A Register No: 17/14178/FUL
Address: DEVELOPMENT LAND AT, 5-29 COOMBE ROAD, NEW MALDEN

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

Demolition of existing buildings. Erection of a 3-5 storey building and a 6-7 storey building providing 679sqm of retail and 331sqm of office space at ground floor level, 81 flats and 2 No 2 storey houses (including 6 No 3 bedroom affordable Discount Market Sale units) with associated amenity space and basement parking.

Application amended: Main amendments include increased setback from railway line to create additional public realm, alterations to design of buildings/ space to rear and alterations to number/ mix of residential units, amount of commercial floorspace and alterations to access ramp/ basement to provide a total of 42 car parking spaces

14 letters of objections, 2 letters of support have been received to the original proposal. Crossrail 2 safeguarding: Objection
6 letters of objection, 3 letters of support have been received to the revised proposal. Crossrail 2 safeguarding; No objection

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

- Principle of the Proposed Development
- Impact on the Character of the Area
- Retail/ employment
- Housing
- Quality of the Accommodation
- Impact on Neighbour’s Residential Amenity
- Highways and Parking
- Impact on delivery of Crossrail 2
- Legal Agreements

Key Standards Dashboard

<table>
<thead>
<tr>
<th>Planning Issue</th>
<th>Relevant Standard</th>
<th>Proposed</th>
<th>Is this Aspect in Accordance with the Development Plan?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density</td>
<td>170 u/ha</td>
<td>245.26 u/ha</td>
<td>No</td>
</tr>
<tr>
<td>Retail/ office floorspace</td>
<td>Existing 1776sqm</td>
<td>679sqm of retail and</td>
<td>Yes, given larger size of units/</td>
</tr>
<tr>
<td><strong>Housing units</strong></td>
<td>Existing 16 units</td>
<td>83 units</td>
<td>Yes</td>
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<tr>
<td><strong>Affordable housing</strong></td>
<td>50%</td>
<td>6 units (7.2% of total units/10.3% of total habitable rooms)</td>
<td>Yes, subjected to full viability test. Review mechanism will be undertaken.</td>
</tr>
<tr>
<td><strong>Unit Mix</strong></td>
<td>30% 3 beds</td>
<td>20.5% 3 beds</td>
<td>No</td>
</tr>
<tr>
<td><strong>Car Parking Spaces for Residential</strong></td>
<td>83 maximum</td>
<td>42</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Cycle Parking Spaces</strong></td>
<td>166 minimum</td>
<td>166</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Sustainability – C02</strong></td>
<td>Zero Carbon</td>
<td>37.5% reduction and a Carbon Offset Payment</td>
<td>Yes, subject to the receipt of the Carbon Offset payment</td>
</tr>
<tr>
<td><strong>Crossrail 2 potential safeguarding</strong></td>
<td>16m from railway station</td>
<td>16m from railway station</td>
<td>Accords with Crossrail 2 requirements</td>
</tr>
</tbody>
</table>

**Recommendation**

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

**BASIC INFORMATION**

National Planning Policy Framework (NPPF) 2012

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

**Policies**

LONDON PLAN JULY 2012
Previous Relevant History
None relevant

Consultations

1. Site and Press Notice. 422 neighbouring properties consulted.
2. 14 objection letters raising the following issues:
3. Concern that part of this land may be required for Crossrail 2
4. Loss of sunlight/ privacy
5. Impact on wind
6. Too many flats/ too intense/ too high
7. Flats/ more businesses/ retail not required in New Malden
8. Lack of family units and affordable housing
9. Loss of existing character/ history
10. Concern that existing backdrop of New Malden has not been shown correctly
11. Development would not add to the character of the locality
12. Loss of Heritage, including old cinema/ Gentleman's club
13. Concern regarding how this would relate to other developments
14. Impact on existing overburdened train services, schools, dentists and doctor's surgeries
15. Additional traffic and parking issues which are already a significant problem
16. Impact on bus services and emergency vehicle access
17. Persistent flooding would make basement parking challenging
18. Disruption and noise during construction
19. A new development could lift the whole area
20. Welcome new shops
21. Better than previous proposals
22. 2 letters of support:
23. This area is crying out for renewal and is a sensible proposal. Some concerns raised as above.
24. Network Rail: The developer must ensure that the proposal, during construction and after does not encroach onto Network Rail land or damage it or obstruct current or future Network Rail works. Network Rail should be consulted prior to commencement of works. Conditions suggested.
25. Transport for London Crossrail 2 Safeguarding: Objection. Outside the limit of Safeguarding as set out in the 2015 Safeguarding Directions. However, ongoing design work would indicate that the southern part of the application site would be required for the purpose of future scheme wide safeguarding to protect the land against adverse development that would prejudice the delivery of Crossrail 2.
26. RBK Flood Risk Officer: No objection subject to conditions.
27. Thames Water: No objection in relation to sewerage infrastructure and water infrastructure capacity subject to conditions.
28. RBK Environmental Health: No objection in relation to air quality, contaminated land and noise/ sound insulation subject to conditions
29. Climate and Sustainability: Acceptable subject to securing Carbon Offset contribution.
30. Kingston Upon Thames Society: support this application which has a varied height and massing and will make a valuable contribution to the townscape.
31. Reconsultation:
32. Transport for London Crossrail 2 Safeguarding: No objection subject to condition.
33. RBK Neighbourhood Engineer: No objection to parking provision. Parking stress in surrounding streets is 68% which would accommodate any on-street parking generated by the development. Cycle parking including access to it is acceptable subject to conditions. Traffic signal entry and exit should be provided to the underground car park. Servicing is acceptable subject to conditions. Concerns have been made regarding the proposed Construction Management Plan. A condition is proposed to secure this. A legal agreement should be entered into to: 1) Preclude residents from applying for on street residents parking permits or permits to park in Council owned car parks in the area and to inform potential buyers/ tenants of this exclusion and to publicise the lack of parking provision in sales brochures; 2) Free car club membership should be provided for all units for a period of 1 year; 3) A Section 278 Agreement to be entered into covering the construction of a loading bay, widening of the access, reconstruction of the footway in front of the development, realignment of the footway and any changes to the existing, or implementation of new Traffic Management Orders.
34. RBK Sustainable Transport: One year free membership and marketing of car club should be provided.
35. 6 objections:
36. Insufficient car parking/ overdevelopment leading to overspill parking in
surrounding streets and increased pollution and pedestrian/ highway safety concerns
37. Access across Coombe Road pavement with additional vehicle movements will lead to additional conflict with pedestrians
38. Car ownership should be restricted in leases of the accommodation
39. Concern that parking survey was done overnight when commuter parking is not taking place
40. A Controlled Parking Zone should be provided in surrounding streets to mitigate potential impacts of overspill parking
41. Excessive scale/ oppressive weight of design detail and choice of materials out of context with surroundings
42. Current London Plan policy emphasises that the scale and nature of development should be appropriate to the character of its setting, which takes precedence over draft London Plan
43. Lack of affordable housing/ contribution is unacceptable
44. Loss of light/ privacy to surrounding properties
45. New Malden Residents' Association: No comment.
46. 3 letters of support:
47. Development will support New Malden's growth, although housing should be affordable, the impact on school places should be taken into account and the businesses currently on site should be given priority for the new space as they are a key part of the community
48. Improvement in comparison to existing shops etc. New development will bring more shops/ restaurants and people to support them allowing more spend/ use of local shops rather than travelling to Kingston Town or Wimbledon
49. Design is appropriate.

Site and Surroundings

50. The existing site consists of two to three storey buildings incorporating a mix of retail/ restaurant/ estate agents and residential/ commercial units above and buildings to the rear including the rear of former Alric Road gardens.
51. The application site is located within New Malden District Centre. The existing parade is identified as a Shopping Frontage. Coombe Road is a Strategic Cycle Route. To the south of the site, the area between the station and application site is proposed to be a cycle route that connects to Raynes Park to the east. To the west of the site, a Strategic Cycle Route leads to the west.
52. To the immediate south of the site is New Malden Train Station and the raised railway lines. To the south of the railway line are two 16 storey towers (Apex Tower and CI Tower), a three storey building containing Bar Malden and a public square. To the east are the rear of the gardens of two storey houses in Alric Avenue. To the north east of the site is a three storey block of flats which is partly accessed via a public highway from Coombe Road route that divides the application site. To the west of the site on the opposite side of Coombe Road are two and three storey buildings consisting of retail/ restaurant/ pub uses with residential/ commercial uses above. To the north-west of the site beyond Coombe Road, the eastern part of Acacia Grove is designated
as a Strategic Area of Special Character and to the west of this is The Groves Conservation Area. This area contains mostly two storey houses.

Proposal

53. Demolition of existing buildings. Erection of a 3-5 storey building and a 6-7 storey building providing 679sqm of retail and 331sqm of office space at ground floor level, 83 flats with associated amenity space and basement parking.

54. The application has been amended to include an increased setback from the railway line to create additional public realm. Alterations have been made to the design of buildings/ space to the rear and alterations to number/ mix of residential units, amount of commercial floorspace and alterations to access ramp/ basement to provide a total of 42 car parking spaces.

55. The residential units now proposed are: 4 studio units, 24 one bedroom units, 38 two bedroom units and 17 three bedroom units (20.5% of the total). 6 of the three bedroom units (representing 10.3% of the total habitable rooms) would be provided as Discount Market Sale affordable housing. The proposal would consist of two buildings which would be faced in brickwork and incorporate a variety of windows and balconies.

Assessment

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

- Principle of Proposed Development
- Housing/ Mix of uses
- Impact on Character of Area
- Impact on Neighbour’s Residential Amenity
- Highways and Parking
- Trees
- Legal Agreements
- Sustainability
- Other Material Considerations

Principle of Proposed Development

56. The proposal seeks to redevelop an existing two/ three storey building. The site’s location within the New Malden District Centre adjacent to New Malden station ensures that the site is considered to be a sustainable location for development and accords with the National Planning Policy Framework (NPPF) to secure economic development and housing delivery.

57. Any development on this site will need to be assessed against Policy MC1 of the Core Strategy. The Royal Borough of Kingston upon Thames Core Strategy (April 2012) sets out the vision for the area, specifically
stating that:

58. New Malden District Centre will be a thriving and attractive shopping destination with a good range of walk-to retail provision to meet the needs of the diverse local community; and

59. Redevelopment at Cocks Crescent and around New Malden train station will enhance the vitality of the District Centre.

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

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

62. NPPF Paragraph 47 directs that, amongst other things, Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide 5 years of housing.

