### DEVELOPMENT CONTROL

**WEDNESDAY 11 JULY 2018**

**REPORT BY**

**ACTING ASSISTANT DIRECTOR, STRATEGIC PLANNING & INFRASTRUCTURE**

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<td>A2</td>
<td>16/10482</td>
<td>Development Land And Site At 1 Hook Rise South, Surbiton</td>
<td>Part detailed/ part outline application for a total of 950 residential dwellings and other uses comprising: 1) Detailed: Erection of 211 residential dwellings (Use Class C3) with associated ground floor uses including Class D1 (Nursery) and Community Uses; (Class A1/A3) Restaurant/Café and 60 car parking spaces, bus layover and driver facilities; landscaping and ancillary works; 2) Outline: Erection of 739 residential units (Use Class C3) with associated other ground floor uses (Class D1) Doctor Surgery; (Class A1) Retail; Cycle Hub and 328 car parking spaces. All matters reserved for the outline phase except access.</td>
<td>PERMIT</td>
<td>A26</td>
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<tr>
<td>Annex 1</td>
<td>NO</td>
<td>Development Land And Site At 1 Hook Rise South, Surbiton</td>
<td>Appeal Decision</td>
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</table>
All recommendations for planning permission in this section are automatically subject to the condition limiting the duration of the permission required by Sections 91 and 92 of the Town and Country Planning Act (as amended) 1990 unless permission is to be granted for a limited period or unless there is a specific recommendation that the period for such duration be other than the period referred to in the standard condition. All background papers are incorporated into Planning Application Reports.

The policies listed are those from the Royal Borough of Kingston upon Thames the Local Development Framework Core Strategy, Adopted April 2012.
Development Control Committee
11 July 2018

A Register No: 18/12273/FUL
Address: LAWSONS YARD, ADAMS INDUSTRIAL ESTATE, LONDON, KT3 3SQ

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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 to enable modernisation of Lawson's builders yard. The application follows the approval of application 16/12458/FUL in October 2016. This application differs from that previously approved in that it omits the 5 storey office building at Adams House.

No objections have been received from neighbouring occupiers.

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

- Principle of the Proposed Development and Employment
- Impact on the Character of the Conservation Area
- Impact on the Neighbour's Residential Amenity
- Highways and Parking
- Sustainability
- Drainage

Key Standards Dashboard

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<th>Is this Aspect in Accordance with the Development Plan?</th>
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<tr>
<td>Car Parking Spaces</td>
<td>Maximum 47</td>
<td>49</td>
<td>No</td>
</tr>
<tr>
<td>Cycle Parking Spaces</td>
<td>Minimum 14</td>
<td>18</td>
<td>Yes</td>
</tr>
<tr>
<td>Sustainability – C02</td>
<td>BREEAM Outstanding</td>
<td>BREEAM Very good with Outstanding rating for CO2 emissions</td>
<td>No</td>
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</table>

Recommendation

Approve subject to conditions.
Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 provides that an application must be made in accordance it the development plan unless material considerations indicate otherwise.

**Development Plan**

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

LONDON PLAN
LP 2.7 Outer London: economy
LP 4.4 Managing industrial land and premises

LDF CORE STRATEGY CORE POLICIES
CS 01 Climate Change Mitigation
CS 06 Sustainable Travel
CS 07 Managing Vehicle Use
CS 08 Character, Heritage and Design
CS 11 Economy and Employment

LDF CORE STRATEGY DEVELOPMENT MANAGEMENT
DM01 Sustainable Design and Construction Stan
DM04 Water Management and Flood Risk
DM08 Sustainable Transport for new Development
DM09 Managing Vehicle Use for New Development
DM10 Design Requirements for New Developments
DM17 Protecting Existing Employment Land and
DM22 Design for Safety

**Other Considerations**

National Planning Policy Framework
National Planning Practice Guidance (web based resource)

RBK Residential Design Supplementary Planning Document 2012
RBK Sustainable Transport Supplementary Planning Document 2013
RBK Economic Growth and Development Strategy 2018-2025

**Previous Relevant History**

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<tr>
<td>17/12384/NMA</td>
<td>Non-Material Amendment to Planning Permission 16/12458/FUL to alter Building 07 with additional staircase, two additions to side elevation and omission of large canopy to north elevation and detached metal containers along railtrack boundary</td>
<td>Accept 24/05/2017</td>
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</table>
### Consultations

1. **Neighbouring Occupiers**: Notification letters were sent to 131 local addresses. The proposal was advertised in the local press, and 2 site notices were displayed: No response has been received to date.

2. **Thames Water**: No objection with regard to waste water network and waste water process infrastructure capacity. With regard to surface water drainage, Thames Water advise that if the developer follows the sequential approach to the disposal of surface water they would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

3. **RBK Environmental Health (Pollution Control)**: No objections subject to conditions regarding land contamination, noise and nuisance.

4. **RBK Neighbourhood Traffic Engineer**: No objections subject to conditions regarding parking, cycle parking and a working scheme. Supportive comments were made with regards to the segregation of staff and customer car parking and the reduction in vehicle trips to and from the site.

5. **RBK Flood Risk Officer**: Finalised sustainable urban drainage design reserved by condition.

6. **Transport for London**: No response at the time of writing this report.

7. **Metropolitan Police Designing out Crime Officer**: Appreciate that crime prevention has been considered within the design which would be adequate for minimum security requirements.

8. **RBK Sustainability Officer**: No comment at the time of writing the report.

9. **RBK Waste and Recycling**: No comment at the time of writing the report.

### Site and Surroundings

10. The application site is located within the Adam's Industrial Estate which is an area comprising long established industrial and commercial units. It measures approximately 1.3ha and is bound by St. John's Road, Dickerage Lane, Stafford Road and the main...
railway line leading to London Waterloo Station.

11. The site forms part of the St. John's Industrial Estate which is designated as a Locally Significant Industrial Site (LSIS).

12. There are no listed buildings (heritage assets), or locally listed (non-designated heritage assets) within the site, and it does not fall within the boundaries of a Conservation Area (heritage asset).

13. There are no trees covered by Tree Preservation Orders (TPOs) on the site or in the immediate vicinity.

14. The site falls within Fluvial Flood Risk Zone 1 (Low Probability).

15. The site is covered by an Article 4 Direction which came into effect on 1 October 2015 which prevents the conversion of office floorspace (Use Class B1 (a)) into residential use (Use class C3).

16. Lawsons Builders Yard is occupied by 7 existing buildings, with a total gross floor area GFA of 4,315 sq.m. There is a large warehouse (Building A) in the centre of the site. Located to the north of this is a single storey building (Building D) which runs parallel with the boundary to Stafford Road. There is also a small toilet block (Building C) at the western side of Building D. To the east of the site is the second largest warehouse building (Building E) which is located in the corner of the site. To the south east of this is a storage building (Building F). South of this is a two storey brick building (Building G). There is open and racked storage across the site and customer parking and loading area to the south of Building A.
Proposal

17. This proposal seeks to redevelop and modernise operations at the Lawson's builders' yard. This would be achieved partially through demolition and rebuild, and partially through the refurbishment of existing buildings. The application follows the approval of application 16/12458/FUL in October 2016 for the Demolition of an office building, three commercial buildings, toilet block & portacabin and construction of five new buildings and associated works.

18. This scheme seek modifications to the extant permission, including the retention of the 5 storey Adams House office building, previously identified for demolition with the land to be used as staff car parking. Compared to the previous approval, the scheme also proposes an overall reduction in the amount of new floorspace, reorganisation to racking locations/layout, removal of the steel fabrication use and changes to vehicle circulation and parking arrangements.

19. The following key changes to the consented scheme are set out below:

(i) Reconfiguration of the central buildings into a large unit comprising a space for the trade counter, offices, staff welfare, sales office, staff canteen and lorry parking. Connected to the west would be covered racking storage and covered customer parking. The racking would be laid out in 8 rows and the units are designed to create one interlocking roof. Whilst this forms part of the wider building, it is a standalone element which is not an enclosed building, but a series of racks that create their own roof form. The covered customer car parking would be to the south and formed under one roof.

(ii) New racking zones and storage areas are proposed in the following locations:

- southern boundary adjacent to the main entrance;
- northern boundary parallel with Stafford Road (open storage);
- south eastern side of the site (open storage); and,
- south east corner;

(iii) Relocation of customer parking to western boundary and covered;

Approved Scheme 16/12458/FUL

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- south eastern side of the site (open storage); and,
- south east corner;

(iii) Relocation of customer parking to western boundary and covered;
(iv) Existing buildings 2 and 4 would be retained and refurbished. A new building would be erected to the south of existing Building 2. These buildings are provided in the place of previously approved Buildings 6 & 7 and would result in an overall reduction in floor area and volume. Building 2 would be used for storage. Building 3 would be used for loading of delivery lorries. Building 4 would be a bulk goods warehouse; and,
(v) There would no longer be a steel fabrication building or use on site.

Proposed Scheme

20. The uses of the buildings on site would solely comprise B8 storage and associated office use. It is advised that the proposed partial redevelopment and upgrading of the site would enable the continued viability of the business which currently serves both local trade and DIY customers.

21. The current proposal has a GFA of 4,720 sq.m, compared with the extant permission, which has a floor area of 6,166 sq.m. This equates to a reduction of 1,446 sq.m GFA compared with the previous scheme, and is an increase above the existing GFA of 405 sq.m. However, it should be noted that the scheme also includes covered parking and storage areas which are not included within these figures.

Assessment

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

- Principle of Proposed Development
- 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

22. Paragraph 17 of the NPPF, 2012 is explicit that planning should proactively drive and support economic development to deliver the business and industrial units that the country needs and that every effort should be made objectively to respond positively to wider opportunities for growth.

23. Regional policy supports this stance and Policy 4.4 of the London Plan, 2016 emphasises that the Mayor will work with boroughs to "ensure a sufficient stock of land and premises to meet the future needs of different types of industrial and related uses in different parts of London".

24. At the local level LDF Core Strategy, 2012 Policy CS11 states that with its partners the Council will "build on the economic strengths of the Borough by promoting the development of a diverse and flourishing economy and ensuring that land and premises are available for both traditional industrial and office based employment activities (B1, B2 and B8 uses)."

25. In addition, Policy DM17 seeks to protect all employment land and premises in industrial business areas, including those identified under Category D. This includes the application site and its constituent buildings as they fall within St. John's Industrial Estate. The Policy is very clear in that along with Strategic Industrial Locations (SILs), LSISs form the main supply of industrial/business land in the Borough and are therefore vitally important to local economic success.

26. The principle of redeveloping and modernising an industrial site within a designated industrial area is therefore supported.

