secure long-stay cycle parking spaces.
33. External alterations are also proposed and a new substation and plant equipment within the service yard. The external alterations are mainly focussed to the rear to the northwest elevation, facing the car park and includes additional glazing and new customer entrance / exit doors. The existing loading dock at the rear of the building would be upgraded to accord with Lidl's operational requirements.
34. All of the existing soft landscaping and tree planting on the site would be retained, apart from some poorly performing trees that would be replaced, as appropriate. The proposal includes for some enhancement of the London Road frontage and includes the addition of public seating, ornamental planting, and also the intention to instal "a piece of public artwork, to be mounted on a plinth". The applicant envisages that the artwork, "which is likely to take the form of a sculpture" could be commissioned by a local artist, or obtained in collaboration with the Community Brain and Kingston University.

Principle of Development:

New Retail Development

35. London Plan Policy SD7 (Town centres: development principles and Development Plan Documents) states that when considering development proposals, boroughs should take a town centres first approach, discouraging out-of-centre development of main town centre uses. Boroughs should:

"1) apply the sequential test to applications for main town centre uses, requiring them to be located in town centres. If no suitable town centre sites are available or expected to become available within a reasonable period, consideration should be given to sites on the edge-of-centres that are, or can be, well integrated with the existing centre, local walking and cycle networks, and public transport. Out-of-centre sites should only be considered if it is demonstrated that no suitable sites are (or are expected to become) available within town centre or edge of centre locations. Applications that fail the sequential test should be refused.

2) require an impact assessment on proposals for new, or extensions to existing, edge or out-of-centre development for retail, leisure and office uses

that are not in accordance with the Development Plan. Applications that are likely to have a significant adverse impact should be refused”.

36. London Plan Policy E9 (Retail, markets and hot food takeaways) and includes a requirement for development plans and development proposals to support convenience retail in all town centres, and particularly in District, Local and Neighbourhood centres, to secure inclusive neighbourhoods and a sustainable pattern of provision where there is less need to travel, and to provide a policy framework to enhance local and neighbourhood shopping facilities and prevent the loss of retail and related facilities that provide essential convenience and specialist shopping.
37. The Core Strategy sets out the strategic vision for the Kingston Town Neighbourhood, as part of this vision it states that *“Kingston’s Metropolitan Town Centre will be maintained and enhanced to provide a wide range of shops and services that will appeal to residents, visitors and tourists alike. It will continue to be the economic and employment focus of the Borough. To support the Town Centre’s role, the Neighbourhood’s eight Local Centres will provide everyday goods and services that are easily accessible to local residents”.*
38. Policy KT1(h) (Kingston Town Neighbourhood) goes on to identify the Local Centres, including recommendations to support suitably sized convenience store in the Coombe Road Local Centre in order to meet local needs, and to ensure a range of shops and services is retained in the Kingston Hill South/Park Road Local Centre to meet local needs.
39. Core Strategy Policy DM20 states in paragraph c that the Council will ‘ensure that any applications for new retail development are of an appropriate scale and have been planned positively in order to minimise any negative impacts on: climate change, pollution, transport, accessibility, design and character, the amenity of surrounding residents, current regeneration projects, local employment.
40. Paragraph d goes on to state that the Council will *“ensure that any application for new retail development, where relevant, demonstrate the application of the sequential approach and provide an impact assessment as outlined in national guidance”.*
41. The non food retail use of the site is long established, with the grant of planning permission for retail use in 1994. The site has subsequently operated as a Wickes DIY store for 25 years. The land use policy issue for consideration relates principally to the change of use of the building from non-food goods to open Class E Use, to allow occupation of the unit by a foodstore.
42. The proposed Lidl food store would operate as a “deep discounter”, which is distinct from the main supermarket operators. Lidl offers products from a limited range of about 1,800 products, of which 90% are own brand labels. Lidl is referred to by the Competition Commission in its Groceries Market Investigation

(2008) (GMI) as a 'Limited Assortment Discounter' or 'LAD' i.e. grocery retailers offering noticeably lower prices than conventional supermarkets but which stock a limited range of products.

43. There are two existing Lidl stores in the borough, one in Leatherhead Road, Chessington, and one in New Malden. It is noted there was a recent grant of planning permission (9 March 2021) involving a new Lidl store at Burlington Retail Park, Burlington Road, New Malden 19/00833/FUL.
44. The accompanying Planning and Retail Statement (PRS) advises that there is an identified quantitative and qualitative need for a new discount food store within the borough. In terms of quantitative need, the RPS cites the findings of the Kingston Town Centre Study (2013), which identifies “*significant scope for a new foodstore development*” based on surplus expenditure and population growth. Appendix 2, Table 12 identifies “*residual expenditure to support additional convenience goods floorspace over the plan period. This equates to £127.2m residual expenditure up to 2018, rising to £150.8m up to 2023, increasing to £178.5m up to 2028.*” However, it is important to note that the Kingston Town Centre Study is 8 years old.
45. It is recognised that new food stores have opened since the publication of this document, including the Waitrose store operating from the petrol filling station in London Road, and the Aldi store in Kingston Road (Aldi replaced a previous Lidl in Adams Walk in the town centre). Objection has been raised on behalf of both of these operators, in part based on the lack of up-to-date information on which the PRS is based. Notwithstanding, it is noted that the RPS estimates that the proposed Lidl development would generate a convenience turnover of less than 4% of the identified surplus convenience expenditure.
46. The PRS also notes a qualitative need for the application proposal, which “would improve local discount foodstore provision” in north east Kingston. The PRS notes the nearest alternative provision is the Aldi store within town centre, the Aldi store in Kingston Road, and the Lidl in New Malden, which serve different local neighbourhoods.
47. The PRS also notes that the RBK Local Centres Study (2012) identifies areas which are deficient in convenience retail provision. It notes that whilst the application site itself does not lie within such an identified area, the nearby neighbourhood of Coombe Lane West is identified as an area of foodstore deficiency, with 1,034 households located within this area. The RPS notes the application proposal would be within walking distance of this community, and will provide a new neighbourhood foodstore to address the identified under-provision around Norbiton.