63. NPPF Paragraph 49 directs that housing applications should be considered in the context of the principle in favour of sustainable development

64. The Mayor has published a draft of his new London Plan for consultation between 1st December 2017 and 2nd March 2018. When adopted (planned for Autumn 2019), it will form a statutory part of our Development Plan and thus will be used in the determining of planning applications.

65. The draft London Plan is a material consideration in the determination of all planning applications. Consideration has been given to paragraph 216 of the NPPF which sets out that decision-takers may also give weight to emerging plans. However, Officers are of the view the policies at this stage of the London Plan’s production, attract limited weight. This is because the policies have not been subject to public scrutiny nor have they been examined by an independent planning inspector and accordingly, the policies may be subject to change.

Housing

Housing provision

66. Policy 3.3 of the London Plan (March 2016) states that the Mayor recognises the pressing need for more homes in London in order to promote opportunity and provide a real choice for all Londoners in ways that meet their needs at a price they can afford. Working with relevant partners, the Mayor will seek to ensure the housing need identified in paragraphs 3.16a and 3.16b of the London Plan to provide between 49,000 (2015-2036) and 62,000 (2015-2026) more homes a year is met particularly through provision consistent with at least an annual average of 42,000 net additional homes across London which will enhance the environment, improve housing choice and affordability and provide better quality accommodation for Londoners.
67. Table 3.1 (Annual average housing supply monitoring targets 2015 - 2025) of the London Plan requires the delivery of 6,434 dwellings within the plan period 2015-2025 at a rate of 643 dwellings per year within the Royal Borough of Kingston-upon-Thames. However, the 2017 Draft London Plan table 4.1 states that the draft 10 year (2019/20 -2028/29) net housing completion target for Kingston is 13,640, or 1,364 a year. This would be over double the current 2016 target.

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

69. CS Policy MC1 (f) states that the Council will welcome affordable housing across the Neighbourhood and work with developers and landowners to provide a range of new homes, including family housing with gardens outside New Malden District Centre and higher density homes within the District Centre.

70. CS Policy MC1 (h) states that the Council will support in-principle additional food stores of an appropriate scale, within New Malden District Centre, to attract shoppers and help retain a greater proportion of local retail expenditure.

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

72. The principle of development on the site for the delivery of significant amounts of housing and retail/ restaurant/ office is therefore established within Policy CS10 and MC1 of the Council's adopted Core Strategy. The principle of the development is therefore considered to be acceptable.

Housing Mix

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

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

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

76. CS Policy CS10 states that the Council will seek to ensure that a broad mix of accommodation options are available to residents and that a range of local housing needs are met. It continues that the Council will expect all new residential developments to positively contribute to the Borough's existing residential environment and character, in accordance with the Borough Character Study, while optimising housing output in line with London Plan density policies.

77. More recently, the Council has completed its Strategic Housing Market Assessment (SHMA), published in June 2016, together with three other Surrey authorities (Mole Valley, Epsom and Ewell and Elmbridge), which identifies a more pressing need for family housing. Table 6.14 of the SHMA identifies a need for 70% of new dwellings delivered to be 3+ bed units by 2035. A figure well in excess of the 2012 Core Strategy figure. The proposed dwelling mix is:

- 4 studio units (4.8% - original application was 6%)
- 24 one bedroom (29% - original application was 28%)
- 17 two bedroom (45.8% - original application was 42%)
- 17 three bedroom (20.5% - original application was 24%)

78. The proposed development has proposed 20.5% of the units to be 3 bedroom units, 17 of 83. The development proposes 83 units with a mix of 4 studio, 24 one bed, 38 two bed and 17 three bed flats. Given that the development is located within a district centre and due to the significant amount of family units that surround this site which are anticipated to reduce the demand for family sized flats in this location. Core Strategy Policy DM13 Housing Quality and Mix requires developments to incorporate a mix of unit sizes including a minimum of 30% of dwellings as 3 or more bedroom units, unless it can be robustly demonstrated that this would be unsuitable or unviable. The proposal is for only 20.5% of dwellings as three bed, which is therefore not in line with policy. The applicant, in the Planning Statement, recognises this departure from policy and provides a justification that this location would see little demand for family units based on estate agent evidence. Therefore there is no policy objection in this respect.
79. It is therefore considered that the proposal would provide a satisfactory mix of residential units in accordance with Policy 3.8 of the London Plan (March 2016) and Policies CS10 and DM13 of the Local Development Framework Core Strategy Adopted April 2012.

**Affordable Housing**

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

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

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

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

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

84. The Mayor of London states in his foreword to the Homes for Londoners Affordable Housing and Viability SPG (August 2017) that his long-term aim is for half of all new homes to be affordable, up from the low of just
13 per cent in planning permissions given towards the end of the previous Mayor's term. This guidance offers an ambitious and practical first step to raise the amount of affordable housing coming through the planning system and is included in the Mayor’s draft London Plan as draft policy H5 (Delivering Affordable Housing).

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

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

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

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

88. The applicant has offered 6 affordable three bedded Discount Market Sale units at a discount of 20% to market value. This would represent 10.3% of the total habitable rooms. The applicant has undertaken a viability assessment, which has been independently reviewed by a viability assessor for the Council. This demonstrates that with a profit level of 17.5%, the development would generate a significant loss. The profit level achieved would be 12.13% on Gross Development Value which is below the 17.5% that is generally considered to be a reasonable developer return.

89. The main reason for this lower level of profit is largely because of the high land value of the existing site due to it containing existing buildings and uses, which will be demolished/lost as part of this development. The Benchmark Land Value, which is the value of the existing land and uses, has been valued at £10,630,800. The total costs of the proposed scheme are £36,148,666, which includes the provision of a basement to provide car parking. A £625 per square foot sales value for the development has been accepted by the applicant, which is the same as the Blagdon Road development, although 5-29 Coombe Road has larger...
unit sizes which would generally sell for a lower value per sqft. Sessions have been set up to explain these figures to Members.

90. Although the proposed level of affordable housing is below the 50% policy compliant level, the viability assessment has shown that the scheme cannot provide more than 6 affordable three bedroomed housing units representing 10.3% of the total habitable rooms. However, should the application be approved, it would be subject to a review mechanism if the development is not commenced within 2 years to see if more affordable housing could be provided on site and in any event at 75% of the units being sold or let, in line with the Mayor's Supplementary Planning Guidance to capture any uplift in values. Additional affordable housing would not be possible within the scheme at this late stage, however, it would require the developer to provide a contribution to the borough towards offsite affordable housing. This is discussed in more detail in the Legal Agreements section below. The viability of the application is therefore in accordance with Policy DM15 of the Council’s adopted Core Strategy 2012.

**Quality of Accommodation**

*Internal Space Standards*

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

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

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

- 37 sqm for a studio flat with a shower room;
- 39 sqm for a studio flat with a bathroom;
- 50 sqm for a 1 bedroom, 2 person flat;
- 61 sqm for a 2 bedroom, 3 person;
- 70 sqm for a 2 bedroom, 4 person;
- 79 sqm for a 2 bedroom, 4 person, 2 storey; and
- 86 sqm for a 3 bedroom, 5 person.

**Access and Cores**
94. The Mayor's Housing SPG (March 2016) states in Standard 12 that each core within a residential block should be accessible to generally no more than eight units on each floor. There are no more than 8 units per core.

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

96. A condition is proposed to secure appropriate secured by design principles, including access control.

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

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

New Commercial Floorspace

99. The amended proposal sees changes in comparison to the original application in terms of the levels of retail and office floorspace to be provided. It proposes a reduction in the amount of retail floor area from 748sqm to 679sqm and a minor increase in the amount of office floorspace from 329sqm to 331sqm. The site is in New Malden District Centre where Core Strategy Policy DM19 seeks to protect existing retail uses. The policy states that in particular, in District Centres, shopping frontages should be retained predominantly for retail use. Although the proposal sees an overall loss of A Class land uses, the retail units are to be provided as A1 uses which supports the policy’s stance on a predominance of A1 uses in District Centres. The proposed level of office floorspace would also provide greater levels of employment than the existing industrial unit. Historically, there was previously a cinema on site. It has not been used as a cinema for some time and is currently used as a karaoke bar/restaurant with pool tables. There is no objection to its loss subject to adequate replacement commercial units. Overall the provision of new ground commercial floorspace fronting onto Coombe Road and the proposed route opposite the station would provide new commercially attractive units for retail/ café/ restaurant/ office uses.

Impact on Character of Area

99. The NPPF, The London Plan and the LDF Core Strategy together and amongst other things seek to ensure that in determining planning applications great weight should be given to the conservation of heritage assets and their setting.

100. Section 72(1) of the Planning (Listed Buildings and Conservation
Areas) Act 1990 (as amended) places a general duty on the Council with respects to Conservation Areas in exercising its planning functions. In considering whether to grant planning permission for development within a Conservation Area, the LPA shall have special regard to the desirability of preserving or enhancing the character or appearance of that area. As such, officers have given considerable importance and weight to the desirability or preserving the setting and character and appearance of heritage assets, including taking account of archaeological heritage.

101. Paragraph 131 states that in determining planning applications, local planning authorities should take account of:
   i) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
   ii) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
   iii) The desirability of new development making a positive contribution to local character and distinctiveness.

102. Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

103. Paragraph 133 further states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
   i) The nature of the heritage asset prevents all reasonable uses of the site;
   ii) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
   iii) Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
   iv) The harm or loss is outweighed by the benefit of bringing the site back into use.

104. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

105. In determining applications, Paragraph 128 of the NPPF requires local planning authorities to require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

106. London Plan policy 7.8 states that development affecting heritage
assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

107. Policy DM12 states that the Council will seek to:
   i) Preserve or enhance the existing heritage assets of the Borough through the promotion of high quality design and a focus on heritage-led regeneration;
   ii) Allow alterations which preserve or enhance the established character and architectural interest of a heritage asset, its fabric or its setting;
   iii) Ensure that development proposals affecting historic assets will use high quality materials and design features which incorporate or compliment those of the host building or the immediate area; and
   iv) Respect features of local importance and special interest through the consideration of form, scale, layout, and detailed designs of a site, area or streetscape.

108. The proposal would be visible at the end of Acacia Grove being a minimum of 35m from the Strategic Area of Special Character and 85m from The Groves Conservation Area. Whilst it would result in a change in the setting of the Strategic Area of Special Character and Groves Conservation Area, it is considered to be a positive change as the development would have an improved design/ appearance in comparison to the existing buildings. Glimpses of the taller elements may be seen from these areas, however, these would not have a significant impact on the setting of these Heritage Assets.