Impact on Character of Area

27. Together the NPPF, 2012 and the London Plan, 2016 operate to secure development of a high quality and where applicable replace good design with better design.

28. In accordance with the national and regional position, Core Strategy policies CS8 and DM10 require that proposals should relate well to their surroundings and be of a high standard to achieve a more attractive, sustainable and accessible environment.

29. The largest bulk and mass of development would be proposed Building 1, which is located in a central position on the site. The building would have a typical industrial/commercial character. The tallest part of the building is the trade counter/sales office building which would be 10m in height, and would comparable in height to the neighbouring Homebase and Matalan buildings.

30. As with the consented scheme, the new buildings would have a uniform appearance clad with composite metal cladding. The design and form of the proposed buildings would be appropriate for this industrial estate, featuring shallow pitched roofs, banded composite metal cladding and in this case, the green Lawsons corporate livery. The low level cladding used for the walls would be Corus/Kingspan KS1000 profile or equivalent and be grey/white in appearance ("Hamlet" - RAL 9002). The high level cladding would be "Heritage Green" (RAL 6002). The roofs
would feature trapezoidal composite metal cladding that is "Goosewing Grey" (RAL 080 70 05) externally and white internally. In terms of the pedestrian doors and roller shutters, they would be finished in powder coated metal and also be "Heritage Green" in colour (RAL 6002), as would the metal framed casement windows.

31. Other aspects of the development include the new boundary fencing, and where adjacent to residential uses this would comprise imperforate timber acoustic fencing.

32. Given the site's industrial context, the proposed design, massing and choice of materials is considered to be entirely appropriate and in conformity with Core Strategy policies CS8 and DM10.

Impact on Neighbours' Residential Amenity


34. More specifically, Policy DM10 of the LDF Core Strategy, 2012 seeks to safeguard residential amenity with regards to privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbance.

35. In this case Nos. 5-8 Dickerage Lane, and 2-28 Stafford Road are the principal properties that must be considered. In addition, the amenity of the staff and users of King’s Oak Primary School on Dickerage Lane have been taken into account. As noted above, the office building at Adams House is now excluded from the application site.

36. Despite a significant increase in the built form across the site it is not considered that there would be any significant adverse impact upon any of the aforementioned properties, and no objections have been raised by local residents/occupiers.

37. Nos. 5-8 Dickerage Lane would not experience a material change in their amenity as the area of the site nearest their rear boundaries is proposed to remain as open air storage, this would be for cement and powder products. The existing boundary fence would be replaced with a 2.5m high timber acoustic fence. The covered parking zone would be setback 12 metres from this boundary. This structure would be open sided but with a covered roof at a maximum height of 7.6 metres. Given the separation distance it would not result in any material loss of light or outlook to these properties.

38. In respect of the houses on Stafford Road, the existing separation distance between the nearest dwelling and Building D is 9.5m. Existing Building D which runs along the boundary would be demolished and this area would be used for open storage (sand and aggregate etc.), with a new acoustic fence erected at a height of 2.5 metres. The primary canopy racking area would be sited 11 metres south of the boundary with the roof canopy measuring 8.9 metres in height, and the covered lorry parking bay measuring a minimum of 9.5 metres from the boundary, with an eaves height of approximately 6.5 metres. The height and separation of these structures would not result in any material impact on light or outlook to these neighbouring properties. Existing building "E" to the rear of 26/28 Stafford Road is now shown to be retained and unaltered along the shared boundary.
39. A Daylight and Sunlight Report by Point Surveyors states that the results demonstrate that the daylight and sunlight effects to neighbouring properties fall within the levels recommended in the BRE guidelines. The overshadowing analysis shows that the effect to existing amenity will satisfy the BRE guidelines in terms of available sunlight hours. In some cases, the results demonstrate that the proposed development would lead to improved levels of vertical sky component (VSC) with windows experiencing an increase in sky visibility.

40. In relation to noise, Paragraph 123 of the National Planning Policy Framework states that Planning policies and decisions should aim to:
   - avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
   - mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
   - recognise 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,
   - identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

41. Paragraph 005 of the Planning Practice Guidance expands on what a significant adverse impact comprises, stating "The noise causes a material change in behaviour and/or attitude, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area."

42. In the above circumstances it is recommended that this be avoided (and by inference, the development refused).

43. Paragraph 005 also identifies the difference between a significant adverse impact, and an observed adverse impact. An observed adverse impact occurs when: "Noise can be heard and causes small changes in behaviour and/or attitude, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a perceived change in the quality of life."

44. In the above circumstances it is recommended that this be mitigated and reduced to a minimum (usually via planning conditions).

45. An acoustic report has been prepared by Anderson Acoustics, it notes that electric forklift and lorry activity will occur across the site, including near the northern and western boundaries; where sensitive noise receptors are in close proximity on Stafford Road and Dickerage Lane. It concludes that the noise emitted from loading and unloading of lorries using electric forklifts, and the proposed modernised timber yard is within an acceptable range. Overall the report advises that the noise associated with the operation of the proposed timber yard has been investigated and shown that the noise emissions due to the
modernisation of the timber yard are predicted to be marginally lower than the current noise climate. No new noise sources would be introduced to the site and the level of activity would not alter significantly.

46. The report has been examined by the Council's Environmental Health Officer who is satisfied with the findings of the report and no objections are raised in this regard, subject to the inclusion of the acoustic fencing as specified.

47. It should also be noted that the proposal now omits the steel fabrication operations, which would reduce overall site noise emissions and improve the residential amenity of neighbouring properties. In addition, an imperforated acoustic fence ranging between 2.5m and 3m in height would be installed along those parts of the site boundary which abut the properties on Dickerage Lane and Stafford Road so that any potential adverse noise impacts are further mitigated. The height and closed nature of the acoustic fence are considered to be justified in this case to ensure that residential amenity is safeguarded.

48. The applicant proposes opening hours of 07:00 to 20:00 Monday to Friday and 08:00 to 13:00 hours on Saturday, with no hours of opening on Sundays or Bank Holidays. Concerns were raised over the terminal hour of 8pm and potential for noise disturbance for residents in the evening. The applicant has agreed to modify the proposed hours of operation to 08:00 – 18:00 Mon-Fri, then 08:00 – 17:00 on Saturdays. It is noted that these hours would allow Saturday afternoon trading, but these hours are not considered unreasonable for this industrial site.

49. The access onto Dickerage Lane would be for emergency purposes only.

50. Overall, the proposals are deemed to comply with Policy DM10 of the LDF Core Strategy, 2012 as they will not have an adverse impact upon residential amenity in terms of impact daylight/sunlight and noise emissions from this existing industrial site.

Highways & Parking

51. Policies DM9 and DM10 of the LDF Core Strategy, 2012 seek to ensure that new development has regard to local traffic conditions and does not contribute to congestion or compromise highway safety.

52. Currently there are no formal marked customer parking spaces within the site, customer vehicles and delivery vehicles use same area. The proposal would segregate staff and customer parking from delivery vehicles which is a significant improvement on the existing arrangement.

53. The application proposes a total of 49 parking spaces, of which 29 would be for customer parking, and 20 spaces staff parking spaces. The customer car parking spaces would be larger bays (3m x 6m) designed to accommodate customer vans.

54. Of the staff parking, 5 spaces would be provided with electric vehicle charging points and an additional 10% of car parking spaces will be capable of being upgraded for future use by electric vehicles, which is in accordance with the London Plan.

55. The total number of parking spaces provided is slightly above the London Plan maximum parking standards (assessed as B1: 1 space per 100-600sqm) which would equate to 47.2 spaces, compared to 49 as proposed. Given this and the use of the site as a builders merchants with
customer trade, the level of provision is considered acceptable.

56. With regards to cycle spaces, 12 long stay spaces would be provided for staff to the rear of the site and 6 would be provided for visitors within the customer car parking area. This level of provision is compliant with London Plan minimum standards.

57. In terms of access the main entrance and exit off St. John's Road would be retained for both customer and trade vehicles. The proposals will result in the closure (except for emergency access) of an existing site access opposite the School on Dickerage Lane;

58. The proposals will result in the segregation of delivery and servicing activity from customer traffic.

59. It is noted that this application now retains the office building at Adams House in Dickerage Lane, which is excluded from the site. The Transport Statement has assessed that by retaining the building there could result in more trips on the local road network than with the approved scheme. As a result of this building remaining, the revised proposals could result in a further 20 vehicle movements on the local road network during peak periods when compared to the existing site use (the building is currently not used) or the consented development. The Transport Assessment concludes that this is a negligible amount, which on average equates to 1 movement every 3 minutes and would, not have any effect on the operation of the local road network.

60. A Workplace Travel Plan has been submitted with this application.

61. No concerns have been raised by the Council's Highways Officer with regards to these proposals and car parking and cycle parking provision are generally in accordance with the standards set out in the London Plan, 2016. As such, the proposed development is considered to compliant with policies DM9 and DM10 of the LDF Core Strategy, 2012 and the Sustainable Transport Supplementary Planning Document (SPD, 2013).

Trees

62. The site does not currently have any trees or soft landscaping which could be impacted upon by the proposal. The previous application included a condition requiring details of landscape treatment. The applicant has advised that soft landscaping and the provision of trees would be inappropriate given the industrial nature of the site. This requirement is accepted, particularly in this location which is well setback from public view from the Kingston Road frontage and screened by tree planting in the adjacent Homebase customer car park. The site is also not readily visible on the Dickerage Lane frontage as it is separated by Adams House (now retained and previously shown as demolished and used as open car parking).

Legal Agreements

63. There are no legal agreements associated with this application.

64. The application would be liable to pay Kingston CIL which is presently set at £20/m2 of additional floor area in this location (Charging Zone 3). The application would also be liable to pay Mayoral CIL which is
presently set at £35/m2 of additional floor area.

Sustainability

65. Policy DM1 of the LDF Core Strategy, 2012 encourages industrial/commercial developments to achieve BREEAM level "Outstanding". However, it is recognised that achieving this level can be challenging and may not be possible for a number of reasons.

66. In this case the Energy Statement and BREEAM assessment only covers Building 1, which is the two storey building for office and retail use. The other buildings and structures on the site are not assessed under BREEAM as they are either unheated/open sided, or existing buildings.

67. Due to the nature of the development it has been demonstrated that it would not be feasible to achieve a BREEAM "Outstanding" rating. The target score for the development is 68.79%, which is a robust "Very Good" rating. The proposed energy strategy will, however, achieve the minimum performance standards for an “Outstanding” rating i.e. 40% CO2 emissions reduction beyond building regulations part L 2010. As with the approved scheme, this approach remains acceptable, and would be secured by condition.

68. On the basis that these sustainability standards are secured by condition, the proposal is considered to comply with Policies DM1 of the Council's LDF Core Strategy, 2012.