Sequential Test

48. Paragraph 86-87 of the National Planning Policy Framework (NPPF) states that “local planning authorities should apply a sequential test to planning

applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored”.

49. The NPPF defines town centres as an area defined on the local authority's proposal map for main town centre uses, which includes local centres. As the site falls within 300m of both the Kingston Hill/Park Road Local Centre and the Coombe Road Local Centre it is considered to be an edge of centre location.
50. The Planning Practice Guidance (PPG) states that it is for the applicant to demonstrate compliance with the sequential test. The application of the test should be proportionate and appropriate for the given proposal and, where appropriate, the potential suitability of alternative sites should be discussed between the developer and local planning authority at the earliest opportunity. The PPG concludes by stating that: “if there are no suitable sequentially preferable locations, the sequential test is passed.”
51. As the NPPF defines edge of centre locations as being within 300m of a town centre, it has been agreed that the scope of sequential test cover a broad area that includes all sites that fall in either of the adjacent Local Centres of Kingston Hill/Park Road Local Centre and the Coombe Road Local Centre, and Kingston Town Centre.
52. The accompanying Sequential Assessment and update has assessed sites to meet their operational requirements, including sites available now or in the short term, capable of accommodating a store with a gross internal area of at least 1,800 (over 500 sq.m smaller than the proposed store), within the agreed geographical area and identified no available, suitable and viable sites within either of the Local Centres. The assessment notes that the site at 4 Manorgate Road is “arguably sequentially preferable to the current site as it is closer to the centre (KingstonHill/Park Road Local Centre. Application 18/13000FUL was refused on grounds relating to adverse amenity impact and the Home Zone. Application subject of current appeal). 192-194 London Road was considered unsuitable due to size and parking/servicing limitations (525sq) and is under offer.
53. The assessment has also assessed sites within the town centre. The assessment is based on sites identified as development sites in the Kingston Area Action Plan (2008) and are discounted as they would require comprehensive redevelopment as part of mixed use proposals. The assessment and update has also reviewed information provided by local

commercial agents to identify whether there are any vacant sites available within the town centre suitable for occupation by Lidl. The PRS notes one potential site in 45-49 Clarence Street, but the unit provided only 1000sqm floor space and no dedicated car park and constrained servicing arrangements. Addendum information provided includes the former Marks and Spencer in Clarence Street (Lidl actively pursued the site but was unsuccessful).

54. The RPS states that Lidl is also actively looking for a site for a new store within Kingston town centre, as it considers that this represents a separate catchment area, and that there is scope for two new stores; one serving the north-east neighbourhoods and one serving the central neighbourhoods of Kingston upon Thames. It is advised that if a site was identified for a store within Kingston town centre, Lidl would still have a requirement for a site around Kingston Hill / Park Road / Coombe Road / Norbiton. It is advised that since Lidl lost its lease in Adams Walk it has been actively searching for an alternative town centre location, but this would serve a separate catchment area to the current proposal. Addendum information provides details of some of the options considered by Lidl in the town centre but found either unsuitable or unavailable. The applicant states that *'As such, the sequential assessment is slightly academic because Lidl is seeking two units / sites, and development of the London Road store will not preclude future investment in the town centre'*.
55. The accompanying Sequential Assessment has not identified any sequentially preferable sites that are suitable, available or viable within the agreed geographical area.
56. Objections have been received from other commercial operators on grounds relating to the robustness of the sequential testing. The applicant has addressed some of the deficiencies identified, including consideration and discounting of the former Bath Store, 192-194 London Road.
57. In respect of the identified failure to consider the potential offered by 13 mixed-use town centre development sites, the applicant has responded to clarify that whilst on occasion they do pursue mixed use development proposals with residential use above their stores, this is irrelevant to the application of the sequential test in this specific instance, as the proposal under consideration is a stand-alone foodstore. They also note that clarification on the remit of the sequential assessment was provided by a Supreme Court Judgement – in the case of Tesco Stores Ltd v. Dundee City Council. In this case, it was determined that in order to meet the sequential test of 'suitability', the issue to be resolved is whether the applicant has answered the question as to "whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site". The applicant states that it can be surmised that a proposed development should not be required to be altered or expanded through the provision of additional uses.
58. Overall, the proposal is considered to satisfy the requirements of the sequential

test, as set out at Policy DM20 of the Core Strategy, Policies SD7 and E9 of the London Plan and the NPPF.

Retail Impact Assessment

59. Paragraph 89 of the NPPF states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of: a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme). Paragraph 90 goes on to state that if an application fails to satisfy the sequential test or is likely to have a significant adverse impact it should be refused.
60. The total retail floor space is 2,349 sq m (GIA). There is no locally set threshold for the requirement of a retail impact assessment within the adopted Local Plan and therefore the national figure of 2,500 sq. m within the NPPF applies. Given this and the quantum of sales floorspace proposed, which is less than the 2,500 sq. m threshold, there is no formal requirement for an impact assessment of potential impacts.
61. However, the applicant has undertaken a retail impact assessment of potential impacts. The applicant concludes that the proposed development is not considered to result in an unacceptable impact on any defined centre within the Borough.
62. In terms of the impact on the two local centres, the assessment finds a negligible impact (less than 4%). It finds the main store which the proposal may divert is the Waitrose concession within the Shell Petrol filling station in London Road, but finds that the store will continue to benefit from high level passer-by top-up trade associated with the use as a petrol station such that its functions are *“not expected to be materially affected”*.
63. In terms of the impact on the town centre, it is estimated that the proposal would primarily divert expenditure from the Aldi in Adms Walk, Waitrose in Wood Street and Sainsbury’s Eden Walk. With an overall estimated impact on the centre of 1.2%. Similarly the impact on the District Centres is shown to be very low (0.2 % Surbiton District Centre and 1.4% New Malden District Centre).
64. The assessment has also considered the impact on edge and out-of -centre food stores, including Asda in London Road, Aldi at Kingston Road, and Sainsburys in Sury Basin. It is advised that *“since all of these stores are located edge / out-of-centre, they benefit from no national or local planning*

policy protection. Nevertheless, we do not expect that these minimal levels of impact will have any adverse effects on the operations of these national multiple stores”.