109. As such Officers conclude that the proposal would preserve the setting of the Strategic Area of Special Character and The Groves Conservation Area and would be in accordance with policies contained within the National Planning Policy Framework 2012, the London Plan 2016, The Local Development Framework 2012 and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

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

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

113. Paragraph 63 details how when determining applications, significant weight should be given to outstanding or innovative designs, whilst Paragraph 64 advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
114. Paragraph 65 states that Local Planning Authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).

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

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

117. LP Policy 7.7 (Tall Buildings) states that tall and large buildings should be part of a plan-led approach to changing or developing an area by the identification of appropriate, sensitive and inappropriate locations. Tall and large buildings should not have an unacceptably harmful impact on their surroundings. Applications for tall or large buildings should include an urban design analysis that demonstrates the proposal is part of a strategy that will meet the criteria below. This is particularly important if the site is not identified as a location for tall or large buildings in the borough's LDF.

118. The policy continues that tall and large buildings should:

1. Generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport;
2. Only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;
3. Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;
4. Individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London;
5. Incorporate the highest standards of architecture and materials, including sustainable design and construction practices;
6. Have ground floor activities that provide a positive relationship to the surrounding streets;
7. Contribute to improving the permeability of the site and wider area, where possible;
8. Incorporate publicly accessible areas on the upper floors, where appropriate; and
9. Make a significant contribution to local regeneration.
10. Tall buildings:
11. Should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference; and
12. Should not impact on local or strategic views adversely.

119. The policy concludes that the impact of tall buildings proposed in sensitive locations should be given particular consideration. Such areas might include conservation areas, listed buildings and their settings, registered historic parks and gardens, scheduled monuments, battlefields, the edge of the Green Belt or Metropolitan Open Land, World Heritage Sites or other areas designated by boroughs as being sensitive or inappropriate for tall buildings. The Groves Conservation Area is located approximately 85 metres to the west of the development site.

120. There is currently not an absolute definition of what constitutes a tall building, with the definition subjective and considered against the height relative to context and the proportion of the building. The Design Council ‘Guidance on Tall Buildings (July 2007) highlights that a tall building is not defined rigorously but is defined by a building that significantly changes the skyline or is substantially taller than their neighbours. The Mayor's draft London Plan states in draft policy D2 (Delivering Good Design) that a tall building would be one that is either defined by a borough’s Local Plan as a tall building or a building that is more than 30 metres in height where a borough doesn't have its own definition. The buildings are not considered to be tall buildings, however, even if they were, it is considered that they would comply with policy/guidance in relation to tall buildings.

**Density**

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

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

123. LP Policy 3.4 (Optimising Housing Potential) states that taking into account local context and character, design principles and public transport capacity, development should optimise housing output for different types of location within the relevant density range. Development proposals which compromise this policy should be resisted.
However, paragraph 3.28 of the supporting text for this policy states that a rigorous appreciation of housing density is crucial to realising the optimum potential of sites, but it is only the start of planning housing development, not the end. It is not appropriate to apply the density ranges mechanistically. The density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential - local context, design and transport capacity are particularly important, as well as social infrastructure, open space and play.

CS Policy CS10 (Housing Delivery) provides clear guidance that the preferred locations for new housing at the greatest density within the Borough are Kingston Town Centre, the three District Centres (including New Malden), areas with the highest PTAL and in areas in need of improvement or renewal. Figure 20 of the Core Strategy identifies an estimated capacity of 200 homes in and around New Malden District Centre.

Given the site is located within a district centre, next to New Malden Station and the general height range of 2-4 storeys surrounding it, the development site is considered to be in an 'Urban' location. In applying the London Plan Density Matrix Table 3.2, given the site has a PTAL rating of 3, is in an 'Urban' location and has an average of 2.8 habitable rooms (hr) per unit, the appropriate density range for this site is between 70-170 u/ha and 200-450 habitable rooms per hectare. However, the supporting text for LP Policy 3.3 clearly states it is not appropriate to apply Table 3.2 mechanistically.

The Mayor's draft London Plan draft policy D6 (Optimising Housing Density) seeks to remove restrictions on density, instead seeking higher quality design above certain thresholds, dependant on PTAL levels, with the emphasis now on maximising density, subject to design and future infrastructure.

The Mayor’s Housing SPG (March 2016) states in supporting paragraph 1.3.67 that the London Plan defines density in terms of net residential site area. This relates to the 'red line' planning application site boundary and excludes adjoining footways, carriageways, paths, rivers, canals, railway corridors and other existing open spaces. It includes the proposed homes, non-residential uses in mixed use buildings, ancillary uses, car and cycle parking areas and proposed internal access roads. It generally includes proposed on-site open spaces (including publicly accessible spaces), gardens and children’s play areas. The percentage of the total floorspace is used to calculate the net residential area. 89% of the floorspace of the site is residential.

89% of the site area of 0.38 hectares is 0.338 hectares resulting in a density of 245 residential units per hectare and a density of 691 habitable rooms per hectare. These figures are above the ranges stated in the London Plan for this location, which are up to 170 units per hectare and 450 habitable rooms per hectare.

Policies CS10 identifies the site as a Housing Opportunity Area where significant contributions towards the delivery of housing should be sought which will in turn have a significantly different density to ensure compliance with current policy requirements to maximised densities especially in sustainable locations.

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

132. Whilst it is recognised that the density would be well above the prevailing character of the surrounding area and above the London Plan density matrix, it should be noted that the site is located adjacent to New Malden Station within a housing opportunity area. Given the characteristic of the location, the size of the development and with consideration to paragraph 65 of the NPPF in relation to sustainable developments that could be incompatible with existing townscapes, overall it is considered that the site could support increased densities without being detrimental to the character of the surrounding area as a whole, subject to other material considerations.

133. The proposed density of the development is not considered to have a detrimental impact on the character of the surrounding area and therefore the application is in accordance with Policy DM10 of the Council's adopted Core Strategy, subject to further consideration below.

Public Realm

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

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

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

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

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

139. The application proposes 3.7m to 6.8m depth of public realm along the 48m frontage facing the station. This could combine with the remainder of the space between the site and the station and the New Malden to Raynes Park cycle route. The applicants have agreed to pay £200,000 to upgrade the 16m x 59m space to provide a high quality public square between the station and this site at the entrance/exit to the potential new cycle route. The provision of the space within this site and the contribution would help to ensure a large high quality space for New Malden and would be a significant benefit, which would be enlivened by the proposed commercial units fronting this space. This would be secured by the Section 106 agreement. In addition the area along coombe Road would be repaved and widened by 3.1m to 3.7m for a distance of 47m, which would provide further improved public realm. This would be secured by a Section 278 agreement. Inside the development, there would be a hard and soft landscaped communal square. Although this is compromised by the existing public highway, given this constraint, it would provide a reasonable space for residents of the development.

Quality of New Housing

Air Pollution

140. The Air Quality Assessment confirms that the impact of the development in relation to the emissions from the building and transport would be below the relevant benchmarks. The proposed development therefore complies with the requirement that all new developments in London should be at least air quality neutral. No concerns have been raised by the RBK Environmental Health officers about the impact of any air pollution on the future occupiers. The construction works have the potential to create dust. During construction it will therefore be necessary to apply a package of mitigation measures to minimise dust emissions. With these measures in place, it is expected that any residual effects will be not significant.

Sunlight and Daylight

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

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

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

144. Housing SPG paragraph 2.3.38 states that a dual aspect dwelling is defined as one with openable windows on two external walls, which may be either on opposite sides of a dwelling or on adjacent sides of a dwelling where the external walls of a dwelling wrap around the corner of a building (the provision of a bay window does not constitute dual aspect). One aspect may be towards an external access deck or courtyard, although the layout of the dwelling needs to be carefully considered in these cases to maintain privacy.

145. Housing SPG paragraph 2.3.39 states that single aspect dwellings are more difficult to ventilate naturally and more likely to overheat (see Standard 29 and Policy 5.9). This is an increasing concern in London due to anticipated temperature increases related to climate change, coupled with the urban heat island effect that is experienced in high density areas of the city. The design of single aspect flats will need to demonstrate that all habitable rooms and the kitchen are provided with adequate ventilation, privacy and daylight and the orientation enhances amenity, including views. North facing single aspect dwellings should be avoided wherever possible. However, in applying this standard consideration should also be given to other planning and design objectives for a site, for example the aim to maximise active frontages and minimise inactive frontages.

146. Housing SPG paragraph 2.3.40 states that good single aspect one and two bedroom homes are possible where limited numbers of rooms are required, the frontage is generous, the plan is shallow, the orientation and or outlook is favourable, and care is taken to mitigate the potential for overheating without the need for mechanical cooling.

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

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

149. Housing SPG Standard 29 states that developments should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing, or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided.

150. CS Policy DM10 states that development proposals should have regard to the amenities of occupants, including in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbance.

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

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

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

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

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

156. The guidance suggests that, for new dwellings provided with electric lighting, kitchens and combined K/L/D (kitchen/living/dining) should attain at least 2% ADF, living and dining rooms at least 1.5% ADF and bedrooms at least 1% ADF.

157. To assess Sunlight, an APSH (Actual Predicted Sunlight Hours) test is used to calculate the percentage of statistically probable hours of sunlight received by each window in both the summer and winter months. March 21st through to September 21st is considered to be the summer period while September 21st to March 21st is considered the winter period.

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

159. A full Daylight and Sunlight Report has been received. The scheme proposes no single aspect, north facing units.

160. The document demonstrates that 87.3% of the habitable rooms would have levels of daylight in accordance with BRE guidelines for internal daylight. The level of daylight afforded to the rooms is considered to be acceptable. Most units would have good access to sunlight. The fourth, fifth and sixth floor and ground floor amenity spaces (facing east) would have good access to sunlight. The ground floor courtyard area would have relatively limited access to sunlight but overall the access to sunlight is considered to be acceptable.

Overlooking and Privacy

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

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

163. Standard 28 of the Mayor's Housing SPG (March 2016) states that Design proposals should demonstrate how habitable rooms within each dwelling are provided with an adequate level of privacy in relation to neighbouring property, the street and other public spaces. The distance between the windows of directly facing flats exceeds 21m. Between directly facing balconies the distance is 17m. The distance is less than this in some locations, but these are between oblique, rather than directly facing windows.

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

165. Policy Guidance 16 (Separation Distances) of the Residential Design Guidance states that for all new residential developments, the minimum separation distance between a habitable room window and the flank wall of a neighbouring property should be 15 metres.