Other Material Considerations

Job Creation

69. The applicant has stated that the proposal would create an additional 30 jobs on site. This positive outcome is supported by both Policies CS11 and DM17 of the LDF Core Strategy, 2012 which seek to "build on the economic strengths of the Borough by promoting the development of a diverse and flourishing economy and ensuring that land and premises are available for both traditional industrial and office based employment activities (B1, B2 and B8 uses)."

Land Contamination

70. Paragraph 109 of the NPPF, 2012 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 water, soil, air and noise pollution. The NPPF also requires appropriate remediation and mitigation of contaminated land.

71. A Phase 1 Desk Top Study has concluded that due to the identified potential contamination risks, a full Phase II Intrusive Investigation is recommended to assess the potential risk to future site users and to recommend any required remediation. The applicant has subsequently submitted two further reports:
   - Geo-Environmental Assessment Adams Industrial Estate dated April 2018 ref 17-0652.01 completed by Delta-Simons (DS).
Contamination Assessment Report Lawsons St Johns Road dated January 2018 ref CONT/8182 completed by Chelmer Consultancy Services (CCS).

72. The Environmental Health Officer has reviewed the reports and confirmed that the reports have generally been completed in line with best practice and guidance. Plausible contaminant linkages have been identified and mitigation is required. The details of the mitigation measures will need to be submitted for approval and would be secured by condition.

Flood Risk and Sustainable Drainage

73. The application site falls within Flood Risk Zone 1, which is at low risk of fluvial flooding.

74. London Plan Policy 5.13 (Sustainable Drainage) requires development to utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible in line with the following drainage hierarchy:

- store rainwater for later use
- use infiltration techniques, such as porous surfaces in non-clay areas
- attenuate rainwater in ponds or open water features for gradual
- attenuate rainwater by storing in tanks or sealed water features for gradual release
- discharge rainwater direct to a watercourse
- discharge rainwater to a surface water sewer/drain
- discharge rainwater to the combined sewer.

A drainage strategy has been submitted with this application. It confirms that the surface water flows from the existing site discharges to the Thames Water sewer network at 3 different locations at an unrestricted rate. There is agreement with Thames Water in principal to maintain the existing discharge arrangement but provide a 50% reduction in surface water flows. Flow restriction would be achieved through the provision of hydrobrakes and attenuation provided in the form of a combination of oversized pipes and geocellular storage tanks.

75. As set out above, the London Plan policy seeks to achieve greenfield run off rates. The applicant has advised that the nature of the redevelopment means that open water features are not suitable, and therefore attenuation is largely restricted to the use of pipework and shallow depth geocellular storage tanks. It is advised that it would not be feasible to provide greenfield run-off rates. The existing site is approx. 1.2 ha and is more than 95% positively drained hardstanding. The proposal would result in a 50% betterment of the current brownfield rate, whereas to achieve the greenfield run off rate for the site would be equivalent to a 97% betterment of the existing site. It is advised the attenuation requested would involve such extensive below ground works that it would prevent the development. The significant costs would not be feasible with this form of development.

76. Finalised SUDS details are reserved by condition, and it is recognised
that there are significant problems in achieving greenfield run-off rates for this builders site, which would jeopardise the whole development.

**Recommendation:**

Approve subject to the following conditions:

1. The development hereby permitted shall be commenced within 3 years from the date of this decision.
   
   **Reason:** In order to comply with Section 91 of the Town and Country Planning Act, 1990. (As amended)

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

   - (104) PLNM.5228.104 Building A Existing Plan of Trade Counter and Warehouse Lawsons New Malden, 26/03/2018
   - (105) PLNM.5228.105 Building A Existing Elevations Trade Counter and Warehouse Lawsons New Malden, 26/03/2018
   - (106) PLNM.5228.106 Building D Existing Plans and Elevations Rear Warehouse Lawsons New Malden, 26/03/2018
   - (107) A PLNM.5228.107 Building E Existing Elevations and Plan Lawsons New Malden, 26/03/2018
   - (108) PLNM.5228.108 Building F Existing Elevations Plan and Roof Plan, 26/03/2018
   - (109) PLNM.5228.109 Building G Existing Elevations and Plans Lawsons New Malden, 26/03/2018
   - (110) PLNM.5228.110 Building C Existing Elevations and Plans Lawsons New Malden, 26/03/2018
   - (201) A PLNM.5228.201 Proposed Location Plan Lawsons New Malden, 26/03/2018
   - (202) PLNM.5228.202.B Proposed Overall Site Plan Lawsons New Malden, 26/03/2018
   - (203) A PLNM.5228.203.A Proposed Site Plan (1 of 2) Western Part of Yard Lawsons New Malden, 26/03/2018
   - (204) PLNM.5228.204 Proposed Site Plan (2 of 2) of Eastern Part of Yard Lawsons New Malden, 26/03/2018
   - (206) B PLNM.5228.206.B Building 01 Proposed First Floor Plan and Section AA Lawsons New Malden, 26/03/2018
   - (207) A PLNM.5228.207.A Building 01 Proposed Elevations Lawsons New Malden, 26/03/2018
   - (208) A PLNM.5228.208.A Building 01 Proposed Roof Plan Lawsons New Malden, 26/03/2018
(209B) PLNM.5228.209.B Car Park Canopy Proposed Plan and Elevations Lawsons New Malden 26/03/2018
(210A) PLNM.5228.210.A Car Park Canopy Proposed Section BB Lawsons New Malden 26/03/2018
(211) PLNM.5228.211 Car Park Canopy Roof Plan Lawsons New Malden 26/03/2018
(212A) PLNM.5228.212.A Main Covered Racking Proposed Plan and Section CC Lawsons New Malden 26/03/2018
(213) PLNM.5228.213 Main Covered Racking Proposed Elevations Lawsons New Malden 26/03/2018
(214) PLNM.5228.214 Main Covered Racking Roof Plan Lawsons New Malden 26/03/2018
(215A) PLNM.5228.215.A Building 02 and 03 Proposed Plan of Primary Loading Bay Lawsons New Malden 26/03/2018
(216A) PLNM.5228.216.rev.A Building 02 and 03 Proposed Elevations Lawsons New Malden 26/03/2018
(217A) PLNM.5228.217.Rev.A Building 02 and 03 Proposed Roof Plan and Section DD Lawsons New Malden 26/03/2018
(219) PLNM.5228.219 Building 04 Proposed Elevations Plans and Roof Plan Lawsons New Malden 26/03/2018
(220A) PLNM.5228.220.A Proposed Site Roof Plan Lawsons New Malden 26/03/2018
(221) PLNM.5228.221 Racking Zone 2 Lawsons New Malden 26/03/2018
(222) PLNM.5228.222 Racking Zone 3 Lawsons New Malden 26/03/2018
(223) PLNM.5228.223 View A Lawsons New Malden 26/03/2018
(224) PLNM.5228.224 Proposed Waste Management Lawsons New Malden 26/03/2018
(225) PLNM.5228.225 Proposed Boundary Treatment Lawsons New Malden 26/03/2018
(226A) PLNM.5228.226.A Proposed Parking Lawsons New Malden 26/03/2018
(227) PLNM.5228.207 Proposed Hardstanding and Surface Water Drainage Lawsons New Malden 26/03/2018
R03-GP-Transport Statement (180227) 26/03/2018
PDAS 230318 26/03/2018
(102) PLNM.5228.002 Existing Topographical Survey LAWSONS New Malden 26/03/2018
(103) PLNM.5228.003 Existing Site Plan LAWSONS New Malden 26/03/2018
R01-EC_PS-Workplace Travel Plan (180309) 26/03/2018
The premises shall not be used for the purposes hereby permitted before 08:00 or after 18:00 Monday to Friday, before 08:00 or after 17:00 on Saturdays, or at any time on Sundays or National/Bank Holidays.

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

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.

No external lighting shall be installed without the prior written approval of the Local Planning Authority, any future application should be
accompanied by full technical details of light spread and mechanisms to minimise light pollution.

Reason: In order that the lighting shall not cause nuisance to nearby occupiers or be a source of danger to road users in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

6 The garage or car parking accommodation shown upon the approved drawings shall be provided with a hard bound dust free surface, adequately drained before the development to which it relates is occupied and thereafter it shall be kept free from obstruction at all times for use by the occupier of the development and shall not thereafter be used for any purposes other than the parking of vehicles for the occupiers of the development and visitors to it.

Reason: To ensure the provision of adequate off-street parking accommodation and to avoid the congestion of surrounding roads by parked vehicles in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

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

Reason: These details are required prior to commencement of development because the details would affect subsequent design of other elements of the scheme and must be agreed at the outset 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.

8 No development shall commence until a copy of a letter from a person that is licensed with the Building Research Establishment (BRE) (or equivalent) confirming that the development is registered with BRE under BREEAM, and a Design Stage Assessment Report showing that the development will achieve the agreed BREEAM rating (Very Good) has been submitted to and approved in writing by the Local Planning Authority. The submission shall also include evidence to show how the development will meet the London Plan CO2 reduction targets (equivalent to minimum emissions reductions required to achieve BREEAM Outstanding).

Reason: These details are required prior to commencement of development because the details would affect subsequent design of other elements of the scheme and must be agreed at the outset and to ensure that all development is designed and built to make the most efficient use of resources, reduce its lifecycle impact on the environment.
and contributes to climate change mitigation and adaptation in accordance with Policy CS1 (Climate Change Mitigation) of the LDF Core Strategy Adopted April 2012.

9 Unless otherwise agreed in writing by the Local Planning Authority, within 3 months of first occupation of the development a Post Construction Review Certificate issued by the Building Research Establishment or other equivalent assessors confirming that the development has achieved the agreed BREEAM rating (Very Good) shall be submitted to and acknowledged in writing by the Local Planning Authority. The submission shall also include confirmation that the development will meet the London Plan CO2 reduction targets (equivalent to minimum emissions reductions required to achieve BREEAM Outstanding).

Reason: In order to ensure that all development is designed and built to make the most efficient use of resources, reduce its lifecycle impact on the environment and contributes to climate change mitigation and adaptation in accordance with Policy CS1 (Climate Change Mitigation) of the LDF Core Strategy Adopted April 2012.

10 Prior to commencement of any development on site, a highway related 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 CMP should include the following:

a) Provision for loading/unloading materials;
b) Storage of plant, materials and operatives vehicles;
c) Temporary site access;
d) Signing system for works traffic;
e) Measures for the laying of dust, suppression of noise and abatement of other nuisance arising from development works;
f) Location of all ancillary site buildings;
g) Measures to protect any tree, shrubbery and other landscape features to be retained on the site during the course of development;
h) Means of enclosure of the site; and
i) Wheel washing equipment.