65. The conclusions of the RIA assessment indicates that in each case the convenience impact is less than 4 %.
66. Objection has been raised on grounds of drawing expenditure away from the town centre, the district centre and the nearby local centres at Coombe Road and Kingston Hill South/Park Road.
67. Objection has also been raised on grounds relating to the robustness of the submitted Retail Impact Assessment, particularly in relation to the retail impact analysis, and the lack of up to date information, based on the Council's 2013 Town Centre Study.
68. In response the applicant notes that the retail market has operated under extraordinary circumstances over the last year, with repeated shop closures and directives to stay at home. *“In these unusual circumstances, it would not be an appropriate time to conduct a new household survey, and it is considered that the results of the 2013 study provide a more stable basis for projecting long-term trends in the Borough”.* They also state that as they are not required to provide a retail impact assessment, it is reasonable to rely on the comprehensive data that underpins the Council's planning policy framework, as a starting point for the assessment.
69. The applicant further asserts that as the RIA has shown a very low level of convenience impact on Kingston Town Centre, the district centres and the nearby local centres (less than 4 per cent in all cases), that this would be substantially below a level that could be described as 'significantly adverse'. The applicant's response is that this *“is not a borderline case that requires further interrogation”.*
70. The applicant has confirmed that they would not pursue both options if permission were granted on the current site and the appeal site at 4 Manorgate Road. It would be appropriate to secure by legal agreement, that in the event of approval of this planning application and the scheme at 4 Manorgate Road reference 18/13000/FUL (subject of current appeal), that only one such permission can be implemented so as to ensure that two retail units of this magnitude are not introduced into the area without appropriate impact assessment.
71. Whilst cognisant of the objections raised, it is noted that this proposal is a change of use application from an existing non-food retail warehouse, and is not a redevelopment proposal. It is also pertinent to note that there was no policy requirement to submit the RIA as the floor area proposed is not of a size that would necessitate submission, and it has been submitted by the applicant to inform the application proposal and based on the Council's most up to date

information. The degree of weight to which to give the RIA is therefore tempered. The NPPF advises that a proposal should be refused where there would be a “*significant adverse impact*”. In this case, the conclusion is that the impact would be very small and no centre would be expected to experience a convenience impact of more than 4 per cent.

72. The objection regarding “*lack of need for a supermarket*” is not something that can be taken into account when assessing this application, as the planning system should not stifle competition. However, the application has demonstrated that the impact on local shops within the Town Centre and the Local Centres, would not be significantly affected.
73. Overall, the proposal is considered to comply with Policies KT1 and DM20 of the Core Strategy, Policies SD7 and E9 of the London Plan and the NPPF.

Character and Appearance

74. Policy DM10 of the Core Strategy states that development proposals will be required to incorporate principles of good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or area which should be respected, maintained or enhanced include the following:
 - a. Prevailing development typology, including housing types, sizes and occupancy
 - b. Prevailing density of the surrounding area
 - c. Scale, layout, height, form (including roof forms), massing
 - d. Landscape setting and features
 - e. Plot width and format which includes spaces between buildings
 - f. Building line build up, set back and front boundary
 - g. Typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.
75. The proposal would refurbish the existing retail warehouse building. No extensions are proposed. Significant new glazing is proposed to the north-west elevation, facing the customer car park to the rear, to provide a new customer entrance point. The shopfront glazing will be genan blue, RAL 5010 powder coated aluminium. The proposed alterations are considered appropriate.
76. Whilst it would have been preferable to introduce a customer entrance from London Road, it is understood that this would not be compatible with the store layout. However, the proposal does include some welcome enhancement and upgrading on the London Road frontage, with the existing green space to be enhanced with new installations to enliven the space and improve interaction with the public realm. The existing soft landscaping is to be supplemented with

new ornamental planting installed across the building frontage, and an area has been designated for the installation of a new plinth to showcase a piece of public artwork. It is advised that Lidl would be likely to work with the Community Brain and Kingston University. Discussions to date indicate that the applicant may commission a piece to honour Eadweard Muybridge who is known for his pioneering work on animal locomotion which used multiple cameras to capture motion in stop-motion photographs such as images of animals in motion, capturing what the human eye could not distinguish as separate movements such as a galloping horse with all hooves off the ground. A public seating area in the form of a picnic table would also be created to enhance social interaction. It is considered appropriate to secure these details of the public art installation by legal agreement.

Neighbouring Residential Amenity:

77. Paragraph 127 of the NPPF directs planning decisions should ensure that developments are visually attractive with a high standard of amenity for all existing and future users of land and buildings.
78. Policy DM10 (Design Requirements for New Developments) advises that development must have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbance.
79. The proposed development by virtue of its size, siting and design in relation to the neighbouring properties would not cause any significant material harm to the outlook, daylight/sunlight provision or privacy of the neighbouring occupiers.
80. A Noise Impact Assessment has been submitted in support of this application to consider the impact of the proposed operations on the nearest noise sensitive receptors. Using baseline survey results, the Assessment considers the impact from plant noise, HGV noise and delivery activity noise (loading / unloading).
81. In terms of store delivery operations, it is assumed that there will be 2 to 3 deliveries per day, and that each delivery will last around one hour. The vehicle will reverse up to the loading area, and the goods will be moved internally from the trailer into the store. The assessment utilises data obtained from the delivery operations of other Lidl sites. The calculations in the Noise Impact Assessment show that delivery noise is expected to be of a minor impact during the day. However, during the night-time period there is the potential for delivery noise to cause significant adverse impact. The report has been reviewed by the Council's Environmental Protection Officer who recommends that a condition be required that the servicing (including deliveries and activities within the service yard) of the premises shall only take place between 7am and 11pm Monday to Sunday.