166. The applicant has demonstrated in the Design and Access
Addendum through a combination of window placement and obscure glazing that at all levels of the proposed building, no habitable non-obscure glazed windows will face each other and that all habitable rooms will have at least one windows in excess of 15 metres from a flank elevation. This will be secured by way of a condition. The east facing units would have a minimum distance of 5.8m to the boundary. This is below the standard of 7.5m, but would not be considered to be unacceptable as the outlook would still be acceptable, particularly as many of these units have angled windows to avoid looking directly at the more private parts of the adjacent gardens. The proposed overlooking and privacy of the proposed units is considered to be acceptable.

**Overheating**

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

168. The policy continues that major development proposals should meet the minimum standards outlined in the Mayor's supplementary planning guidance and this should be clearly demonstrated within a design and access statement. The standards include measures to achieve other policies in this Plan and the following sustainable design principles including:

- Avoiding internal overheating and contributing to the urban heat island effect; and
- Ensuring developments are comfortable and secure for users, including avoiding the creation of adverse local climatic conditions.

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

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

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

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

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

173. Policy DM 10 (Design Requirements for New Developments) states that development proposals should have regard to the amenities of occupants.

174. An Overheating Report has not been submitted with the application to demonstrate that the proposed units would not be subject to an unacceptable level of overheating, although there are only five units proposed with solely south facing elevations. These units have incorporated winter gardens to reduce solar gain. A condition is proposed to secure any mitigation necessary.

Noise

175. Given some of the residential properties will have commercial units below them and will be opposite a railway station/ line and located within a district centre location, a condition requiring the submission of soundproofing measures will be required. This condition would ensure that the proposed residential properties would be protected from any noise generated by the nearby commercial properties, users of the town centre and the railway line.

176. In addition, a condition requiring full details of any proposed plant or machinery to be submitted prior to the occupation of the development would be added to any permission. The condition would also require details of soundproofing to ensure that the noise from any plant would be at least 5dBA lower than the existing background noise level at any given time of operation. The condition would ensure that any proposed plant would not have a significant detrimental impact on the amenity of any of the proposed residential properties or any existing surrounding properties.

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

178. The policy states that development proposals which compromise the delivery of elements of this policy, may be permitted if they are demonstrably of exemplary design and contribute to achievement of other objectives of this Plan.

179. The Mayor's Housing SPG (March 2016) Standard 27 states that the minimum depth and width for all balconies and other private external spaces should be 1500mm.

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

181. The development is required to provide a minimum of 902 sqm of private amenity space (with any shortfall made up by communal amenity space) and a minimum of 50 sqm of communal amenity space making a total of 952 sqm.

182. The application proposes 733 sqm of private amenity space and 490 sqm of communal amenity space making a total of 1223sqm.

183. The total amenity space for the proposed development is therefore in excess of the minimum requirements for amenity space and considered to provide a good level of private and communal amenity space.

Playspace

184. The calculation guide set out within the London Plan Shaping Neighbourhoods: Play and Informal Recreation SPD (September 2012) calculates that this development providing 4 studio, 24 one bed, 37 two bed and 15 three bed flats and 2 two bed houses would be expected to accommodate 9 children (six u5 yr olds, three 5-11 yr olds and one 12+ yr olds) thereby providing a minimum of 97.3 sqm of children's play space. Table 4.6 (Playable Space Typology) states that the minimum size of doorstep play, for the age group 0-5, should be 100 sqm. In addition it states that the minimum size for local playable space, for the age group 5-11, should be 300 sqm; however, Table 4.7 (Play Provision in New Developments) states that for between 10 and 29 children, developments can use local playable space within 400 metres to make up this provision if it cannot be provided on site.
185. Doorstep play is defined as a landscaped space including engaging play features for young children under 5 that are close to their homes, and places for carers to sit and talk.

186. Local playable space is defined as a landscaped space with landscaping and equipment so that children aged 0 to 11 can play and be physically active and they and their carers can sit and talk.

187. There is no local playable space within 400m of the site and therefore this should be provided on site. This would be subject to condition.

**Impact on Neighbours’ Residential Amenity**

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

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

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

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

192. Policy Guidance 16 (Separation Distances) of the Residential Design Guide states that a separation distance of no less than 21m shall normally be maintained between facing windows of habitable rooms.

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

194. The nearest neighbouring properties to the application site to be considered in any assessment of impact on residential amenity from the proposed development are 8-12, 16, 18, 20, 22, 24, 26, 31, 33 Coombe Road, 1, 2, 4, 6 Alric Avenue.
195. The applicant has submitted a Daylight and Sunlight Report in accordance with the BRE Guidelines to assess the impact of the development on surrounding properties. The submitted layout plan and the parameter plan relating to height allow for an accurate assessment of the impact that both the detailed and outline elements of the proposal would have on neighbouring residential properties in terms of overshadowing, overlooking and impact on daylight/sunlight.

**Overshadowing and Overlooking**

196. The proposed development would not have any significantly detrimental overshadowing or overlooking impacts on the surrounding neighbouring residential properties.

**Daylight/Sunlight**

197. The BRE guidance suggests that sunlight is most important in main living rooms and that kitchens and bedrooms are less important. Furthermore, only windows which face within 90 degrees of due south are relevant for consideration as part of an Actual Predicted Sunlight Hours (APSH) Assessment (sunlight assessment).

198. The BRE guidance also states in paragraph 3.2.11 that if a living room of an existing dwelling has a main window facing within 90 degrees of due south, the sunlighting of the existing dwelling may be adversely affected if the centre of the window:

- Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March and;
- Receives less than 0.8 times its former sunlight hours during either period and;
- Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

199. BRE Guidance states that if the windows retain 0.8 times their former value, then the change in light levels would be acceptable.

200. A Vertical Sky Component (VSC) Assessment is used to assess the impact of a new development on existing buildings daylight with Average Daylight Factor (ADF) used to predict the impact of a proposed development onto another proposed development. BRE Guidance states that if the windows retain 0.8 times their former value, then the light levels are acceptable.

201. 49 out of 56 rooms (87.5%) in 8-12, 16, 18, 20, 22, 24, 26, 31, 33 Coombe Road, 1, 2, 4, 6 Alric Avenue would comply with daylight distribution standards with impacts above 20% loss for 2 and 4 Alric Avenue although each of these would have 3 rooms that are not significantly affected.

202. 53 out of 56 windows (94.6%) would comply with guidance in respect
of average daylight factor methodology. 1 room in each of 31 Coombe Road, 2 and 4 Alric Avenue would have light levels below that recommended in the BRE Guidance.

203. 82 out of 85 (96.5%) of windows would comply with guidance in relation to Annual Probable Sunlight Hours and 2 of the 3 falling short have another window that meets BRE criteria.

204. Although there would be some significant impacts, this is not unusual for an urban location. Overall there is general compliance with the guidance. Losses that exceed the criteria should be weighed against the benefits of the proposal.

205. An assessment of the impact of the proposed development on the amenity areas of the potentially most affected properties at 2-8 Alric Avenue have been undertaken. This demonstrates that all these amenity areas would still retain access to sunlight for 2 hours per day for between 55% and 100% of the time, which would pass the Building Research Establishment’s guidance in relation to sunlighting which requires at least half a garden to receive at least 2 hours of sunlight on 21st March. The loss of direct sunlight to 4 and 6 Alric Avenue would be 73% and 72% respectively which exceeds the recommended retention of direct sunlight of 80%, however, because these properties would have 62% and 71% respectively of their gardens having at least 2 hours of sunlight on 21st March this loss is accords with the guidance.

*Plant Noise*

206. A condition requiring full details of any proposed plant or machinery to be submitted prior to the occupation of any phase of the development would be added to any permission. The condition would also require details of soundproofing to ensure that the noise from any plant would be at least 5dBA lower than the existing background noise level at any given time of operation.

207. The separation distance and use of a condition would ensure that any proposed plant would not have a significant detrimental impact on the amenity of any of the neighbouring residential properties.

*Highways & Parking*

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

- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost
effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

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

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

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

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

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

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

214. CS Policy MC1 (d) states that the Council will promote and enhance sustainable transport options including by ensuring a better management of parking supply in New Malden District Centre especially at Blagdon Road Multi-Storey Car Park.

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

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

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

218. New Malden station is located opposite the site with 6 trains per hour direct to London Waterloo via Wimbledon and 2 trains per hour to Hampton Court, Shepperton via Kingston and London Waterloo via Kingston and Richmond.

219. The nearby bus stops are located on the High Street on the other side of the railway line and on Kingston Road and Burlington Road, approximately 600-700 metres away. These bus stops are served by bus numbers 131, 152, 213, 265 and K1 providing a typical frequency of 1 bus every 8-12 minutes. These various bus routes provide access between New Malden and Kingston, Twickenham, Surbiton, Hounslow, Wimbledon, Tooting and Putney.

220. The other routes are the K5 and X26 with a service once and twice an hour respectively. These various bus routes provide access between New Malden, Morden and Kingston and New Malden, Kingston, Croydon and Heathrow Airport respectively.
Car Parking

221. The site has a Public Transport Accessibility Level (PTAL) of 3. The application is proposing 42 car parking spaces in the proposed basement.

222. London Plan Table 6.2 (Car Parking Standards) states that the maximum parking standards for a 1 or 2 bed unit is less than 1 per unit with up to 1.5 spaces per 3 bed unit. The Mayor’s draft London Plan draft policy T6.1 (Residential Parking) removes the maximum parking standards based on unit size and instead introduces a PTAL and location based system. For an Outer London PTAL 3 location, the draft policy states that a maximum of up to 0.75 car parking spaces per unit would be acceptable.

223. The reduction in the size of the basement car park to comply with Crossrail 2 future safeguarding has resulted in the loss of 9 car parking spaces. The proposal for 42 car parking spaces for the new development is in accordance with the London Plan (2016). The submitted Transport Statement shows the existing parking stress to be 68%. Parking beat surveys were undertaken on 5th July and 7th July which show that there is sufficient available capacity on the residential streets surrounding the site to accommodate any potential demand for on-street parking generated by the development. The submitted Transport Statement shows traffic signal entry and exit to the proposed underground car park. A condition is proposed to secure this. The proposed level of car parking is considered to be acceptable The Council’s Neighbourhood Engineer raises no objection to the amount of car parking.

Cycle Parking and Pedestrians

224. The London Plan cycle parking standards state that for 24 one bedroom units and 67 units of two or more bedrooms, the proposal would be required to provide 158 cycle parking spaces on the basis of 1 per one bedroom unit and 2 per two or more bedroom unit.

225. The London Plan also states that 1 visitor cycle parking space per 40 units should be provided. The site would therefore need to provide 3 visitor cycle parking spaces.