Reason: These details are required prior to commencement of development because 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.
Refuse storage facilities and recycling facilities shall be provided prior to the occupation of the development hereby permitted in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, such facilities to be permanently retained at the site.

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

Prior to commencement of works (excluding site investigations and demolition), the applicant must submit a detailed surface water drainage design to the Lead Local Flood Authority for review and approval which includes a Drainage Assessment Form and associated calculations, drawings and maintenance plan to demonstrate surface water runoff is being restricted to as close to greenfield runoff rates as possible through the use of sustainable drainage features. If a restriction to no more than three times the equivalent greenfield rate cannot be achieved the applicant must submit sufficient evidence to demonstrate that runoff rate restrictions better than that being proposed are not viable for the site. The maintenance plan must confirm how and who will maintain each of the components of the proposed drainage scheme for the lifetime of the development.

Reason: These details are required prior to commencement of development because the details would affect subsequent design of other elements of the scheme and must be agreed at the outset and to 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 and the Non-Statutory Technical Standards for Sustainable Drainage Systems and DM4 of Kingston’s Core Strategy.

Prior to occupation, evidence (photographs and installation contracts) must be submitted to demonstrate that the sustainable drainage scheme for the site has been constructed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To comply with the Non-Statutory Technical Standards for Sustainable Drainage Systems, the National Planning Policy Framework (Paragraph 103), the London Plan (Policies 5.12 and 5.13) along with associated guidance to these policies and Kingston Council’s Core Strategy Policy DM4.

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: These details are required prior to commencement because the relevant works would take place at the beginning of the construction phase and 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.

15 A finalised Green Travel Plan, containing a package of measures for reducing the number of vehicle trips to the site by staff and visitors, shall be implemented upon the development being brought into first use, and in accordance with details to be submitted to, and approved by the Local Planning Authority prior to the commencement of development. The Travel Plan shall include an action plan with timescales for the implementation of the proposed measures, details of an ongoing programme of monitoring and review and targets for reductions in car use. Monitoring and review shall include the submission of annual travel plan update report for the approval of the Local Planning Authority which contains the results of annually repeated staff travel surveys and demonstrates progress towards meeting targets.

Reason: To ensure that sustainable transport methods are encouraged and implemented in accordance with Policies CS5 (Reducing the Need to Travel) and CS6 (Sustainable Travel) of the LDF Core Strategy Adopted April 2012.

16 The acoustic timber fence shall be provided in accordance with the details contained on drawing No.PLNM.5228.225 and as specified in the accompanying Acoustic report prepared by Anderson Acoustics and shall be a superficial weight of 25 kg/m². The fencing shall be installed prior to the commencement of the use hereby approved, and thereafter permanently retained.

Reason: The details are required prior to commencement as the details would affect the 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.

17 No development shall commence until the details of measures to be taken, including the timescales, to remediate the site to render it suitable for the approved development (see Delta-Simon's assessment reference 17-0652.01 dated April 18) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: These details are required prior to commencement of development because the details would affect subsequent design of other elements of the scheme and must be agreed at the outset and to protect human health, controlled waters, and the environment in line with
DM 1 (Sustainable Design and Construction Standards) of the LDF Core Strategy Adopted April 2012.

18 The site shall be remediated in accordance with the approved measures and timescales received as part of Condition 17 and a final verification report for all the remediation works shall be submitted to the Local Planning Authority within 28 days of the report being completed and approved in writing by the Local Planning Authority.

Reason: To protect human health, controlled waters, and the environment in line with DM 1 (Sustainable Design and Construction Standards) of the LDF Core Strategy Adopted April 2012.

19 If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the Local Planning Authority within 28 days of the report being completed and approved in writing by the Local Planning Authority.

Reason: To protect human health, controlled waters, and the environment in line with DM 1 (Sustainable Design and Construction Standards) of the LDF Core Strategy Adopted April 2012.

20 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.

21 Prior to the commencement of the development an Environmental Construction Management Plan shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise, vibrations and other environmental impacts of the development.

Reason: These details are required prior to commencement of development because the relevant works would take place at the beginning of the construction phase and to safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance in line with DM 1 (Sustainable Design and Construction Standards) of the LDF Core Strategy Adopted April 2012.
Prior to any above ground level development, details of the spaces for electric charging to provide 20% of all spaces for electric vehicles with an additional 20% passive provision for electrical vehicles in the future, shall be submitted to and approved in writing. The car park shall then be laid out and maintained in accordance with the agreed details.

Reason: To ensure the development provides suitable and usable locations for sustainable travel in accordance with Policy DM9 Managing Vehicle Use for New Developments of the LDF Core Strategy Adopted April 2012.

23

The vehicular access onto Dickerage Lane shall be used for emergency purposes only.

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

Informatives

1 In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form or our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

2 The piling method statement required by condition 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.

3 In preparing the Environmental Construction Management Plan, the applicant should refer to the GLA's Supplementary Planning Guidance on The Control of Dust and Emissions During Construction and Demolition to identify best practice.
Ward

Tolworth and Hook Rise

Description of Proposal

Part detailed/part outline application for a total of 950 residential dwellings and other uses comprising: 1) Detailed: Erection of 211 residential dwellings (Use Class C3) with associated ground floor uses including Class D1 (Nursery) and Community Uses; (Class A1/A3) Restaurant/Café and 60 car parking spaces, bus layover and driver facilities; landscaping and ancillary works; 2) Outline: Erection of 739 residential units (Use Class C3) with associated other ground floor uses (Class D1) Doctor Surgery; (Class A1) Retail; Cycle Hub and 328 car parking spaces.

Plan Type

Hybrid Application

Expiry Date

14/03/2017

Background Information

This application was reported to the December 2017 meeting of the Development Control Committee.

In their consideration of the December 2017 report Members noted that the Mayor of London had published a draft of his new London Plan for consultation and that when adopted the draft London Plan will form part of the Development Plan. The Committee further noted that up until adoption the draft London Plan is a material consideration in the determination of all planning applications in London. It was the view of the majority of the Committee that consideration of the application should be deferred in order to allow Officers time to consider the implications of the draft London Plan. During this deferment the Committee requested that the proposed Section 106 legal agreement be finalised so that Members can scrutinise the agreed financial contributions proposed. Furthermore, the Committee expressed a wish that the applicant used the period of deferment to work with Officers to explore the possibility of increasing the affordable housing offer.

The committee resolved to defer the planning application for the following reasons

2. To allow time for the applicant to finalise the proposed Legal Agreement.
3. To allow further time for the applicant to work with Officers to explore the possibility of increasing the affordable housing offer.

Officers have now carried out an assessment of the draft London Plan 2017, the Section 106 legal agreement has now been finalised, and Officers have worked with the applicant to secure an increase in the affordable housing offer from 25% to 30%.
The details of the above assessment are covered in the relevant sections of the following report.

**Executive Summary**

This hybrid planning application seeks permission for the comprehensive redevelopment of 4.4ha of previously developed land to provide a residential led, mixed-use scheme comprising 950 residential dwellings, a mixture of Class A1/A3/D1 floor space (to include a retail convenience store, a doctors’ surgery, day nursery, and site office) with associated car parking, landscaping and bus interchange.

A hybrid planning application is one that that seeks outline planning permission for one part and full planning permission for another part of the same site.

The element of the proposed development which seeks full planning permission comprises

- Erection of 211 residential dwellings,
- Day Nursery (169 sqm),
- Community Centre (122 sqm),
- Café/Restaurant (43sqm),
- 60 car parking spaces,
- 368 residential cycle spaces,
- 12 commercial cycle spaces,
- Provision of a new bus interchange facility adjacent to Tolworth railway station (to serve the 281 bus route) to include driver facilities
- Provision of public square; and
- Landscaping and ancillary works.

The element of this application which seeks outline permission comprises

- Erection of 739 residential dwellings,
- Doctors’ surgery (302sqm),
- Retail convenience store (308sqm),
- Site management office (75sqm),
- Energy Centre,
- 328 car parking spaces,
- 1,195 residential cycle spaces,
- 14 commercial cycle spaces, and
- Public routes and spaces, landscaping and ancillary works.

An application for outline planning permission is used to establish whether, in principle, the development would be acceptable. This type of planning application allows fewer details about the proposal to be submitted. If outline planning permission is granted, any details reserved for future consideration would be the subject of future reserved matters applications. In the case of this application all
matters except for means of access have been reserved for future consideration. These are

**Appearance** aspects of a building or place which affect the way it looks, including the exterior of the development.

**Landscaping** the improvement or protection of the amenities of the site and the area and the surrounding area, this could include planting trees or hedges as a screen.

**Layout** includes buildings, routes and open spaces within the development and the way they are laid out in relation to buildings and spaces outside the development.

**Scale** includes information on the size of the development, including the height, width and length of each proposed building.

If outline planning permission is granted, a reserved matters application must be made within three years of the grant of permission (or a lesser period, if specified by a condition on the original outline approval). The details of the reserved matters application must accord with the outline planning permission, including any planning conditions attached to the permission.

2405 local residents have been informed of the application by letter, press notices were placed in the local press and site notices erected at and near to the application site. In response, 40 letters of objection have been received.

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

- Principle of the Proposed Development
- Impact on the Character of the Area
- Quality of Accommodation
- Highways and Parking
- Sustainability
- Air Quality

This site was the subject of a recent appeal against the decision of the Royal Borough of Kingston Upon Thames Council to refuse outline planning permission for the redevelopment of the former Government Offices at King George’s Gate, Hook Rise South, Surbiton, KT6 7LE to provide a residential led, mixed-use scheme comprising buildings ranging from 3 to 18 storeys in height, providing 705 residential dwellings, a mixture of Class A1/A3/D1/D2/B1 floor space, with associated car parking and bus interchange, in accordance with application ref: 15/10074/OUT, dated 13 March 2015.

The Secretary of State dismissed the appeal and refused to grant planning permission. However, it is important to note that although he dismissed the appeal he concluded that the appeal scheme was in accordance with Policies DM9, DM10, SB1 and T1 of the development plan, and was in accordance with the development plan overall. However, the Secretary of State agreed with his Inspector that there were deficiencies within the unilateral undertaking (Section 106 legal agreement) to
place the successful implementation of the appeal scheme at risk. Although, he did acknowledge that the deficiencies could be resolved. However, he concluded that this should be in the context of a fresh application and as such dismissed the appeal.

Copied below is the planning balance and overall conclusion section of the Secretary of State’s report. (A full copy of the appeal decision is attached as Appendix 1).