Hours of use

82. Hours of use are not currently controlled by planning condition. The current Wickes Store has opening hours between Monday to Friday 7AM-8PM, on Saturday 7AM-8PM, and Sunday 10AM-4PM. In terms of store opening hours the application seeks uncontrolled hours of use. This would not be considered reasonable given the surrounding residential context and anticipated additional vehicular movement associated with the proposed foodstore. It is considered appropriate to restrict hours of opening between 7AM to 10PM Monday to Saturday and not before 10am or after 5pm on Sundays and Bank Holidays.
83. External lighting details have been submitted with the application, which has been reviewed by the lighting officer, who advises that the light intrusion would be very minimal, taking a full moon as 1-3 lux it falls well below that. It is recommended that all luminaires are able to be fitted with shields if required, because of the multi level dwellings adjacent and, if there is a problem with light intrusion this could usually be solved using shielding on the LED array or on the luminaire housing. Details to be secured by condition.
84. Suitable conditions are recommended to control hours of opening, servicing and deliveries, external plant and lighting to prevent noise and disturbance to neighbouring residents.
85. The proposal would accord with policy DM10 of the Council's adopted LDF Core Strategy April 2012.

Parking and Highway Safety:

86. Paragraph 109 of the NPPF, 2019 states that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts of development are severe.
87. Policy T6 of the London Plan (2021) sets out that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. The maximum parking standards should be applied to development proposals. It should provide for appropriate Blue Badge parking. All operational parking should make provision for electric charging, including offering rapid charging, and provision made for efficient deliveries and servicing.
88. Policy T6.3 of the London Plan (2021) relates specifically to retail parking and requires that the maximum parking standards set out in Table 10.5 be applied to new retail development, and includes a requirement for rapid electric vehicle charging and Blue Badge parking. Table 10.5 (Maximum Retail Parking Standards) of the London Plan (2021) sets out a maximum car parking provision all areas of PTAL 5-6 to be car free, and up to 1 space per 50sqm for other outer London Areas. Where significant provision of car parking at retail

development can be justified, provision of rapid electric vehicle charging facilities should be made.

89. The proposed development involves the change of use of an existing non-food retail store to a food retail store. There is no change to the building in terms of gross internal floor area, which is 2,352 sqm.
90. The site is occupied by a Wickes superstore which would be replaced by a Lidl supermarket. There is an existing car park with 120 spaces. For the new store it is stated in the transport assessment (TA) that this will reduce to 111 spaces and include 6 disabled spaces, together with 1 rapid, 2 fast and 22 passive electric vehicle charging points (EVCP). Two of the car parking spaces would be served by a single rapid charging point for electric vehicles (allowing an 80 percent charge within 30 minutes), and four spaces will be served by fast chargers, and 22 of the spaces will provide facilities for passive vehicle charging. This level of parking is considered to be appropriate based on the parking accumulation projections in the TA and is broadly in line with London Plan policy requirements.
91. As with the existing store, the customer vehicular access would be via Gordon Road to the east of the application site. Gordon Road connects with the A308 London Road and it is expected that the majority of customers would arrive and depart the store via Gordon Road/London Road.
92. Servicing would take place via the existing site access off Birkenhead Road. The deliveries and servicing arrangements would appear similar to that which already occurs with the existing occupier. The accompanying Delivery and Servicing Plan confirms that Lidl stores typically operate with 3 deliveries per day. It is intended that servicing and deliveries for the foodstore would be undertaken from the existing service yard accessed from Birkenhead Avenue. Swept path analysis demonstrates the ability for a 16.5 metre articulated vehicle to enter the site, access the service yard and turn to exit in forward gear. All turning of service vehicles would be undertaken within the existing service yard.
93. Cycle Parking: London Plan standards require as a minimum standard 48 short stay cycle parking spaces, plus 13 long stay parking spaces for staff (total 61). The proposal as originally submitted made provision for 24 short stay cycle parking spaces, and a further 12 long stay cycle spaces in a secure and lit location (total 26), with a location identified on the site plan where additional short-stay cycle parking could be provided in future, should demand increase on the site, as monitored through a Travel Plan. The applicant has subsequently agreed to provide the full policy requirement at the outset. and

details would be reserved by condition.

94. A Travel Plan has been submitted to facilitate staff travelling sustainably to and from the site. This has been reviewed by Highways and is considered to be acceptable.

Highways Impact

95. The recently completed 'Go Cycle' segregated cycleway runs along the A308 London Road, across a Copenhagen-style junction with London Road. Whilst it is acknowledged that, as is often the case initially with a new road layout, some road users still perceive this junction as being potentially unsafe. It should be noted that a full road safety audit was undertaken as part of the GoCycle works and this objective design check identified no significant safety concerns.
96. The existing Wickes store is estimated, based on TRICS derived trip rates, to generate peak vehicle movements of 139 arrivals and 140 departures during the Saturday 12:00-13:00 time period and much lower weekday (Friday 17:00-18:00) peak vehicle movements of 25 arrivals and 25 departures.
97. To assess the likely vehicle trip generation of the proposed Lidl store, average trip rates for six similar stores have been derived. According to the TA, this would suggest a weekday maximum vehicular peak on Fridays (18:00-19:00) of 138 arrivals and 129 departures, and a Saturday peak (12:00-13:00) of 159 arrivals and 147 departures. It can be seen therefore that, while the Saturday peak vehicle trips are at a similar, but slightly higher level of magnitude, the weekday peak vehicle trips for the Lidl store would be significantly higher, and consistently so throughout the daytime period.
98. Mitigation measures are required to address the increased level of traffic movement envisaged. Two principal concerns for the council as highway authority relate to the following:
1. Avoiding a material increase in the number of vehicles turning left out of the store car park, in order to protect the amenity of residents on Gordon Road.
 2. Ensuring the continued safety of road users, in particular cyclists, at the Gordon Road/London Road junction.
99. Both the TA and the subsequent Highways Note assume a very low proportion of vehicles turning left out of the car park, estimated at 15 arrivals and 14 departures during the weekday p.m. peak, compared to an estimated 122 arrivals and 116 departures using the Gordon Road/London Road junction. These estimates are based primarily on the expected retail draw and an