226. The applicant is proposing 138 cycle parking spaces for the development in stores located in the basement car park. This provision is in accordance with the London Plan. Sheffield Stands should be used. It should be covered, safe, secure, well lit and should satisfy the layout criteria outlined in Appendix 6 of the Sustainable Transport SPD. Access to the proposed cycle store is via a dedicated lift large enough to accommodate cycles. Cycle parking for both the retail and offices should be in accordance with the London Plan. Sheffield Stands should be used. It should be covered, safe, secure, well lit and should satisfy the layout criteria of appendix 6 of the Sustainable Transport SPD.
Servicing

227. The proposed on street loading and rear servicing is acceptable in principle, however, it should be in accordance with TfL’s Kerbside Loading Guidance Advice note FU/08. Hours restrictions should be imposed on servicing to limit the impact on residential amenity.

Sustainability

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

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

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

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

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

233. LP Policy 5.3 states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Development proposals should also demonstrate that sustainable design standards are integral to the proposal, including its construction and operation, and ensure that they are considered at the beginning of the design process. Major Developments should:
Minimise carbon dioxide emissions across the site, including the building and services (such as heating and cooling systems).
Avoid internal overheating and contributing to the urban heat island effect.
Make efficient use of natural resources (including water), including making the most of natural systems both within and around buildings.
Minimise pollution (including noise, air and urban run-off).
Minimise the generation of waste and maximising reuse or recycling.

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

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

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

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

237. Policy 5.2 of the London Plan and Policy DM1 of the LDF Core Strategy states that new residential development would be expected to achieve the equivalent of Code for Sustainable Homes Level 4. The submitted Energy Statement demonstrates that the development could meet these requirements. Subject to a condition requiring the development to achieve not less than the CO2 reductions (ENE1) and internal water usage (WAT1) standards equivalent to Code for Sustainable Homes level 4, the proposal in this respect would be in accordance with Policy 5.2 of the London Plan and Policies CS1 and DM1 of the LDF Core Strategy.

238. The submitted Energy Statement commits to zero carbon
throughout the development; however, the cumulative onsite carbon reduction measures proposed would be 37.5% so would exceed the London Plan target of a 35% on site reduction, but falls short of zero carbon. To meet the requirements of LP policy 5.2 for zero carbon homes a Carbon Offset would need to be paid to the Council in payment of not being a Zero Carbon development. This is calculated as a financial mitigation of £81,000 for 45 CO2 tonnes per year, per 30 years. This would be secured via the Section 106 agreement.

239. The proposed development would have an acceptable level of sustainability and would therefore be considered acceptable in sustainability terms, subject to conditions relating to future connections to a District Heat Network should one come into existence in the immediate locality and ensuring that the residential elements meet their respective sustainability targets.

Legal Agreements

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

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

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

- "A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
  - necessary to make the development acceptable in planning terms
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development".

243. The legal agreement will secure:

1) 6 No. 3 bedroom affordable Discount Market Sale flats at a discount of 20% to market value in perpetuity for people on the Council’s Housing List;
2) £81,000 towards a Carbon Offset contribution;
3) £200,000 to upgrade the public realm between the development site and New Malden Railway Station;
4) Exclusion of residents/ businesses from any future Controlled Parking Zone in this location and for permits to park in Council-owned car parks in the area and publicity in sales brochures in
relation to the lack of parking provision;
5) Provision of free car club membership for occupiers of the development for 1 year from first occupation and publicity for the car club;
6) A Section 278 Agreement to include alterations to the highway in the courtyard of the proposed development, construction of a loading bay, widening of the access into the site, reconstruction of the footway along the whole frontage of the development, realignment of the footway and any other associated Traffic Management Orders.

244. In addition to the above affordable housing, the application will be subject to:
1) An Early Stage Review – To ensure an applicant fully intends to build the permission, an Early Stage Viability Review will be triggered if an agreed level of progress on implementation is not made within two years of the permission being granted or as agreed with the LPA. The review will consider market changes in Gross Development Value (GDV) and build costs between the point of planning permission and the point of review; the estimated GDV and build costs submitted as part of the original application will be compared against the updated scheme valuation and elemental cost plan. This will result in additional onsite affordable housing in the event that viability has improved since the application stage;
2) A Late Stage Review – This will be applied once 75% of the homes on site are sold, or at any point agreed by the Council. This review will take place prior to sale of the whole development to ensure that the review and any additional contribution arising from this are enforceable. The outcome of this review will typically be a financial contribution towards off-site affordable housing provision within the borough up to the equivalent of 50% affordable housing on the scheme.

245. In addition the application is liable to pay Kingston CIL and Mayoral CIL. The application site is located within Kingston CIL charging zone 3, which currently has charges of £85/m² for additional residential floor space and £200 for retail-convenience based supermarkets and superstores and £20 per square metre for other retail and other uses. The Mayoral CIL charge for Kingston is currently set at £35/m² for any additional floor area. The total proposed residential floor space is proposed to be 6935.2 m², 797m² retail and 331m² office floorspace. The existing floorspace is 3282m². The total additional floor space is proposed to be 4781.2 m².

246. The CIL liability is approximately to be £369,352 for Kingston CIL and £199,069 for Mayoral CIL for a total of £568,241.

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

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

Other Material Considerations

Future Safeguarding for Crossrail 2

249. Transport for London's Crossrail 2 Safeguarding team’s objection to the originally submitted proposal have been overcome. The proposed development would not therefore, based on current information, be considered to impact on the construction and delivery of improvements to New Malden Station and the railway lines that travel through New Malden to other parts of the Royal Borough of Kingston and beyond.

Accessibility and Inclusion

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

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

252. Policy 3.8(c) of the London Plan states that 90% of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings'. A condition will be added to seek compliance with this policy.

253. Paragraph 3.48A of the London Plan states that to comply with requirement M4 (2), step-free access must be provided. Generally this will require a lift where a dwelling is accessed above or below the entry storey. The application of requirement M4 (2) has particular implications for blocks of four storeys or less, where historically the London Plan has not required lifts. Boroughs should seek to ensure that units accessed above or below the entry storey in buildings of four storeys or less have step free access. However, this requirement may be subject to development-specific viability assessments and consideration should be given to ongoing maintenance costs. Step-free access is provided to 81 out of 83 flats, including those in blocks of 4 storeys or less. The amount of step free units is considered to be acceptable.
Policy 3.8(d) of the London Plan 10% states that new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. 5 out of 83 (6%) apartments meet the criteria of M4 (3) 'wheelchair user dwellings', which is short of the 10% required by the London Plan. A condition will be added to seek compliance with this policy.

Paragraph 3.49A Part M4 (3) of the Building Regulations regarding 'wheelchair user dwellings' distinguishes between 'wheelchair accessible' (a home readily useable by a wheelchair user at the point of completion) and 'wheelchair adaptable' (a home that can be easily adapted to meet the needs of a household including wheelchair users). The Planning Practice Guidance 15 states that Local Plan policies for wheelchair accessible homes should only be applied to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling. Boroughs should therefore specifically assess the level of need for wheelchair accessible dwellings and identify this in their LDF policies. A minimum of 10% of the 83 units would need to be M4(3) compliant. 5 units are proposed to be wheelchair compliant. A condition will be added to seek compliance with this policy.

The proposed development is therefore considered to be acceptable in terms of accessibility and inclusion subject to amendments to be secured by condition.

Designing out crime

The Metropolitan Police Secured by Design Officer has requested security measures for the development which are proposed to be conditioned. Concern was raised regarding the external staircases and raised planters which could be used as impromptu seating areas and potentially become a focus for anti-social behaviour and an increase in fear for those having to walk past. Although the external stairs are necessary to provide access to the upper flats, the area around it could be re-designed to attempt to resolve these concerns. A condition is proposed to secure this.

Air Quality

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

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

260. The policy states that Development proposals should:

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

261. An Air Quality Assessment has been submitted with the application which assess the impacts of the development during both construction and operational periods. The building and transport related emissions associated with the proposed development are both below the relevant benchmarks. The proposed development therefore complies with the requirement that all new developments are at least air quality neutral. The construction works have the potential to create dust. During construction it will therefore be necessary to apply a package of mitigation measures to minimise dust emission. With these measures in place, it is expected that any residual effects will be ‘not significant’.

262. It is therefore concluded that the air quality impacts associated with the proposed development are not significant and can be addressed
through appropriate conditions. Therefore, the Pollution Control Team do not have objections to the proposed development provided that suitable conditions are attached, including specifications for non-road mobile machinery.

**Biodiversity**

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

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

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

266. The site is not subject to any statutory or non-statutory nature conservation designation, although it is adjacent to the Site of Importance for Nature Conservation (Malden Golf Course and Thames Water Pipe Track) adjacent to the south-east corner of the application site. Policy DM6 states that an ecological assessment should be provided on major development proposals, or where a site contains or is next to significant areas of habitat or wildlife potential.

267. The application site would not be located within a Site of Importance for Nature Conservation, although the site does border it. Given that this area will undergo some changes if the cycle route is implemented and the lack of direct impact on this area, which has in any case been ripped up by Thames Water to allow them to do works to their water pipe that runs under this area, it is considered acceptable in this instance to have an ecological assessment secured by condition.

**Flooding and Surface Water Drainage**

268. The site is located in Flood Zone 1 (low risk: less than 1 in 1000 year), which is an area not considered to be at risk of tidal or fluvial flooding.

269. Surface water flooding attenuation is proposed to be provided within cellular storage units or similar beneath the proposed access road away from the basement car park area. This is considered acceptable by the Council’s Surface Water Drainage Officer.

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

Health Impacts

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

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

273. CS policy DM21 (Health Impacts) states that all major developments must submit a Health Impact Assessment (HIA) as part of their application to assess the positive and negative effects of a development.

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

275. The submitted HIA states that "the local healthcare provision will not be adversely affected as there is existing capacity. This proposal would result in a CIL payment to Kingston Upon Thames, which could be used by the Council to improve infrastructure, including 'upgrade current NHS Health facilities to increase capacity and accommodate modern practices' as stated within the Council's Regulation 123 list."

276. It is considered that the application would not have a significant impact on local healthcare facilities. The development is therefore in accordance with policy 3.2 of the London Plan and policies CS13 and DM21 of the Core Strategy.

Refuse and Recycling

277. The development is proposing refuse storage space at ground level
to the rear of the retail units. These would be accessed via the courtyard in the centre of the site. The refuse stores and their locations across the development are considered to be acceptable.