19. For the reasons given above, the Secretary of State considers that the appeal scheme is in accordance with Policies DM9, DM10, SB1 and T1 of the development plan, and is in accordance with the development plan overall. However, he has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan. In this respect, the Secretary of State accepts that the intentions behind the proposed scheme are aimed at implementing development plan policies and helping to ensure a 5-year housing land supply. However, he takes the view that, in order to achieve this, the scheme needs to be deliverable; and he concludes that, although the S106 UU contains obligations that seek to provide the necessary mitigation, there are sufficiently serious deficiencies within the UU to place the successful implementation of the appeal scheme at risk.

20. The Secretary of State agrees with the Inspector that the obligations are directly related to the development and necessary to make it acceptable in planning terms, but, like the Inspector, he considers that the UU as it stands fails to provide a sufficient guarantee, thereby rendering the development as a whole unacceptable in that it would fail to comply with the thrust of the development plan policy and the framework. He agrees with the Inspector that the deficiencies identified could be resolved by the submission of an amended S106 UU, but he considers that that is a matter for your client to resolve with the Council in the context of a fresh application.

21. The Secretary of State therefore concludes that the appeal be dismissed and planning permission refused.

The appeal decision is a material consideration in the consideration of this planning application.
Key Standards Dashboard

<table>
<thead>
<tr>
<th>Planning Issue</th>
<th>Relevant Standard</th>
<th>Proposed</th>
<th>Is this Aspect in Accordance with the Development Plan?</th>
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</thead>
<tbody>
<tr>
<td>Density</td>
<td>170 u/ha</td>
<td>216 u/ha</td>
<td>No</td>
</tr>
<tr>
<td>Affordable housing</td>
<td>50%</td>
<td>30%</td>
<td>Yes, subject to a full viability test</td>
</tr>
<tr>
<td>Unit Mix</td>
<td>30% 3 beds</td>
<td>30% 3 beds</td>
<td>Yes</td>
</tr>
<tr>
<td>Car Parking Spaces</td>
<td>647 maximum</td>
<td>388</td>
<td>Yes</td>
</tr>
<tr>
<td>Cycle Parking Spaces</td>
<td>1,563 minimum</td>
<td>1,587</td>
<td>Yes</td>
</tr>
<tr>
<td>Cycle Parking Spaces</td>
<td>25</td>
<td>27</td>
<td>Yes</td>
</tr>
<tr>
<td>Sustainability – C02</td>
<td>Zero Carbon</td>
<td>35% reduction and a Carbon Offset Payment</td>
<td>Yes, subject to the receipt of the Carbon Offset payment</td>
</tr>
</tbody>
</table>

Recommendation

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

Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 provides that an application must be made in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

London Plan March 2016 (consolidated with alterations since 2011)
LDF Core Strategy Adopted April 2012

Policies

LONDON PLAN MARCH 2016

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

LDF KEY AREAS OF CHANGE

T1 Tolworth Key Area of Change

LDF CORE STRATEGY CORE POLICIES

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

LDF CORE STRATEGY DEVELOPMENT MANAGEMENT

DM01 Sustainable Design and Construction Standards
DM02 Low Carbon Development
DM03 Designing for Changing Climate
DM04 Water Management and Flood Risk
DM05 Green Belt, Metropolitan Open Land (MOL) and Open Space Needs
DM08 Sustainable Transport for New Development
DM09 Managing Vehicle Use for New Development
DM10 Design Requirements for New Developments
DM11 Design Approach
DM12 Development in Conservation Areas and Affecting Heritage Assets
DM13 Housing Quality and Mix
DM15 Affordable Housing
DM17 Protecting Existing Employment Land and Premises
DM18 New Employment Uses
DM19 Protecting Existing Retail Uses
DM20 New Retail Development
DM21 New Health Facilities
DM22 Design for Safety
DM24 Protection and Provision of Community Facilities

LDF CORE STRATEGY IMPLEMENT POLICIES

IMP3 Securing Infrastructure

Other Considerations
London Plan 2017

The Mayor published a draft of the new London Plan for consultation between 1st December 2017 and 2nd March 2018. When finalised, it will form a statutory part of our Development Plan for the borough and thus will be used in the determining of planning applications. It will also be used as one of the foundations of the new Kingston Local Plan, which must be in general conformity with the London Plan’s policies.

The Council provided a response which included recommending changes to a number of policies and opposing the intent of other policies. Notwithstanding the above it may be unrealistic to assume that the finalised version of the London Plan will fully reflect the Council’s submitted comments and therefore the note predominantly reflects the document as currently written and not what the Council wishes the policies to state.

The latest timetable from the GLA suggests that the Examination in Public of the London Plan will be held between November 2018 and March 2019, with the finalising of the document due to take place in Winter 2019/2020.

Materiality and Weight

Consideration has been given to paragraph 216 of the NPPF which sets out that, “from the day of publication decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

The wording above has been carried forward into the draft revised NPPF (paragraph 49) and it is therefore assumed it will also feature in the final version of the new NPPF, expected in summer 2018.

Considering the above, policies are a material consideration, however at this stage of the London Plan’s production, attract very limited weight. This is because the policies have not previously been subject to public scrutiny nor
have they been examined by an independent planning inspector and accordingly, the policies may be subject to change.

The consultation has ended but at the time of writing the responses have not been made public by the Mayor. Those policies that attract little opposition may attract additional weight once the comments have been summarised and placed into the public domain. As the London Plan is submitted for examination and further progresses towards adoption, the weight to be attached to the policies will increases. When adopted, the policies will be part of our statutory Development Plan.

**Relevant Policies for 16/10482/FUL**

Given the nature of this scheme, particular sections and policies in the draft London Plan and their implications have been identified below. For a more detailed analysis of the implications of the draft London Plan, please see –


**Opportunity Areas**

Policy SD1 identifies Opportunity Areas (OAs) - areas that the Mayor sees as having the most significant change in London throughout the plan period.

A Kingston OA is identified primarily because of the expectation of the arrival of Crossrail 2 and the opportunities for growth that it will bring, though it is classified as being ‘nascent’ - i.e. that the OA is still in its infancy, with critical details yet to emerge. It is explained that at least 9,000 homes and 5,000 jobs should be provided in this area.

Though the OA's boundaries will be defined at a later stage by the Council, through the new Local Plan, the London Plan identifies scope for significant change in Kingston Town Centre; Norbiton, London Road and Cambridge [Road] Estate; New Malden and Tolworth. It is in these four areas where it is stated there is capability to accommodate some OA development in the short and medium term (before Crossrail 2 is operational).

The application site is therefore expected to lie within the Kingston OA and would deliver a large amount of homes in an area where significant change is expected and is located adjacent to a potential Crossrail 2 station. As such, the application is not inconsistent with the proposed designation.

**Design & Density**

The proposed London Plan is much more prescriptive around design than has been expressed in previous London Plans. The policies on design and density are primarily found in chapter 3.

The design policies are linked to the desire to maintain the quality of the built environment whilst simultaneously increasing density. This is described
throughout this chapter, but is most obviously highlighted in policies D6 (Optimising housing density) and D8 (Tall buildings) whereby it is explained that tall buildings have a role to play in meeting the expected growth and that sites should make the most efficient use of land and be developed at the optimum density.

The density matrix that stipulated density ranges by PTAL (Public Transport Accessibility Level) zones is proposed to be replaced by a design-led approach, which seeks to understand the optimum housing density that could be achieved on sites, taking into account matters such as planned infrastructure, and encouraging the refusal of schemes that don’t maximise development opportunity. Accordingly, though there are no longer any minimum densities, there are also no longer maximums and there is clear instruction to refuse applications that result in underdevelopment of a site.

In addition, for schemes that are referable to the Mayor and feature tall buildings (generally those that are 30 metres in height, though this varies in places) and/or are considered to have high densities, applications will have to go through a Design Review Panel.

In relation to this application, the scheme proposes tall buildings (the 10 storey element is 34.6m tall) and has been subject to design review. The proposal seeks the development of housing at over 200 dwellings per hectare, which is considered to be high (and higher than the density matrix in the current London Plan suggests may be appropriate) but this seems to match with the desire to increase densities, including in areas around transport hubs, such as Tolworth Railway Station. As such, there is no obvious conflict with the design policies in the proposed new London Plan.

**Transport**

Chapter 10 contains the proposed transport policies. Delivering modal shift by transferring journeys from private transport to sustainable modes is the underlying theme of this section. Critical to this is Policy T6 (Car Parking), which looks to restrict car parking in new development, with the presumption being that areas well-connected with public transport (or are planned to be) should not be reliant on private transport.

In relation to the application site, it is noted that PTAL levels differ across the site - with parts of the site lying in zones 1, 2 and 3. Ordinarily, maximum parking levels would be 0.75 spaces per unit (PTAL zone 3) to 1.5 spaces per unit (PTAL zone 1). However, as the site is to lie within an Opportunity Area, the maximum parking standard of 0.5 spaces per unit would apply. As such, the parking provision applied by the applicants would be policy compliant.

**Housing**

The Mayor places great emphasis within the draft London Plan on increasing house building across London, to meet the challenges associated with the “housing crisis”. As a result, proposed housing numbers across most outer
London Boroughs have increased substantially, with the housing target for Kingston more than doubling to 1,364 per year (Policy H1).

As well as an increase in housing, the draft London Plan also calls for an increase in affordable housing. In Policy H5, a 50% strategic target for all homes across London to be affordable is set, with applications that deliver at least 35% affordable housing, without subsidy, being allowed to proceed without the need for a viability assessment. Policy H7 explains that at least 30% of the affordable housing in a scheme should be delivered as low cost rented homes, while a minimum of 30% of the affordable homes should be intermediate products. The remaining 40% would be up for individual boroughs to decide.

This proposed scheme would deliver a substantial amount of housing equating to around three quarters of the proposed annual target. As it fails to deliver 35%, the application has been subject to viability appraisal and therefore is policy compliant in this respect.

It is understood that the affordable housing proposed to be delivered would be 100% intermediate housing (please see section below on affordable housing).

Revised National Planning Policy Framework

Between 5th March and 10th May, the Government consulted on a revised version of the National Planning Policy Framework (hereafter NPPF 2). It intends to publish the final version of the document in late July.

NPPF 2 takes forward many of the provisions seen in the Housing White Paper: fixing our broken housing market and the Planning for the right homes in the right places consultation. Given that those consultations heavily focussed on housing, it is unsurprising that most fundamental changes to NPPF 2 are seen in the paragraphs in relation to housing delivery.

Like for the draft London Plan, though the Council has provided responses to all of the consultations related to NPPF 2, it is unrealistic to expect major changes to occur and therefore the views are based on the current wording of NPPF 2.

Relevant Paragraphs for 16/10482/FUL

As the proposal is for a large housing development on brownfield land, comments have been concentrated on policies relating to housing and the use of land.