assumption that 90 % of vehicle trips to the store would be either linked or primarily diverted trips. Whilst the highway authority do not necessarily question these assumptions, which have been routinely applied to other Lidl store developments, the highway authority notes that this assessment fails to take into account local driver behaviour at the point of departing the store. Particularly during weekdays, there will inevitably be increased delays/queuing on the approach to London Road and this may encourage some drivers to divert westwards along Gordon Road as an alternative. The PICADY junction assessment suggests that there would be no adverse impact on junction capacity, with an approximate doubling of delay time from 15.01 seconds to 28.94 seconds for vehicles exiting Gordon Road. However, until the store is in normal operation it is not possible to ascertain the likelihood of this occurring in practice and therefore the highway authority require the following mitigation measures are implemented by the applicant:

- The radius of the car park access junction be tightened and signage indicating no left turns be implemented to dissuade departing drivers from turning left into Gordon Road (as shown in revised site plan).
- A sum of £30K be secured by S106 Agreement for a period of 5 years to facilitate the implementation of an enforcement camera should that become necessary. The provision of such a camera would be based on traffic surveys being commissioned by the council in the event of residents raising concerns. Should installation of a camera prove to be unnecessary, as suggested by the applicant, these monies would be returned in full five years after opening or upon any permanent closure of Gordon Road.
- A sum of £5K be secured by S106 Agreement towards additional signage and road markings at the Gordon Road/London Road junction.

100. Initially the highway authority also sought an additional financial contribution of £5K be secured by S106 Agreement as a contribution towards a possible partial closure of Birkenhead Road and Gordon Road. Such a scheme is currently being considered by RBK Highways. The applicant has not agreed to this element of the proposed mitigation measures, on the basis that the service yard access is taken from Birkenhead Road as existing, and service vehicle numbers will change very little between existing (Wickes) and proposed (Lidl). The highway authority accept that any such scheme would not be required as a consequence of the current application and accept the argument that a £5K contribution to this should not be included as mitigation for the development.

101. The other area of concern relates to the perceived safety impacts of the expected increased traffic flow at the London Road/Gordon Road junction. This

junction was subjected to a full Road Safety Audit as part of the Go Cycle works and no major highway issues were identified. To address the perceived safety concerns of some road users, some minor works to improve visibility and awareness of cyclists passing across this junction should be implemented. Final details have yet to be determined, but would include additional and more visible advanced signage and coloured surface treatment to emphasise the cycle way in light of the more frequent use of the London Road/Gordon Road junction by store customers. It should be noted, however, that there is no expected material increase in vehicle use of this junction over that experienced during the Saturday peak; rather it is an extension of those peak flows into the weekday evening period that would occur.

102. Subject to the above provisions there are no Highways objections to the proposed change of use from retail warehouse to supermarket, subject to inclusion of relevant conditions to secure the level of car (including EVCP) and cycle parking as indicated by the applicant, and the provision of a Delivery and Servicing Plan, to be provided for Highways review prior to first opening.
103. Given the above, Officers consider that the proposed development would not have an unacceptable impact in terms of impact on the highway or highway safety, subject to planning conditions and the provisions to be secured by the Legal Agreement. As such, the proposal would be in accordance with Paragraph 109 of the NPPF (2019), Policies T6 and T6.3 of the London Plan (2021) and Policies DM9 and DM10 of the Council's LDF Core Strategy (2012).

Refuse

104. The DAS confirms that all waste would be kept internally within the store and returned to the Regional Distribution Centres for recycling daily and/r weekly, via the same vehicle that delivers to the store. All waste produced would be stored within a designated area of the warehouse, and recycled where possible, with compacting or bailing of waste card and packaging materials.

Trees

105. The application is accompanied by a Tree Survey and Arboricultural Impact Assessment. There are 26 trees on the site at present, all of which are covered as a group by a Tree Preservation Order. No trees are required to be removed as part of the development proposals.
106. However, as part of the survey work it was identified that one tree is dying (Category U) and it is proposed that this is therefore replaced as part of the works. Furthermore, two lines of birch trees planted in tree pits in the car park have been assessed as Category C. The trees are young, some are damaged

and most are poorly planted. Kerbs to the planting pits are starting to fall apart, tree guards are broken and in one case, a tree grille has been replaced with concrete. It is therefore proposed that these trees be removed, and replacement specimens planted. It is suggested that the tarmac beneath these trees will be removed and replaced with permeable pavers in order to provide adequate rooting volume for the replacement trees.

107. As noted above, the proposal also includes a new landscaped scheme along the London Road frontage of the site.
108. The Tree and Landscape Officer has confirmed that they have no objections to the proposals, which would present improvements in terms of the size and species of trees on site and of the other areas of planting.

Ecology

109. A Preliminary Ecological Appraisal has been submitted with the proposal, which identifies recommendations to enhance biodiversity, as such the development of the site would increase its ecological value and provide net gains to biodiversity. Proposed enhancements include: Nesting Boxes, Wildlife-friendly planting scheme, Bug boxes/hotels and a Lighting plan that is direct and of low light spill.