Conclusion

278. The application proposes the redevelopment of a site which is located within a Housing Opportunity Area for the provision of 83 residential units. The site is located in a sustainable location within New Malden District Centre adjacent to New Malden Railway station. The proposed development would be a high quality mixed use development that responds to surrounding development. It would provide improved public realm and a new public space with active frontages and good sized retail units and offices which would be beneficial to the offer in New Malden. The proposed layout and height of the development have been tested against the Council’s adopted Development Plan to ensure that development of this quantum can be developed on the site without having an adverse impact on the character of the area, nearby The Groves Conservation Area, the amenity of surrounding residents, the highway network and all other material considerations detailed in the report.

279. The proposed density of the site would be above the London Plan density matrix and that of the surrounding area, however, given the location of this site in a sustainable location adjacent to New Malden Train Station and near other district centre facilities, the movement of the draft London Plan away from rigid density limits, it is considered that the site could support increased densities without being detrimental to the character of the surrounding area as a whole.

280. Balanced against the increased density, is the significant benefit to the Borough and New Malden in particular, that the development would have in providing 83 units, 6 of which would be affordable three bedroom Discount Market Sale units, which would represent 10.3% of the total habitable rooms of this development. This has been achieved by lowering the level of developer profit to 12% which is well below the 17.5% standard against which viability appraisals are assessed. This is considered to be a significant benefit of the development which still provides the developer with a sufficient incentive to implement their planning application.

281. It is therefore considered that the density exceeding the densities in the London Plan is outweighed by the significant regenerative benefits and additional housing, including affordable housing.

Recommendation:

Approve subject to the completion of a Section 106 agreement and the following conditions:
1. The development hereby permitted shall begin before the expiration of three years from the date of this permission. **Reason:** As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

<table>
<thead>
<tr>
<th>Plan Description</th>
<th>Date</th>
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<tbody>
<tr>
<td>Air Quality Report</td>
<td>13/02/2017</td>
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<tr>
<td>Arboricultural Impact Assessment</td>
<td>13/02/2017</td>
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<tr>
<td>HUDU-Rapid-Health-Impact-Assessment</td>
<td>13/02/2017</td>
</tr>
<tr>
<td>BREEAM Report</td>
<td>16/02/2017</td>
</tr>
<tr>
<td>Archaeological Desk Based Assessment</td>
<td>13/02/2017</td>
</tr>
<tr>
<td>A11374D0500P1 Proposed Typical Unit Plan Activity Zones</td>
<td>13/02/2017</td>
</tr>
<tr>
<td>Statement of Community Involvement</td>
<td>16/02/2017</td>
</tr>
<tr>
<td>Design and Access Statement</td>
<td>16/02/2017</td>
</tr>
<tr>
<td>Planning Statement</td>
<td>16/02/2017</td>
</tr>
<tr>
<td>OS Map</td>
<td>17/02/2017</td>
</tr>
<tr>
<td>Energy Statement</td>
<td>28/02/2017</td>
</tr>
<tr>
<td>Basement Impact Assessment Appendix B</td>
<td>28/02/2017</td>
</tr>
<tr>
<td>Geo-Environmental Data and Historical Maps part 1</td>
<td>28/02/2017</td>
</tr>
<tr>
<td>Desk Study Report</td>
<td>28/02/2017</td>
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<tr>
<td>Historical Maps part 2</td>
<td>28/02/2017</td>
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<tr>
<td>Historical Maps part 3</td>
<td>28/02/2017</td>
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<td>Historical Maps part 4</td>
<td>28/02/2017</td>
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<tr>
<td>Historical Maps part 5</td>
<td>28/02/2017</td>
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<tr>
<td>A11374D0099P1 Proposed Basement Plan</td>
<td>08/12/2017</td>
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<tr>
<td>A11374D0020P1 Proposed Elevations in Context</td>
<td>08/12/2017</td>
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<tr>
<td>A11374D0001P1 Site Location Plan</td>
<td>08/12/2017</td>
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<tr>
<td>A11374D0010P1 Proposed Block Plan</td>
<td>08/12/2017</td>
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<tr>
<td>A11374D0102P1 Proposed Level 2</td>
<td>08/12/2017</td>
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<tr>
<td>A11374D0101P1 Proposed Level 1</td>
<td>08/12/2017</td>
</tr>
<tr>
<td>A11374D0100P1 Proposed Ground Floor Plan</td>
<td>08/12/2017</td>
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<td>A11374D0103P1 Proposed Level 3</td>
<td>08/12/2017</td>
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<td>A11374D0104P1 Proposed Level 4</td>
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<td>A11374D0105P1 Proposed Level 5</td>
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<td>A11374D0106P1 Proposed Level 6</td>
<td>08/12/2017</td>
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<td>A11374D0107P1 Proposed Level 7</td>
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<tr>
<td>A11374D0200P1 Proposed Elevation 1 and Elevation 2</td>
<td>08/12/2017</td>
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<tr>
<td>A11374F0200P1 Existing Elevations</td>
<td>08/12/2017</td>
</tr>
<tr>
<td>A11374F0100P1 Existing Site Plan</td>
<td>08/12/2017</td>
</tr>
<tr>
<td>A11374D0201P1 Proposed Elevation 3 and Elevation 4</td>
<td>08/12/2017</td>
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<tr>
<td>A11374D0202P1 Proposed Elevation 5 and Elevation 6</td>
<td>08/12/2017</td>
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<tr>
<td>A11374D0203P1 Proposed Elevation 7 and Elevation 8</td>
<td>08/12/2017</td>
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<tr>
<td>A11374D0510P1 Proposed Typical Unit Plan Wheelchair Accessible</td>
<td>08/12/2017</td>
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<tr>
<td>A11374 Addendum to Design &amp; Access Statement_V2_Low Res - Part2</td>
<td>08/12/2017</td>
</tr>
<tr>
<td>A11374 Addendum to Design &amp; Access Statement_V2_Low Res - Part1</td>
<td>08/12/2017</td>
</tr>
<tr>
<td>BREEAM Pre-Assessment Report</td>
<td>08/12/2017</td>
</tr>
<tr>
<td>Train Induced Vibration and Assessment Report Rev 1</td>
<td>08/12/2017</td>
</tr>
<tr>
<td>Noise Impact Assessment Report Rev 1</td>
<td>08/12/2017</td>
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<tr>
<td>Basement Impact Assessment Rev0</td>
<td>08/12/2017</td>
</tr>
<tr>
<td>Appendix A Prelim Proposed Basement Sequences_2017_Rev 0</td>
<td>08/12/2017</td>
</tr>
<tr>
<td>P1-Energy Strategy Addendum</td>
<td>08/12/2017</td>
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<tr>
<td>R02-DP-Framework Travel Plan Dec 2017</td>
<td>08/12/2017</td>
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<tr>
<td>Draft Construction Traffic Management Plan Dec 2017</td>
<td>08/12/2017</td>
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<tr>
<td>A11374J0500P1 Proposed Ramp to Car Park</td>
<td>08/12/2017</td>
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<td>SUDS</td>
<td>08/12/2017</td>
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<tr>
<td>Planning Support Statement Addendum</td>
<td>08/12/2017</td>
</tr>
<tr>
<td>Schedule of Accommodation</td>
<td>08/12/2017</td>
</tr>
<tr>
<td>A11374D0300P1 Proposed Elevation 1 and Elevation 2</td>
<td>08/12/2017</td>
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<td>A11374D0301P1 Proposed Elevation 3 and Elevation 4</td>
<td>08/12/2017</td>
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<tr>
<td>A11374D0302P1 Proposed Elevation 5 and Elevation 6</td>
<td>08/12/2017</td>
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<tr>
<td>Transport Statement 1</td>
<td>13/12/2017</td>
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<td>Transport Statement 2</td>
<td>13/12/2017</td>
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<tr>
<td>Transport Statement 3</td>
<td>13/12/2017</td>
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<tr>
<td>Reason: For avoidance of doubt and in the interests of proper planning.</td>
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<td>3. A sample of all facing materials to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works. The development shall then be built in accordance with these approved samples. <strong>Reason:</strong> The details would affect subsequent design of other elements of the scheme and must be agreed at the outset and to ensure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.</td>
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<td>4. Full detailed drawings at 1:20 of openings including windows, doors, communal entrances openings, balconies, areas for signage and plant screening shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site. The development shall be carried out in accordance with the approved plans. <strong>Reason:</strong> The details would affect subsequent design of other elements of the scheme and must be agreed at the outset and to ensure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.</td>
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<td>5. No fans, louvres, ducts, flues, pipe-work or other external plant shall be fixed to the elevations of the development. <strong>Reason:</strong> In the interests of the visual amenities of the area in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.</td>
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<td>6. No development shall commence until a hard and soft landscaping scheme and planting schedule for the development, including boundary treatment on the terraces, details of play equipment, hardstanding, street and podium furniture and details of the terraces have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within the first planting season following completion of the development and the tree planting and landscaping shall thereafter be maintained for five years to the satisfaction of the Local Planning Authority. Any trees or shrubs which die during this period shall be replaced in the first available planting season, and the area shown to be landscaped shall be permanently retained for that purpose only. <strong>Reason:</strong> The details would affect subsequent design of other elements of the scheme and must be agreed at the outset and in the interests of visual amenity and also that the Local Planning Authority shall be satisfied as to the details of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.</td>
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<td>7. Prior to the occupation of each phase of the development, full details of the brown roof shall be submitted to and approved in writing by the Local Planning Authority.</td>
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<td><strong>Planning Authority.</strong> The brown roof shall be implemented prior to the occupation of the development and retained in perpetuity. <strong>Reason:</strong> The details would affect subsequent design of other elements of the scheme and must be agreed at the outset and to ensure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.</td>
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<td><strong>8.</strong> Prior to the commencement of development an Ecological Assessment shall be submitted for approval. The development shall be carried out in accordance with the approved details. <strong>Reason:</strong> The relevant works would take place at the beginning of the construction phase safeguard and to protect the sites biodiversity and nature conservation value in accordance with Policy DM6 (Biodiversity) of the LDF Core Strategy Adopted April 2012.</td>
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<td><strong>9.</strong> Prior to commencement of the development hereby permitted, a scheme incorporating measures to minimise, where possible, the risk of crime in accordance with the principles and physical security requirements of Secured by Design, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Metropolitan Police. The approved measures shall be implemented before the development is occupied and retained thereafter. <strong>Reason:</strong> The details would affect subsequent design of other elements of the scheme and must be agreed at the outset and in the interest of security and crime prevention and to accord with Policy DM10 of the Royal Borough of Kingston upon Thames Core Strategy (April 2012).</td>
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<td><strong>10.</strong> Prior to commencement of works (excluding site investigations and demolition), the applicant must submit a final detailed drainage design including drawings to demonstrate the inclusion of tree pits and/or rain gardens where possible, and alignment with the March 2017-reviewed Sustainable Drainage Statement, to the Lead Local Flood Authority for review and approval. This should also include a detailed version of the draft SuDS Maintenance Regime plan submitted in April 2017 to demonstrate suitable maintenance will take place for all proposed drainage features for the lifetime of the development. <strong>Reason:</strong> 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 5.13, its associated Sustainable Design and Construction SPG, the Non-Statutory Technical Standards for Sustainable Drainage Systems and Kingston Council's Core Strategy Policy DM 4 (Water Management and Flood Risk).</td>
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<td><strong>11.</strong> No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details and evidence (photographs and/or installation contracts) submitted for approval by the Lead Local Flood Authority. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. <strong>Reason:</strong> To comply with the Non-Statutory Technical Standards for Sustainable Drainage Systems, Kingston Council's Core Strategy Policy DM 4 (Water Management and Flood Risk), the National Planning Policy Framework (Paragraph 103) and the London Plan (Policies 5.12 and 5.13) along with associated guidance to these policies.</td>
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12. Prior to the commencement of the development a Construction Method Statement/Dust Management Plan shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development.