Housing

Chapter 5 (delivering a sufficient supply of homes) of the NPPF 2 states that an objective of Government is to significantly boost the supply of homes (paragraph 60) and explains that in major housing developments that at least 10% of homes should be available for affordable home ownership (paragraph 65).
The chapter further explains that not only will authorities be required to ensure that they have a supply of at least 5 years worth of housing supply, as is the case now, but they will also be subject to a housing delivery test whereby authorities will be measured against the amount of homes they have delivered in relation to their housing target over a three year period.

Housing delivery substantially below the housing delivery test (paragraph 75) would result in housing policies in a Local Plan being seen to be out of date and therefore when determining a planning application, there would be a presumption in favour of sustainable development which would activate a tilted balance in favour of the approval of a planning application. As is the case now, having a housing land supply of less than 5 years, would also trigger the tilted balance.

In relation to this application, the scheme proposes 950 homes, which is a substantial amount which would aid the Council in relation to the housing land supply and housing delivery tests. As the proposal would result in 30% of the dwellings being available for affordable market sale, there would be no conflict with the NPPF 2 in this respect.

**Making effective use of land**

Chapter 11 (paragraphs 117 to 123) reiterates the desire to make best use of land, with a particular preference for using brownfield land for development being evident (paragraphs 117, 118c, 119).

Paragraph 122c indicates planning decisions “should support development that makes efficient use of land, taking into the account... the availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement and the scope to promote sustainable travel modes than limit future car use.” This suggests that development near sustainable transport nodes (such as railway or bus stations) should be encouraged a suggestion that is reiterated in paragraphs 103b and 136b.

Paragraph 123 also explains that low density development should be avoided where there is an existing or anticipated shortage of land for meeting needs, to ensure that development make optimal use of sites (paragraph 123).

In relation to this application, the scheme proposes a high density development on brownfield land and, as there is anticipated to be a shortage of land for meeting needs, low densities at this location is to be avoided. As such, the application accords with the principles of NPPF 2 in respect of density. Additionally, the scheme is adjacent to Tolworth Railway Station and NPPF 2 encourages development in areas where sustainable modes of transport can be used.
### Previous Relevant History

<table>
<thead>
<tr>
<th>Application No.</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>98/2039/OUT</td>
<td>Demolition of Toby Jug Public House and Government Offices for the erection of building for Class D2 Leisure, Class A3 food+drink, multi-plex cinema, FEC; restaurants, refurb of existing Bowl, new access, three storey car park for 600 spaces, 231 surface car parking spaces and associated landscaping</td>
<td>Application Withdrawn 02/03/2000</td>
</tr>
<tr>
<td>06/10260/OUT</td>
<td>Redevelopment to provide foodstore (8265sq m), A1/A2/A3/A4/D1 Community units (2105sq m) and 662 residential flats.</td>
<td>Withdrawn 19/02/2007</td>
</tr>
<tr>
<td>08/10206/EIA</td>
<td>Request for EIA Screening and Scoping Opinion for an outline application – comprehensive mixed use redevelopment for residential, retail and community uses</td>
<td>REQUIRED 17/10/2008</td>
</tr>
<tr>
<td>09/10030/OUT</td>
<td>Mixed use development comprising 562 dwellings &amp; retail store (13,662 sq m) with 889 basement parking spaces, D1/D2/A3 Community/Leisure/Restaurant Use (2,581 sq m); remodelling of Tolworth roundabout with vehicular turning lanes, signals &amp; associated highway works including new pedestrian/cycle routes and parking; sustainable energy systems and landscaping (hybrid app)</td>
<td>Withdrawn 22/04/2009</td>
</tr>
<tr>
<td>11/10241/EIA</td>
<td>Request for EIA Screening Opinion for an application for redevelopment</td>
<td>NOT REQUIRED 04/11/2011</td>
</tr>
<tr>
<td>12/10141/FUL</td>
<td>Hybrid application for a mixed use development including (Class C1) Hotel; (Class A1) Retail Store; (Class A3) Restaurant &amp; Cafe; 231 parking spaces, bus layover &amp; driver facilities; A3 pedestrian link; landscaping, ancillary works; 199 sqm (Class D1); Change of Use of ground floor units to Class A1/A3/D1; 269 Residential Units (Class C3); 199sqm D1 Floorspace.</td>
<td>Application Withdrawn 04/02/2014</td>
</tr>
<tr>
<td>14/10350/EIA1</td>
<td>Request for EIA Screening Opinion for an application for redevelopment</td>
<td>Not Required 15/01/2015</td>
</tr>
<tr>
<td>15/10074/OUT</td>
<td>Outline application (means of access only) for 705 residential dwellings (Use Class C3) with associated other ground floor uses including class A1 (Convenience Retail Store)/ A3 (Cafe)/ D1 (Doctors Surgery)/ D2 (Day Nursery)/ B1 (Office) floorspace with associated car parking and a bus interchange.</td>
<td>Refused 04/08/2016, Appeal Dismissed 12/09/2017</td>
</tr>
</tbody>
</table>
15/10078/FUL Use of the site for the storage of skips, storage units, machinery, plant and equipment. Permit with conditions 11/11/2015

16/10434/EIA1 Request for EIA Screening Opinion for residential led development for approximately 950 residential units (Use Class C3) together with a mix of commercial units, public realm enhancements, open space (c.7,000sqm) and associated landscaping and car parking (the ‘Proposed Development’), on an area of land measuring 4.4 hectares (a) which was formerly occupied by Government Officer and Toby Jug Public House in Tolworth, Surrey (the ‘Site’) Not Required 10/11/2016

**Consultations**

2405 neighbouring properties have been notified of the application, in addition the application was advertised by a site notice and a press notice.

40 letters of objection have been received stating the following concerns:

- The design of the proposed development is unacceptable,
- The tall buildings proposed are inappropriate,
- Insufficient car parking is provided at the development to accommodate the potential number of cars,
- Impact of air pollution on any future residents,
- Impact of the development on air pollution of existing residents,
- The development would place existing infrastructure under considerable strain,
- Insufficient affordable housing proposed,
- Impact of the proposed development on the residential amenities if neighbouring properties, and
- Prejudice the ability of the Day Group Aggregates, London Concrete batching plant and London United bus depot to operate by way of the noise generated by the sites and potential complaints from new residential units.

**Re-consultation (June/July 2018)**

8 additional responses: Reiterating concerns previously raised.

18 letters expressing support for the development

**Design Review Panel:** We commend the ambition to create a development with a strong identity in this prominent location. We applaud the way that comments from the previous review have been taken on board and commend the continuing quest for design improvement by bringing the scheme back to design review to consider the revised massing options to accommodate an increase in density. Aside from the change in height of the buildings, however, we do not see a corresponding change in the relationship between building
footprint and open space and we would like to see both more public realm and evidence of a more ambitious landscape strategy that will tie the entire development together and provide more useable public space rather than space that is just passed through. There is some concern about the location of the pavilion and the active nature of frontages to the square and the use of the public square. To get the most from this proposal these areas should be enhanced. This, together with attention to detailing of the buildings, is what will give the development its defining character and identity and help to ensure its long-term success as a new high-density residential neighbourhood. This development has the potential to be an award winning scheme. To achieve its potential, the highest quality of materiality and detailing needs to be assured. This will require careful conditioning.

**Sport England**: No further comments

**Historic England (Archaeology)**: No further comments

**RBK Lead Local Flood Authority**: No further comments

**RBK Environmental Health**: No further comments

**Statutory and Non Statutory Consultation**

**Crossrail 2**: The above site is outside the 2015 Crossrail 2 Limits of Safeguarding which essentially extends only to the central operating or tunnelled section of the Crossrail 2 route. On the basis that the proposals for Crossrail 2 are taken forward works will be required to deliver a Crossrail 2 Station at Tolworth. The above application, as submitted, does not conflict with Crossrail 2 developing proposals for the station design.

**Environment Agency**: No comments.

**Health and Safety Executive**: No objection.

**Historic England GLAAS**: No objection, subject to conditions and informatives.

**London Fire Brigade**: No objection subject to the provision of an additional fire hydrant. This would be secured by way of a condition.

**Metropolitan Police**: Requested a 12sqm space within the development for welfare facilities for Metropolitan Police officers within Tolworth.

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

**Natural England**: No objection.

**Network Rail**: Stated that the proposed development would not have a detrimental impact on the capacity of Tolworth station or cause overcrowding on the trains using Tolworth station. However, they have expressed concern
about the impacts of a residential development next to their Strategic Rail Freight terminus and have asked the LPA to ensure that measures are taken to ensure that their operations would not be adversely affected.

**South of the Borough Neighbourhood Committee:** Resolved that the following views of the Committee on the application are reported to the Development Control Committee to consider when it determines this planning application:

- The application is too dense – an application for 705 has already been turned down on the site but this application is for 950 (30% increase) – theoretically the development could result in a total of 2375 people living on the site
- Insufficient infrastructure has been provided for the development - a single person GP surgery would not be sufficient; not enough school places will be provided and it will also cause strain on hospital provision; to have a nursery on the site itself is questionable given the likely poor air quality at this location
- The design is considered to be incongruous for the site – the character of the area is more defined by the semi-detached houses (Hook Rise North, Hamilton Avenue, Princes Avenue, St George’s Gardens) than by Tolworth Tower – 10 storeys is too high for this area – needs to be brought down to 5-6 storeys at the front - the towers will cause a wind tunnel effect and shadowing
- The new residents will not want the noise from the concrete depot which adjoins the site
- It was considered surprising that Thames Water had not commented on the drainage issues on this site – the area suffers from flooding
- it is accepted that some housing on this site is acceptable, especially if plenty of green screening is added to reduce air pollution and noise from the A3 – the provision of robust living screening and its ongoing maintenance should be part of a legal agreement for the site to provide a permanent solution for maintenance
- there was a query about how the emergency services would access all parts of the proposed development
- The cumulative effect of all the different developments in the Tolworth area have not been considered sufficiently in a Tolworth strategy, particularly with respect to the effect on the road infrastructure - the Tolworth roundabout is already too congested and will not be able to cope with the additional traffic – given the amount of car parking on the site

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

- 0.12 swimming pools (£594,128);
- 0.17 sports halls (£496,032);

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

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

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

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

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

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

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

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

**Surrey County Council:** No objection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Site and Surroundings

1. The appeal site is roughly bounded by Hook Rise South and, immediately beyond that, the A3 trunk road to its north-western side, Kingston Road (A240) to its north-east and the Chessington South railway line and Tolworth Station to its immediate south-east.

2. The vast majority of the site comprises a roughly rectangular, slightly tapering configuration that was formerly occupied by a series of uniform two-storey Government Offices. It has been vacant for over 15 years and has been cleared save for perimeter earth mounding that has been put in place to prevent illegal occupation and, currently, some limited use for the storage of container units/units.