Flood Risk and Drainage:

110. Paragraph 163 of the NPPF (2019) states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).
111. Policy SI13 of the London Plan (2021) states that development should utilise SuDS unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.
112. The site is within Flood Zone 1, with a low risk of fluvial flooding and the site itself is not identified as being at risk of surface water flooding. In support of the planning application the applicant has submitted a Drainage Strategy and SUDS Appraisal which considers the options for surface and foul water drainage on the site. Since the site is already occupied (by a retail warehouse) the site is already served by a drainage system, which connects to the public sewer. The proposed development will entail only minor physical changes to the configuration of the car park and so there is limited opportunity to upgrade the

existing drainage system. There would be no increase in the impermeable area of the site. New tree pits are proposed within the car park to replace existing damaged pits, and this provides some scope to retrofit some SUDS components, to provide attenuation through the use of systems that provide cellular storage through the tree pit design.

113. The Council's Flood Risk Officer, in their function as the Lead Local Flood Authority (LLFA) has raised no objection to the proposed development, subject to conditions.
114. Subject to planning conditions, it is considered that the proposed development would comply with paragraph 163 of the NPPF 2019 and SI13 of the London Plan (2021) and Policy DM4 of the Kingston Core Strategy (2012).

Sustainability:

115. Policy SI2 of the London Plan (2021) requires major development to be net zero-carbon. The policy seeks to achieve an overall reduction in London's carbon dioxide emissions through a range of measures including using less energy, supplying energy efficiently and using renewable energy, and improving on Building Regulations targets including zero carbon. The policy advises that where it is demonstrated that specific targets cannot be achieved on site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough.
116. Relevant Core Strategy Policies include Policies DM1, DM2 and DM3 and Policy CS1 (Climate Change Mitigation) states that the Council will ensure that all development is designed and built to make the most efficient use of resources, reduce its life cycle impact on the environment and contribute to climate change mitigation and adaptation.
117. The proposed scheme is refurbishment of an existing building to provide a new food store. The submitted Energy Strategy demonstrates how the proposed development would address the objectives contained within the Core Strategy and London Policies, in terms of carbon dioxide emissions and energy consumption through sustainable design and low carbon technologies, based on the Energy Hierarchy. The results confirm a site wide cumulative reduction of 35% in CO₂ emissions based on SAP10 carbon factor.
118. The report demonstrates the incorporation of enhanced thermal efficiency measures, high efficiency lighting, and air source heat pumps are proposed to meet the space heating and hot water demands of the site. The proposal measures are considered in reasonable compliance with the Policies of the London Plan and Core Strategy given that the proposal relates to a change of use of the existing building and retrofitting, and is not a new build construction.
119. Subject to planning conditions, it is considered that the proposed development

would accord with Policy SI 2 of the London Plan (2021), Policy DM3 of the Kingston Core Strategy (2012) .

Air Quality:

120. Paragraph 170 of the NPPF states that: "Planning policies and decisions should contribute to and enhance the natural and local environment by e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. "
121. Paragraph 181 of the NPPF states Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.
122. London Plan Policy SI 1 (Improving Air Quality) requires that development proposals do not:
- a) lead to further deterioration of existing poor air quality*
 - b) create any new areas that exceed air quality limits, or delay the date at which compliance will be achieved in areas that are currently in exceedance of legal limits*
 - c) create unacceptable risk of high levels of exposure to poor air quality.*
- In order to meet the requirements in Part 1, as a minimum: a) development proposals must be at least Air Quality Neutral*
123. The Royal Borough of Kingston has declared the whole borough as an Air Quality Management Area. The declaration was based on the risk of the objectives for nitrogen dioxide and PM10 being exceeded. The Environmental Health Officer has reviewed the submitted Air Quality Neutral Assessment and is satisfied with the findings.

Legal Agreement:

124. Policy IMP3 of the Core Strategy 2012 states that the Council will use Planning Obligations to secure financial contributions to meet on and off site requirements which are required to support and mitigate the impacts of the development in accordance with the Council's Planning Obligations SPD March

2017.

125. As of the 1st November 2015 the Council commenced the operation of a Community Infrastructure Levy (CIL) as a means of collecting monies to provide local infrastructure to offset the impact of developments. This replaced the S106 mechanism for collecting contributions for local infrastructure e.g. education and health with the exception of affordable housing. For the avoidance of doubt S106 contributions can only be collected to resolve site specific issues as a result of the proposed development.
126. In the event that site-specific exclusions are identified, they would be subject to statutory tests set out under Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

Planning Balance/Conclusion:

127. Overall, in terms of retail impact, taking into account the submitted RIA (although giving it less weight) the proposed development is not considered to result in an unacceptable impact on any defined centre within the Borough and the application site is the most sequentially preferable site to accommodate the proposed development.
128. The development would not result in any significant material harm to the local borough or wider TfL transport network nor any significant impact on residential amenities and would provide public realm enhancements.

Recommendation:

Approve, subject to the following conditions and completion of relevant legal agreements under the Town and Country Planning Act 1990 (as amended), as specified in the legal agreements section, and to delegate to the Assistant Director of Strategic Planning and Infrastructure any consequent changes to conditions and legal agreements in consultation with the chair.