*Reason*: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

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

*Reason*: To prevent harm to human health and pollution of the environment.

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

*Reason*: To prevent harm to human health and pollution of the environment.

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

*Reason*: To prevent harm to human health and pollution of the environment.

16. Prior to commencement of development works, an unexploded ordnance desk study shall be submitted to and agreed in writing by the Local Planning Authority. Should further assessment or mitigation measures be required, then prior to occupation, a verification report shall be submitted to and agreed in writing by the Local Planning Authority. This should detail the safety measures and monitoring that was undertaken to mitigate against the risk of UXOs, whether any confirmed or possible UXOs were identified, and if so, what remedial works were carried out.

*Reason*: In the interests of safety and the protection of site workers.

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

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

18. Prior to the commencement of demolition works the applicant shall submit an application to the Council for Prior Consent under Section 61 of Control of Pollution Act 1974.

*Reason*: To safeguard the amenities of the adjoining residential occupiers in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.
19. Before any piling takes place a piling method statement shall be submitted to and approved in writing by the Local Planning Authority. Any piling must be undertaken in accordance with the terms of the approved piling method. **Reason:** To safeguard the amenities of the adjoining residential occupiers in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

20. Prior to commencement of the development the applicant shall provide a scheme to the Local Planning Authority for its written approval detailing sound transmission reduction measures to be installed between the:

(a) the separating walls and separating floor/ceiling constructions of the flats hereby permitted

(b) the separating walls of the house (marked HO.1 on Proposed Ground Floor Plan ref: A11374D0100) and ground floor office

(c) the separating walls of the houses hereby permitted

(d) the ground floor retail units and the first floor flats

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

21. A scheme of noise insulation/reduction shall be submitted to ensure that the noise level of 35 dBAeq,16 hour in living rooms and bedrooms during the daytime (0700 to 2300 hours) and 30 dBAeq,8 hour and 45 dBAmax during the night time (measured with F time-weighting and between 2300 and 0700 hours) in bedrooms in accordance with BS8233:2014 shall not be exceeded. Where these levels cannot be met with windows open appropriate acoustic ventilation should be provided so that the room can be sufficiently ventilated. The acoustic performance of any passive vent, variable speed mechanical air supply unit or whole house ventilation must be sufficient to ensure that the noise level standards given above are not compromised. **Reason:** To safeguard the amenities of future residential occupiers in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

22. Prior to commencement of the development the applicant shall provide to the Local Planning Authority an environmental noise assessment of noise levels affecting all external terraces and balconies. Where noise levels exceed those recommended in BS8233:2014 a noise mitigation scheme shall be submitted to the Local Planning Authority for its written approval detailing measures to reduce those noise levels as far as reasonably practicable. Once agreed in writing by the Local Planning Authority the approved details shall be installed prior to the development being occupied and retained thereafter.
<table>
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<tr>
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<th>Reason: To safeguard the amenities of future residential occupiers in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.</th>
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<tr>
<td>23.</td>
<td>The rating level of the noise determined by the cumulative sound emissions of the plant hereby permitted shall be at least 5dBA lower than the existing background noise level at any given time of operation. The noise levels shall be measured or predicted 1m externally to any window at the nearest residential facade. Measurements and assessment shall be made according to British Standard 4142:2014. <strong>Reason:</strong> To safeguard the amenities of future residential occupiers in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.</td>
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<td>24.</td>
<td>The servicing (including deliveries) of any ground floor retail unit hereby permitted shall only take place between 8am and 8pm Monday to Saturday and between 10am and 5pm Sundays and Bank Holidays. <strong>Reason:</strong> To safeguard the amenities of existing/future residential occupiers in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.</td>
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<td>25.</td>
<td>The ground floor retail units hereby permitted shall not be open to members of the public before 7am and after 11pm Monday to Sunday. <strong>Reason:</strong> To safeguard the amenities of existing/future residential occupiers in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.</td>
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<td>26.</td>
<td>The development hereby permitted shall be occupied until full details of the refuse and recycling storage facilities and a refuse and recycling management strategy for the residents of, and visitors to the development and the ground floor commercial units have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling storage and management plan shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times. <strong>Reason:</strong> To safeguard the amenities of the occupiers of the neighbouring properties in accordance with Policy DM10 of the LDF Core Strategy Adopted April 2012.</td>
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<tr>
<td>27.</td>
<td>Prior to commencement of any development on site, a Construction Management Plan shall be submitted to the planning authority for written agreement. The development shall only be implemented in accordance with the details and measures approved as part of the construction management plan, which shall be maintained throughout the entire construction period. The construction management plan should include the following: a) Statement on how the proposed development will be built, with method statements to outline how major elements of the works would be undertaken, such as basement extension and major construction build; b) Proposals for loading/unloading materials, site storage etc; c) The route to and away from site for muck away and vehicles with materials; d) Deliveries/collections to and from the site should use a route that is agreed with NRSWA team. The agreed route should be signed accordingly. e) Protocol for managing deliveries to one vehicle at a time on sites with restricted access or space;</td>
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</table>
f) Protocol for managing vehicles that need to wait for access to the site; and

g) Whether any reversing manoeuvres are required onto or off the public highway into the site, and whether a banksman will be provided;

h) Temporary site access;

i) Signing system for works traffic;

j) Site access warning signs will be required in adjacent roads.

k) Whether it is anticipated that statutory undertaker connections will be required into the site.

l) Storage of plant, materials and operatives vehicles;

m) Measures for the suppression of noise and abatement of other nuisance arising from development works;

n) Location of all ancillary site buildings;

o) Means of enclosure of the site; and

p) Wheel washing equipment.

q) The parking of vehicles of site operatives and visitors.

r) A Dust Management Plan

s) Code of Construction Practice (which shall include details of contractor liaison for the local community)

Reason: The relevant works would take place at the beginning of the construction phase and 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.

28. No development shall take place until an Environmental Construction Management Plan has been submitted and approved by the local planning authority. The Environmental Construction Management Plan shall contain:

a) details of the measures to control dust and emissions during construction and demolition;

b) commitment to compliance with the standards of the Low Emission Zone for Non- Road Mobile Machinery;

c) a copy of the Construction Logistics Plan.

Following approval, it will be a requirement to adhere to the measures set out in the Environmental Construction Management Plan for the duration of the construction / demolition phase.

Reason: The relevant works would take place at the beginning of the construction phase and 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.

29. Within 3 months of first occupation, evidence must be submitted to the council confirming that the development hereby approved has achieved not less than the CO2 reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes level 4. Evidence requirements are detailed in the "Schedule of evidence Required for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide. Evidence to demonstrate a 35% reduction compared to 2013 part L regulations and internal water usage rates of 105l/p/ day must be submitted to and approved by the Local Planning Authority, unless otherwise agreed in writing.
**Reason:** In the interests of sustainability and energy conservation in accordance with Policies 5.2 (Minimising Carbon Dioxide Emissions) and 5.3 (Sustainable Design & Construction) of the London Plan (March 2016) and Policy DM1 (Sustainable Design and Construction Standards) of the LDF Core Strategy Adopted April 2012.

### 30.
Prior to the occupation of the development, a car park management plan shall be submitted to an approved in writing by the Council. The parking arrangements as approved shall be implemented prior to occupation, and thereafter be permanently retained.

**Reason:** To ensure satisfactory parking provision for all and to ensure the safe and convenient movement for all users of the proposed access road and car parking areas, in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions) of the LDF Core Strategy, Adopted April 2012.

### 31.
Prior to the occupation of the development, details shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate that: 1) 20% of the car parking spaces for residents within the development shall have electric vehicle charging points which will be made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times; 2) 20% of the car parking spaces shall be fitted with passive electric vehicle charging points prior to the occupation of the development.

**Reason:** To safeguard the health of the occupiers of neighbouring properties and future residents in the interests of air quality and sustainable transport methods are encouraged and implemented in accordance with Policy 6.13 and 7.14 of the London Plan (March 2016) and Policies CS07 and DM10 of the LDF Core Strategy Adopted April 2012.

### 32.
The development hereby permitted shall not be occupied until details of the secure and covered cycle parking facilities for the residents of and visitors to the development and access to those parking spaces have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory cycle storage facilities and in the interests of highway safety in accordance with Policy DM8 (Sustainable Transport for New Developments) of the LDF Core Strategy Adopted April 2012.

### 33.
Any works/events carried out either by, or at the behest of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be co-ordinated under the requirements of the New Roads and Street Works Act 1991 and the Traffic management Act 2004 and licensed accordingly in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in Kingston upon Thames.

Any such works or events commissioned by the developer and particularly those involving the connection of any utility to the site, shall be co-ordinated by them in liaison with the Royal Borough of Kingston upon Thames, Street Works Section, (telephone 020 8547 5982). This must take place at least one month in advance of the works and particularly to ensure that statutory...
undertaker connections/supplies to the site are co-ordinated to take place wherever possible at the same time.  
**Reason:** In order to minimise disruption to road users, be they pedestrians or vehicular traffic, under the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. In order to satisfy the licensing requirements of the Highways Act 1980.

34. Prior to the commencement of the development hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that a minimum of 10% of the units are wheelchair accessible.  
**Reason:** The details would affect subsequent design of other elements of the scheme and must be agreed at the outset and to ensure that an adequate level of accessible units are provided in accordance with Policy 3.8 of the London Plan (2016), Policy DM13 of the RBK Core Strategy (2012) and the Mayors Housing SPG (2016).