3. The site area of some 4.4ha also includes part of Hook Rise South together with vacant land (formerly occupied by a public house) between the Tolworth Interchange Roundabout (the intersection of the A3 and the A240) and the Charrington Bowl, a 1960s-built, flat-roofed bowling alley. Also within the site is a strip of vacant land. This lies between the two blocks of three-storey residential units of Drayton Court and a small car park associated with the station. The present cul-de-sac of Lansdowne Close, and Toby Way, which provides a link between the A240 and Hook Rise South, complete the site.

4. Facing the site to the north-western side of the A3 is an area characterised largely by residential development, predominantly semi-detached houses. Tolworth District Centre and Tolworth Broadway lie immediately north of the Tolworth Interchange Roundabout, comprising a mix of retail and service uses. Here is the landmark feature of Tolworth Tower, a 22-storey, highly glazed structure completed in 1964. A resolution to grant planning permission was approved in January 2016 for the refurbishment and change of use of Tolworth Tower to provide residential units, together with the construction of four new multi-storey buildings, with one up to 19 storeys in height, to provide further residential units.

5. Tolworth District Centre lies immediately north of Tolworth roundabout, clearly landmarked by Tolworth Tower. The district centre comprises a mix of retail and service uses. Pedestrian access to the District Centre from the appeal site is provided via The Greenway, which dissects the roundabout, and subways.

6. Facing the site to the north-east of the A240 are terraced residential blocks with the residential Sunray estate and the more recent Donald Woods Gardens stretching beyond.

7. To the south-eastern side of the railway line is an enclave of commercial uses, including a concrete batching plant and a bus depot occupying the Tolworth Depot, a Strategic Rail Freight Site. Adjacent to the A240 to the south-east of the station is the 8 storey Premier Inn hotel building. Beyond
this is the site for which there is planning permission for the construction of an office headquarters for the Lidl supermarket group. The area to the south-east of the railway is predominantly open and designated as Metropolitan Open Land.

8. The site does not contain any listed buildings, is not located within a conservation area and is within a Flood Risk Zone 1. It is designated as a Key Area of Change and a Housing Opportunity Area within the LDF Proposals Map (2012) and the site is adjacent to an Archaeological Priority Area. The site is located within 800 metres walking distance of a District Centre and is therefore classed as an urban setting.

Proposal

9. The planning application proposes a hybrid (part detailed, part outline) residential led regeneration of a vacant brownfield site. The application includes the provisions of 950 units, a mixture of Class A1/A3/D1/B1a floor space (to include a retail convenience store, a doctors’ surgery, day nursery, and site office) with associated car parking, landscaping and bus interchange.

10. The detailed element of the application comprises

- Erection of 211 residential dwellings,
- Day Nursery (169 sqm),
- Community Centre (122 sqm),
- Café/Restaurant (43sqm),
- 60 car parking spaces,
- 368 residential cycle spaces,
- 12 commercial cycle spaces,
- Provision of a new bus interchange facility adjacent to Tolworth railway station (to serve the 281 bus route) to include driver facilities; and
- Landscaping and ancillary works.

11. The residential units, the Day Nursery and the Community Centre would be accommodated in 3 interlinking blocks ranging in height from 10 to 8 storeys with a 2 storey connecting wing. The Café/Restaurant would be accommodated in a standalone unit facing the newly created “Tolworth square”.

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

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

14. The proposed 8 storey element would be 17.4 metres in width, 42.2 metres in depth, 22.6 metres in height to the eaves and 28.1 metres in height to the top of the roof.
15. The proposed 2 storey blocks of mews houses would be 17.7 metres in width, 8.4 metres in depth and 6.8 metres in height to the parapet roofs.

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

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

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

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

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

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

22. The outline element of the application comprises

- Erection of 739 residential dwellings,
- Doctors’ surgery (302sqm),
- Retail convenience store (308sqm),
- Site management office (75sqm),
- Energy Centre,
- 328 car parking spaces,
- 1,195 residential cycle spaces,
- 14 commercial cycle spaces, and
- Landscaping and ancillary works.

23. The outline element of the proposal has reserved all matters, save for means of access, for subsequent approval (means of access would be provided from hook rise south). Notwithstanding the outline nature of the application considerable illustrative detail has been provided in the form of an illustrative masterplan. The masterplan shows a variety of options for the delivery of 739 units across the remainder of the site. Each of the options submitted show the primarily residential proposal set around a central spine road, with the creation of a hierarchy of open spaces with denser, taller buildings towards the north-eastern end of the site and along the southern boundary. Blocks of residential units are shown at a mixture of heights, with options ranging from buildings of 2 - 10 storeys, 2 – 16 storeys, and 2 -18 storeys. Each of the options focuses the small amount of non-residential floor space in the northern portion of the site.
24. Residential vehicle access to the site will be via two access points on Hook Rise South. A new access road from Lansdowne Close to Toby Way is proposed, allowing access to the existing Drayton Court Car Park, whilst allowing for the area of Lansdowne Close to the east of the car park entrance to become a one way eastbound bus only route.

Assessment

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

- Principle of Proposed Development
  - Residential use
  - Community Facility, Doctors’ Surgery, and Nursery Use
  - Retail and Café Use
- Impact on Character of Area
  - Density
  - Site Layout and Heights
  - Visual Impact
- Quality of Accommodation
  - Internal Space Standards
  - Access and Cores
  - Overheating
  - Air Quality
  - Sunlight and Daylight
  - Overlooking and Privacy
- Private and Communal Amenity Space
  - Play space
- Housing
  - Housing Mix
  - Affordable Housing
- Impact on Neighbouring Amenity
  - Overshadowing and overlooking
  - Daylight and Sunlight
  - Plant Noise
  - Noise from Proposed Commercial Uses
  - Noise from Increased Traffic
  - Impact on Existing Businesses
- Highways and Parking
  - On-site Car Parking
  - Electric Vehicle Car Parking
  - Trip Generation
  - Hook Rise South Trip Generation
  - Access and Off-site Car Parking
  - Cycle Parking and Pedestrian Wayfinding
  - Servicing
- Landscaping
  - Hook Rise South
  - Transport Interchange
  - Public Amenity Areas
  - Internal Roads
  - Podium Level Garden
Legal Agreements
Sustainability
  - Energy Efficiency
  - Energy
Other Material Considerations
  - Air Quality
  - Health Impacts
  - Education
  - Community Facility
  - Accessibility and Inclusion
  - Archaeology
  - Biodiversity
  - Contamination
  - Flooding and Surface Water Drainage
  - Refuse and Recycling
  - Fire Safety
  - Development adjacent to Metropolitan Open Land (MOL)
  - Cumulative Impact
  - Conclusion

Principle of Proposed Development

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

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

27. The Royal Borough of Kingston upon Thames Core Strategy (April 2012) sets out the vision for the area, specifically stating that:

- Tolworth will be a vibrant and attractive centre as the role of the District Centre is strengthened and more competitive with a diversified retail offer;
- Tolworth will be a more attractive place to live, work and visit with high quality new development and a high quality public realm; and
- There will be significant new housing development on the government offices, Toby Jug and Marshall House site to provide a range of new homes including houses with gardens, flats and affordable housing.

Residential Use
28. Paragraph 159 of the NPPF states that Local Planning Authorities should have a clear understanding of housing needs in their area, they should, inter alia, prepare a Strategic Housing Market Assessment to assess their full housing needs; and prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.

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

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

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

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

32. Paragraph 49 of the NPPF continues that housing applications should be
considered in the context of the presumption in favour of sustainable development.

33. Paragraph 50 of the National Planning Policy Framework directs that in order to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should: inter alia

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that are required in particular locations, reflecting local demand. It is considered that the Council’s policies with regards to assessing housing need and demonstrating supply are consistent with the NPPF in this respect.

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

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

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

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

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

39. With regard to housing land supply, the Council is able to demonstrate a supply of 3,636 residential units against a requirement of 3,683. This equates to a housing land supply of 4.94 years. Short of the 5 year requirement.

40. As there is no 5-year housing land supply, paragraph 14 of the NPPF indicates that planning permission should be granted unless (a) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted.

41. The delivery of 950 units, albeit it is estimated that only 350-400 units would be delivered in the first five years of the development, would carry significant weight in favour of the proposal.

**Community Facility, Doctors’ Surgery and Nursery Use**

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

43. 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.

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

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

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

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

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

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

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

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

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

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

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

53. Policy DM21 (Health Impacts) continues this stating that the Council will:

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

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

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

56. Policy T1 also states that the Council will work with the Metropolitan Police to secure the provision of a base for the Tolworth and Hook Rise police officers within or closer to its policing area, e.g. on or near to Tolworth Broadway. The application site is within an appropriate distance to Tolworth Broadway and will be able to accommodate this aspiration, as requested by the Metropolitan Police.
57. The principle of the proposed community facility, doctors surgery and nursery on the site is considered to be in accordance with the Council's adopted Development Plan

**Retail and Café Use**

58. The development proposes an A3 Café use within a standalone building in the main square of the detailed phase and an A1 Retail use within the outline phase.

59. The NPPF directs that when assessing applications for retail development outside of a town centre, local planning authorities should require an impact assessment if the development is over 2,500 sqm. The proposed retail convenience store and the proposed café would fall below 2,500 sqm threshold, ensuring that a Retail Impact Assessment is not required.

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

a) Consider applications for new retail development in designated centres favourably, in order to meet identified future needs and ensure accessibility by sustainable transport; and

b) Support the co-location of retail and community facilities in appropriate locations (see Policy CS16); and

c) Ensure that any applications for new retail development are of an appropriate scale and have been planned positively in order to minimise any negative impacts on:

- climate change
- pollution
- transport accessibility
- design and character
- the amenity of surrounding residents
- current regeneration projects
- local employment

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

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

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

63. The principle of the comprehensive redevelopment of a previously
developed site is supported, subject to detailed consideration of all other matters.

Impact on Character of Area

64. Paragraph 17 of the NPPF states 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.

65. 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.

66. 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.

67. Paragraph 63 directs 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.

68. 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).

69. 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.

70. 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.

71. 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.

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

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

Tall buildings:

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

73. The policy concludes that the impact of tall buildings proposed in sensitive locations should be given particular consideration. Such areas might include conservation areas, listed buildings and their settings, registered historic parks and gardens, scheduled monuments, battlefields, the edge of the Green Belt or Metropolitan Open Land, World Heritage Sites or other areas designated by boroughs as being sensitive or inappropriate for tall buildings. The site would be visible from nearby Metropolitan Open Land, but otherwise would not have an impact on other designations listed.
74. There is no absolute definition of what constitutes a tall building with the
definition is subjective, considered against the height relative to context and
the proportion of the building. The Design Council ‘Guidance on Tall Buildings
(July 2007) highlights that a tall building is not defined rigorously but is defined
by a building that significantly changes the skyline or is substantially taller
than their neighbours. The proposal would change the skyline and would be
substantially taller than some of its neighbours and therefore the buildings
proposed would be considered to be tall buildings.