Conditions:

1 The approved development shall be carried out in accordance with the following drawings/details:

Preliminary Ecological Appraisal Report Ref: 20-7462

Tree Survey BS5837:2012

Drainage Strategy _ SUDS Appraisal -20-7462

1282 Rev F Landscaping Plan Rev F

1282_1 Rev B Landscaping Plan Rev B

1282 Rev E Landscaping Plan E

19-6465 - 153-161 - Site Waste Management Plan- Rev A A

20-7462 - 153-161 - Energy Strategy Report - Rev B B

216000-05-EX02 - Existing Ground and First Floor Plans

216000-05-EX03 - Existing Roof Plan

4950-0100 P03 Existing Site Plan

4950-0103 P04 Site Surface Dressing Plan

4950-0104 P06-2 Proposed Site Plan

4950-0105 P01 Site Location Plan

4950-0311 P04 Proposed Store Plan - Option B

4950-0312 P03 Proposed First Floor Plan- Option B

4950-0314 P02 Proposed Roof Plan

4950-0400 P01 Existing Elevations

4950-0401 P01 Existing Elevations 02

4950-1007 P01 Proposed Sub-Station Details

20210602-01 A Proposed Access Alterations

4950-0402 P05 Proposed Elevations 01

4950-0403 P06 Proposed Elevations 02

Reason: For the avoidance of doubt and in the interests of proper planning

2 The development hereby permitted shall be commenced within 3 years from the date of this decision.

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

3 Details and/or samples of the external facing materials (including sub-station), windows, doors and hard landscaping including external seating, to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any above ground works on site are commenced. The development shall then be built in accordance with these approved samples.

Reason: To ensure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

4 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>.

Reason: To ensure adequate protections are put in place to protect local air quality and comply with Policy SI 1 of the London Plan (2021) and the GLA SPG Control of Dust and Emissions During Construction.

5 Prior to the commencement of works at the site a Dust Management Plan must be submitted to and approved in writing by the local planning authority. This plan must incorporate measures appropriate to the mitigation of dust emissions from a 'medium risk' site, detailed in table 23 of the Air Quality Assessment and must be in compliance with the GLA Control of Dust and Emissions during Construction and Demolition SPG.

Reason: This information is required prior to the commencement of development to ensure adequate protections are put in place to protect local air quality and comply with Policy SI 1 of the London Plan (2021) and the GLA SPG Control of Dust and Emissions During Construction.

6 The servicing (including deliveries and activities within the service yard) of the premises shall only take place between 7am and 11pm Monday to Sunday.

Reason: To ensure satisfactory living conditions for neighbouring occupiers, in accordance with policy D14 of the London Plan 2021 policy DM10 of the LDF Core Strategy 2012.

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

Reason: To ensure satisfactory living conditions for neighbouring occupiers, in accordance with policy D14 of the London Plan 2021 policy DM10 of the LDF Core Strategy 2012.

8 The rating level of the noise determined by the cumulative sound emissions of the plant hereby permitted shall not exceed the existing background noise level at any given time of operation. The noise levels shall be measured or predicted 1m externally to any window at the nearest residential facade. Measurements and assessment shall be made according to British Standard 4142:2014.

Reason: To ensure satisfactory living conditions for neighbouring occupiers, in accordance with policy D14 of the London Plan 2021 policy DM10 of the LDF Core Strategy 2012.

9 Prior to commencement of the use hereby permitted a finalised External Lighting Strategy including luminance levels and hours of operation shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall include details to confirm that all luminaires would be able to be fitted with shields if required, and details of mitigation measures that would be taken in the event of identified light intrusion to neighbouring residents. The lighting shall only be installed in accordance with the approved strategy and thereafter operated in accordance with the strategy.

Reason: To ensure satisfactory living conditions for neighbouring occupiers, in accordance with policy D3 of the London Plan 2021 and policy DM10 of the LDF Core Strategy 2012.

10 Prior to beneficial occupation of the development to which this permission relates, evidence showing that the development has achieved the improvement in CO2 emissions as set out in the Energy Strategy Ref: 20-7462 dated December 2020 (Syntegra Consulting) Ltd to achieve 63% carbon savings using SAP10 methodology and that the development has achieved at least the BREEAM excellent standard for the 'Wat 01' water category shall have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of sustainability and energy conservation, in accordance with policy SI2 of the London Plan 2021 and policies CS1, DM3 and DM4 of the LDF Core Strategy 2012.

11 Notwithstanding the information submitted prior to commencement of the use hereby approved, cycle storage facilities for a minimum of 48 short stay secure cycle parking spaces, and 14 long stay parking spaces for staff, shall be provided in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities should be covered, secure, and include appropriate space for a range of cycle types (non-standard larger cycles including cargo cycles, and cycles with trailers). Details required include cycle stand design, layout plans, elevations plans, and details of materials.

Reason: To ensure that appropriate opportunities to promote sustainable transport are taken up, in accordance with the minimum standards set out in policy T5 of the London Plan 2021 and policies CS6 and DM8 of the LDF Core Strategy 2012.

12 No customers shall be on the premises outside the hours of 07:00 to 22:00 on Monday to Saturday and 10:00 to 17:00 Sundays and Bank Holidays.

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

13 The development shall be implemented in accordance with the details and recommendations set out in the Preliminary Ecological Appraisal Report Ref 20-7462.

Reason: To safeguard the biodiversity and nature conservation value of the site, in accordance with policy G6 of the London Plan 2021 and policies CS3 and DM6 of the LDF Core Strategy 2012.

14 All works on site shall take place in accordance with the following details which shall have previously been submitted to and approved in writing by the Local Planning Authority prior to the commencement of work:

- (a) Provision for loading/unloading materials.
- (b) Storage of plant, materials and operatives vehicles.
- (c) Temporary site access.
- (d) Signing system for works traffic.
- (e) Measures for the laying of dust, suppression of noise and abatement of other nuisance arising from development works.
- (f) Location of all ancillary site buildings.
- (g) Measures to protect any trees, shrubbery and other landscape features to be retained on the site during the course of development.
- (h) Means of enclosure of the site.
- (i) Wheel washing equipment.
- (j) The parking of vehicles of the site operatives and visitors
- (k) The erection and maintenance of security hoarding.
- (l) Hours of construction and deliveries

Reason: This information is required prior to the commencement of the development in order to safeguard the amenities of the surrounding residential occupiers and to safeguard highway safety and the free flow of traffic in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

15 Full details must be submitted regarding the owner of the approved maintenance strategy for the proposed SuDS features, to demonstrate how the drainage system is to be maintained for the lifetime of the development.