35. Before any occupation of the development hereby permitted, a full obscure glazing plan for the development, including separation distances between habitable room windows within the development and to neighbours, shall be submitted to and approved in writing by the Local Planning Authority. The windows identified to be obscure glazed shall be fitted with, and retained in, obscure glazing of a patterned type only which shall thereafter be retained as such. The obscure glazed windows should be obscured to minimum of level 3 of the Pilkington Scale. The use of any type of film or material affixed to clear glass is not acceptable for the purposes of this Condition. The obscure glazing shall be implemented prior to the occupation of the development and retained thereafter.  
**Reason:** To protect the amenities and privacy of the occupiers of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

36. Prior to the commencement of the development, details demonstrating that the development could be connected to a future District Heat Network shall be submitted to and approved in writing by the Local Planning Authority.  
**Reason:** The relevant works would take place at the beginning of the construction phase and in the interests of sustainability and energy conservation as set out in Policies 5.2 (Minimising Carbon Dioxide Emissions) and 5.3 (Sustainable Design & Construction) of the London Plan (July 2011) and Policy DM1 (Sustainable Design and Construction Standards) of the LDF Core Strategy Adopted April 2012.

37. Prior to the occupation of the development, an overheating analysis, using TM59 methodology (or any future method which supersedes this), must be carried out on the residential units and the findings shall be submitted to the Local Planning Authority. The units shall not be occupied until the Local Planning Authority has confirmed in writing that the overheating analysis/results are acceptable. The development shall be carried out in accordance with the approved details.  
**Reason:** To ensure that the housing delivered is of high quality and to protect the amenity of future occupiers in accordance with Policy 3.5 of the London Plan (March 2016), Policies DM10 and DM13 of the Council’s LDF Core Strategy 2012 and the Mayors Housing SPG (March 2016).

38. Details of the traffic signals to control entry and exit to the underground car park shall be submitted to an approved in writing prior to use of the car park.
The development shall be implemented in accordance with the approved details.

**Reason:** To ensure satisfactory parking provision for all and to ensure the safe and convenient movement for all users of the proposed access road and car parking areas, in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions) of the LDF Core Strategy, Adopted April 2012)

| 39. | The ground floor commercial units shall be used for the uses indicated unless otherwise approved in writing by the local planning authority. **Reason:** To provide flexibility in relation to the use of the ground floor units whilst providing appropriately active frontages. |

| 40. | Prior to the commencement of development the developer/construction contractor shall sign up to the Non-Road Mobile Machinery Register. The development shall be carried out in accordance with the NRMM Regulations and the inventory of all NRMM used on site shall be maintained and provided to the Local Planning Authority upon request to demonstrate compliance with the regulations. **Reason:** To reduce the emissions of construction and demolition in accordance with the Mayor of London Control of Dust and Emissions during Construction and Demolition SPG July 2014. Compliance is required to be prior to commencement due to the potential impact at the beginning of the construction. |

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**Informative(s)**

| 1. | Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil polluted discharges entering local watercourses. |

| 2. | Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development. |

| 3. | With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. |

| 4. | In relation to Condition 14, the contaminated land assessment shall include: - |

|   | a) a site investigation, including relevant soil gas surface and groundwater sampling, carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology. |
b) a site investigation report, in accordance with BS 5930:1999 (Code of Practice for Site Investigations & BS10175: 2001 Code of Practice Investigation of Potentially Contaminated Sites) detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remedial strategy.

c) All work should generally be in accordance with the Environmental Protection Act 1990 (Part IIA), Statutory Guidance on Contaminated Land together with other relevant legislation and guidance as described in the DETR documents Contaminated Land Research Reports, CLR Series, 1994.

5. In relation to condition 15, the works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

The closure report shall include details of the proposed remedial works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean up criteria shall be included in the closure report together with the necessary “Duty of Care” documentation detailing what waste material have been removed from the site.

All work should be in accordance with the HSE document “Protection of workers & the general public during the development of Contaminated Land”.

6. Informative: In relation to Condition 19, it is recommended that a draft Section 61 application is made to the Local Authority in the first instance at least one month before the intended submission date to facilitate discussions. All communications for this should be made to the Environmental Control Section of Environmental Health Service.

7. In relation to Condition 20, the piling method statement should detail the type of piling to be undertaken, why this method has been selected, measures to be taken to minimise noise and vibration and a plan showing where the piles are to be installed. There are a number of different piling methods suitable for different circumstances. Guidance is contained in BS5228 Noise control on Construction and Open sites - Part 4: Code of Practice for noise and vibration control applicable to piling operations. The contractor is required to take the best practicable means to minimise noise and vibration and the Council positively encourages the use of hydraulic, auger and diaphragm wall piling methods. Where complaints of noise and vibration are received it is expected that the contractor will undertake noise and vibration monitoring, with data reported back to the Environmental Health Service.

8. The development approved by this planning permission will be liable to pay the Mayor of London's Community Infrastructure Levy (MCIL) and Kingston Community Infrastructure Levy (KCIL). We have calculated the amount of liability to be £199,069 for Mayoral CIL and £369,352 for Kingston CIL.
Payment will be due once the owner/developer serves a development Commencement Notice on the Council, and a payment Demand Notice has been received by the owner. Failure to submit a Commencement Notice will incur a surcharge of 20% of the chargeable amount or £2,500, whichever is the lower amount.

When you have discharged all pre-commencement conditions the Council will issue a Liability Notice to the owner setting out the MCIL calculation. Accompanying the Liability Notice will be a blank Commencement Notice and if necessary a blank Assumption of Liability form, both of which need to be completed and returned to the Council prior to development commencing. A failure to do so will incur a surcharge.

Should you have any questions in respect of the contents of this letter or the MCIL more generally, please contact the Council's Contact Centre by email mcil@rbk.kingston.gov.uk or phone 0208 547 5002.

9. In relation to work adjacent to Network Rail assets:
   1. The developer must contact the Wessex asset protection team and sign an asset protection agreement before proceeding with any design or construction works alongside NR infrastructure. SAPE will specify further safety and engineering conditions as necessary.
   2. It may be necessary to enhance or renew Network rail (NR) existing boundary fencing as a result of the development in order to reduce the risk of trespass and possible vandalism. New screening purposes fence must be independent of NR fencing and allow room for maintenance of both fences.
   3. Party Wall etc Act 1996. Where works are proposed adjacent to the railway it may be necessary to serve the appropriate notices on NR and their Tenants under the Party Wall etc Act 1996. Developers should consult with NR at an early stage of the preparation of details of their development on Party Wall matter.
   4. NR accepts no liability in respect of noise and vibration. Developer should undertake his own investigations to establish any level of noise and vibration likely to originate from the operational of the railway, and design their mitigation measures accordingly.
   5. All works, both temporary and permanent, should be designed and constructed so that they will have no influence on the stability of NR’s structures and adjoining land.
   6. Vibro-compaction will not be permitted, especially in the vicinity of structures, embankments or cutting slopes.
   7. NR advise that the use of bored, cast in-situ reinforced concrete piles are recommended. Normally these have no detrimental vibration effects during construction.
   8. All structures should be situated at a minimum distance of two metres from NR’s boundary fence and at a sufficient distance to enable construction to proceed without, in the NR Engineer’s opinion, the risk of affecting the normal and safe running of the railway. This clearance will also enable construction and maintenance to proceed without the need to enter on to NR’s property. Please note that unless previous safety protection has been arranged, access on to NR property will not be permitted for any activity associated with any works.
9. All new construction should be sufficiently clear to the boundary, and all foundations should be designed such that they do not impose any surcharge on railway cutting slopes or structures. In addition, it should be borne in mind that cutting slopes could be subject to erosion through the effects of weathering, and all new construction should be at a sufficient distance from the slope to take this into account. At no time should an embankment supporting the railway be cut into or built upon.

10. NR reserves the right to request the screening of any light, including vehicular lights and light reflected by building cladding, which may interfere with the sighting of signalling apparatus and/or train drivers’ vision on approaching trains. Large areas of Red or Green cladding or painted structure that face on to the railway could affect the sighting of track signals. Large areas of reflective cladding or mirror type glazing could affect the sighting of track signals in the vicinity of the Railway.

11. Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles over-sail or fall onto the railway. Black protective netting around the scaffold may need to be installed. A Method Statement for constructing and dismantling the scaffold will need to be provided for acceptance. Scaffolding may need to be erected under a track closure (possession) of the railway because of the dangers to trains and from the electrified conductor rail. A minimum of sixteen weeks notice is required for shared possessions and thirty two weeks for sole possessions to arrange any possessions of the track.

12. Any cranes or other plant to be used on site must be positioned and operate in such a way that, in the event of mishandling or failure of any part of the equipment or subsidence of the ground supporting the equipment, they will not move or fall within three metres of the nearest rail. Their loads or jibs should not under any circumstances over-sail NR’s property.

13. Full details of any tower cranes to be used on site should be submitted for approval, together with a plan showing the relevant jib radii. The cranes (and any other plant) must be positioned in such a way that in the event of mishandling or failure of any part of the equipment or subsidence of the ground supporting the equipment, they will not move or fall within three metres of the nearest rail. Their loads or jibs should not under any circumstances over-sail NR’s property. A Method Statement must be prepared for NR’s approval, it may be necessary to down-rate the crane capacity by 25% to reduce the risk of failure.

14. All costs incurred by NR in connection with the Works should be reimbursed by the Developer. NR will require the Developer to enter into an Asset Protection Agreement with NR and either place a purchase order or make payment before work commences if called upon to do so.

15. NR requires to be advised of the geotechnical information regarding the site and be assured that whatever construction method is used is suitable. Written confirmation is required stating that the integrity of the railway formation or structures will not be impaired by excavation, piling or other construction methods.

16. Details of excavations for foundations, etc., within 15 metres of NR boundary are to be submitted to SAPE for prior approval. Excavations are not to affect the structural integrity of Network Rail’s formation or structures. Stability calculations will be required to prove this where necessary. Calculations to be supported by independent design check certification and supporting geological information.
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<th>17. There is to be no dewatering adjacent to or under NR property or structures unless it is unavoidable, in which case the following is required:--</th>
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<tr>
<td>a. Settlement and stability calculations for the railway corridor for all stages of construction/dewatering.</td>
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<tr>
<td>b. Calculations to be supported by independent design check certification.</td>
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<tr>
<td>c. Monitoring of ground and track levels is to be carried out regularly while dewatering is taking place and for at least 2 weeks after it ceases.</td>
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