Reason: To prevent the risk of flooding to and from the site in accordance with relevant policy requirements including but not limited to London Plan Policy SI 13, its associated Sustainable Design and Construction SPG, the Non-Statutory Technical Standards for Sustainable Drainage Systems and Kingston Council's Local Plan Policy DM4.

16 No building hereby permitted shall be occupied until evidence (photographs and installation contracts) is submitted to demonstrate that the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in

accordance with the agreed management and maintenance plan for all of the proposed drainage components.

Reason: To comply with the Non-Statutory Technical Standards for Sustainable Drainage Systems, the National Planning Policy Framework (Paragraph 103), the London Plan (Policies SI 12 and SI 13) along with associated guidance to these policies and Kingston Council's Local Plan Policy DM4.

17 The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to commencement of the development and shall be implemented in accordance with the approved details prior to occupation.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy CS 14 of Kingston Core Strategy: Safer Communities, Policy DM 22 Design for Safety and Policy SD6 of the London Plan (2021).

18 The use shall operate in accordance with the details of the refuse and recycling strategy set out in part 12 of the accompanying Design and Access Strategy, with all waste to be stored internally within the store and returned to the Regional Distribution Centres for recycling daily/weekly, via the same vehicle that delivers to the store.

Reason: To ensure the provision of refuse facilities to the satisfaction of the Council in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

19 The development shall be implemented and maintained in accordance with the approved Landscaping Scheme (Drawing Nos 1282 Rev F and 1282_1 REV B). The approved scheme shall be implemented within the first planting season following completion of the development and the tree planting and landscaping shall thereafter be maintained for five years to the satisfaction of the Local Planning Authority.

Reason: In the interests of visual amenity and also that the Local Planning Authority shall be satisfied as to the details of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

20 The development to which this permission relates shall be carried out in accordance with recommendations set out within the Tree Survey Rev.B dated 10 December 2020. The approved measures shall be implemented prior to commencement of any work on site and maintained to the reasonable satisfaction of the Local Planning Authority until the completion of the development.

Reason: To safeguard trees worthy of retention and in the interests of the character and appearance of the area, in accordance with policy G7 of the London Plan 2021 and policies CS8 and DM10 of the LDF Core Strategy 2

21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no telecommunications equipment shall be installed on the roof of the development hereby approved without the written approval of the Local Planning Authority.

Reason: To ensure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

22 The car parking shown on the approved plans shall be provided with a hard-bound, adequately-drained, dust-free surface prior to beneficial occupation of the development to which this permission relates and shall be permanently retained and kept free from obstruction thereafter. It shall not be used for any purposes other than the parking of vehicles for the occupiers of and visitors to the development.

Reason: To ensure the provision of adequate off-street parking in the interests of the safety and operation of the highway network, in accordance with Policies CS7 and DM9 of the LDF Core Strategy 2012.

23 Prior to the beneficial occupation of the development hereby approved, 1 rapid, 2 fast and 22 passive electric vehicle charging points (EVCP) shall be provided on site for the charging of electric or Ultra-Low Emission vehicles. The installed charging infrastructure shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To encourage more environmentally friendly modes of travel in accordance with Policy T6.1 of the London Plan (2021).

24 Prior to the first beneficial occupation of the commercial unit hereby approved, a finalised delivery and service management plan shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved plan.

Reason: To ensure proper delivery and service management in the interests of the safety and operation of the highway network, in accordance with Policies CS7 and DM9 of the LDF Core Strategy 2012.

25 Notwithstanding Section 55 of the Town and Country Planning Act 1990 (as amended) and the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and reenacting that Order with or without modification), the commercial premises hereby approved shall only be used for Class E(a) uses and for no other purposes whatsoever.

Reason: To ensure that the development provides suitable and adequate employment floorspace in compliance with Policy DM17 (Protecting Existing Employment Land and Premises) of the 2012 Local Development Framework Core Strategy and to protect the amenities and privacy of the occupiers of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

Informatives

1. In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as

offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favorably.

2. Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.
3. The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
 - 1.1.1. carry out work to an existing party wall;
 - 1.1.2. build on the boundary with a neighbouring property;
 - 1.1.3. in some circumstances, carry out groundworks within 6 metres of an adjoining building.Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet".
4. Your attention is drawn to the fact that planning permission does not override property rights, and that if your proposal involves construction on or near the site boundary then you should take appropriate steps to ensure that you have correctly identified the position of the boundary, that you do not build over it, and that any works which affect a neighbours property in any way have the benefit of the appropriate agreement from the landowner. Failure to undertake the above steps may leave you liable to legal action by neighbouring landowners. If you require further information or advice, you should consult a solicitor.
5. When undertaking demolition and/or noisy building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays.

You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation, and that any works undertaken which impact

unreasonably upon the surrounding area may be subject to action by the Council's Environmental Health Department.

6. During construction, spoil could be carried from the site onto the public highway. The access into the site should be paved to minimise the carryover of spoil onto adjacent roads. We would also require the applicant to sweep and wash down the adjacent roads to ensure that the public highway is kept clear of debris. This is to ensure a satisfactory road surface for road safety reasons at all times.
7. Please note that this planning application has been assessed against current planning legislation only. The applicant (or any subsequent owner or developer) is therefore reminded that the onus of responsibility to ensure the proposed cladding installation meets current fire safety regulations lies fully with them and that they are legally obliged to apply for the relevant Building Regulations.
8. Reasonable efforts have been made to check that the plans submitted for the purposes of this planning application are consistent from one to the next, and that the development hereby approved can be implemented in accordance with all of the plans submitted. Should it transpire that this is not possible and that your plans are flawed, please be clear that it may be impossible to implement this permission, and that any development undertaken which relies on this permission may be unauthorised and subject to enforcement action if expedient.
9. It is drawn to your attention that advertisement consent will be required for signage to the commercial unit.