Density

75. 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.

76. 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.

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

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

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

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

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

83. The Mayor’s Housing SPG (March 2016) 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.

84. The development site is proposing 950 residential units and has a net residential site area of 4.4ha, resulting in a density of 216 units per hectare, a density of 46 units per hectare above that stated in the London Plan for this location.

85. It is noted that the vision for the South of Borough Neighbourhood seeks to retain the established outer suburban character of the Neighbourhood. This is a neighbourhood wide policy. However, policy SB1(f) states that the Council will work with developers to provide a range of new homes, including affordable homes and on the former Government Offices and Toby Jug site. It is considered that the more relevant and prescriptive policy is CS Policies T1 and CS10 which identify the site as a Housing Opportunity Area where significant contributions towards the delivery of housing should be sought which will in turn have a significantly different density to ensure compliance with current policy requirements to maximise densities especially in sustainable locations.

86. In addition, the supporting text for LP Policy 3.3 clearly states it is not appropriate to apply Table 3.2 mechanistically.

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

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

89. In dismissing the 705 appeal the Planning Inspector concluded that a density of 160 dwellings per hectare was acceptable, indeed he concluded

“... given the site’s location immediately next to the Tolworth railway station, adjacent to the district centre, and effectively being an ‘island’ site constrained by two principal roads and a railway line, the level of density proposed would be appropriate. Despite its proximity to areas of suburban housing, the site is more readily characterised by its location and immediate surroundings as of an urban character and one capable of successfully accommodating the proposed housing density.” (Paragraph 148 appeal decision September 2017)

90. Agreeing with his Inspector, the Secretary of State concluded

“For the reasons given at IR144-156, including noting that the Greater London Authority considers that the site is capable of accepting an even greater level of development given its sustainable location (IR149), the Secretary of State agrees with the Inspector that, despite its proximity to areas of suburban housing, the density proposed would be appropriate as the site is more readily characterised by its location and immediate surroundings as being of an urban character and capable of successfully accommodating the proposed housing density (IR148); and he notes that the Council now accepts that the proposed quantum of housing is suitable for the site (IR150).” (Paragraph 10 SoS Decision letter 705 Scheme September 2017).

91. In his Stage 1 response to the current planning application the Mayor of London concluded
“The proposal has a residential density of 607 habitable rooms per hectare or 216 units per hectare which is partly due to the concentration of 1 and 2 bed units. The density reflects the advice given to the applicant in report D&P/2268b/02 and pre-application report D&P/2268c/01 where officers states that given the sites location adjacent to a district centre and the Tolworth rail station a higher density could be achieved. As detailed in the design section below the site does not demonstrate any of the usual signs of overdevelopment. As such the proposed density is supported.” (Paragraph 37 GLA Stage 1 Response February 2017).

92. Taking into account the comments of the GLA in their Stage 1 response to this planning application, the comments of the Secretary of State and his Planning Inspectorate into the 705 planning appeal, along with the comments of the Council’s Urban Design Team, Officers consider that the applicant has demonstrated that the proposed quantum of development can be accommodated on the application.

**Site Layout and Heights**

93. The application is submitted in a hybrid form with only approx. 25% of the development in detail and the rest in outline with all matters reserved.

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

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

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

97. In support of the application the applicant has submitted a masterplan with a number of massing options of buildings across the site. Each of the options comprise the delivery of 11 main buildings in 5 main typologies; Mews Housing, Mansion Terrace, Mansion Block, Mansion Villas and Feature Buildings. However, it is important to note that other than in relation to the detailed phase of the development the information submitted is purely illustrative and seeks only to demonstrate how the quantum of development proposed, 950 units, could be accommodated on the site. The scale,
appearance, layout, and landscaping of the outline element of the proposed development would be subject to further reserved matters approval. The detailed element of the proposed development comprises “Mansion Blocks” and “Mews Houses”.

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

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

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

101. Whilst, the layout of the site has been submitted for determination in relation to the detailed phase of the development only, images which indicate how the proposed outline element of the development could look from numerous views have also been provided.

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

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

104. The illustrative masterplan demonstrates that the development could be delivered with 8 and 10 storey Blocks on the south east edge of the site, to provide height next to the railway line on the other side of the central spine route. A 5 storey building is proposed at the western end of the site with two 8 storey and two 10 storey blocks facing into the site. An 8 storey Feature Building is proposed at the eastern end of the central spine route, between a 10 storey block and the pedestrian link to the station.

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

106. Whilst there is no objection to the provision of height next to the railway line, the indicative mass of the outline 8 and 10 storey blocks present the communal space onto the railway line side, while also increasing the amount of height facing the central spine. A more open and appropriate form could be developed to address these issues at the reserved matters stage.

Detailed Phase

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

108. The applicant has chosen to design the detailed phase site using a “Mansion Terrace” typology with connecting “Mews House”, justifying this on the basis that this typology would help to address the housing need within Tolworth while providing a form of building that is in keeping with the existing housing types within the area in terms of building form and materiality.

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

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

111. The detailed phase would feature a 10 storey block on the south western end of the building, an 8 storey block in the middle and an 8 storey block to the north east, next to the Hollywood Bowl.

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

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

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

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

116. The buildings would have clear and logical bay structures, ensuring the buildings are not over complicated but still of a high enough quality with simple crisp detailing to provide interest.

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

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

119. The “Mews Houses” are proposed to use a light grey brick with bronze coloured metal windows, doors and Juliette balconies and a white coloured concrete surround.

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

**Feature Buildings**

121. The illustrative masterplan promotes a feature building to be erected at the east end of the site next to the station and with another feature building on land between the Hollywood Bowl and Tolworth roundabout. The masterplan has designated these buildings as ‘Feature Buildings’, described as “Architecturally they are to be different from the rest of the buildings on the site as they create a landmark for the development. These two buildings rely less on the local brick vernacular and are proposed to utilise a more lightweight and glazed appearance.”

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

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

**Detailed Phase – Café**

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

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

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

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

**Detailed Phase – Bus Terminus**

128. The proposed bus terminus would be located on Lansdowne Close. The terminus would consist of 41.5 metre long bus shelter and a small driver facility facing the station car park, with its back turned to the boundary wall between Drayton Court and Dean Court and Lansdowne Close. A line of 6 trees would provide a green buffer between the bus shelter and the driver facilities and the boundary wall.

129. The bus stand would be of a modern design featuring centrally located brick pillars with a glass canopy extending over the pillars and the concrete seating in between the pillars. The stand would be a single structure, limiting street clutter and providing a cleaner design. The stand is designed to TfL standards and would have its materials conditioned.

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

Outline phase

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

Visual Impact

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

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

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

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

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

Quality of Accommodation

Internal Space Standards

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

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

139. The application is proposing 950 units, comprising 211 units in the detailed phase and 739 units in the outline phases.

140. The units would be split into:

- 78 x 1 bedroom
- 109 x 2 bedroom
- 24 x 3 bedroom.

141. All 211 units (detailed phase) 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:

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

Access and Cores
143. 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.

144. Housing SPG Standard 13 states that an access core serving 4 or more dwellings should provide an access control system with entry phones in all dwellings linked to a main front door with electronic lock release. Unless a 24 hour concierge is provided, additional security measures including audio-visual verification to the access control system should be provided where any of the following apply:

- More than 25 dwellings are served by one core; or
- The potential occupancy of the dwellings served by one core exceeds 100 bed spaces; or
- More than 8 dwellings are provided per floor.

145. 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.

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

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

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

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

**Overheating**

150. 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.
151. 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:

152. 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.

153. 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).

154. 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.

155. 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.

156. 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.

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

(a) For living rooms, kitchens and bedrooms: the number of hours during which the temperature is greater than or equal to one degree above 26°C during the period May to September inclusive shall not be more than 3 percent of occupied hours. (CIBSE TM52 Criterion 1: Hours of exceedance).

(b) For bedrooms only: to guarantee comfort during the sleeping hours the operative temperature in the bedroom from 10 pm to 7 am shall not exceed 26 °C for more than 1% of annual hours. (Note: 1% of the annual hours between 22:00 and 07:00 for bedrooms is 32 hours, so 33 or more hours above 26 °C will be recorded as a fail).

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

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

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

- southeast and southwest orientation;
- single aspect;
- topmost floors;
- high ratio of southerly facing glazing; and
- limited external shading opportunities.

159. Although, the “Mews Houses” has less risk of overheating than the flats, it has been selected to illustrate its performance due to its location, being on the ground floor, and therefore there is a limitation of opening the windows overnight for security reasons, and limited external shading to its southeast facade.
160. The applicants Overheating Consultant has stated that single aspect units are no more likely to overheat than dual aspect units as they generally have less glazing than double aspect units. This can be evidenced by the Overheating Assessment below where 1 out of the 4 worst case single aspect units failed the assessment by only 0.1%.

161. As demonstrated by the table below, 2 units fail to meet both of the parameters.

<table>
<thead>
<tr>
<th>Room</th>
<th>TM52 (DSY1 2020s High 50)</th>
<th>CIBSE Guide A</th>
<th>Overall Compliance</th>
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<tbody>
<tr>
<td></td>
<td>Criteria 1 (a)</td>
<td>Criteria (b)</td>
<td></td>
</tr>
<tr>
<td>Target</td>
<td>(%) Hours of Exceedance</td>
<td>1% annual hours above 28°C</td>
<td></td>
</tr>
<tr>
<td>Dwelling 1 - 00 - Living/Kitchen</td>
<td>2.1</td>
<td>-</td>
<td>✓</td>
</tr>
<tr>
<td>Dwelling 1 - 01 - Double Bedroom 1</td>
<td>1.4</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>Dwelling 1 - 01 - Double Bedroom 2</td>
<td>1.1</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>Dwelling 2 - 06 - Living/Kitchen</td>
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<td>-</td>
<td>✓</td>
</tr>
<tr>
<td>Dwelling 2 - 06 - Double Bedroom</td>
<td>0.9</td>
<td>16</td>
<td></td>
</tr>
<tr>
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<td>-</td>
<td></td>
</tr>
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<td>1.2</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Dwelling 4 - 06 - Living/Kitchen</td>
<td>3.5</td>
<td>-</td>
<td>×</td>
</tr>
<tr>
<td>Dwelling 4 - 06 - Double Bedroom</td>
<td>1.2</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>Dwelling 4 - 06 - Single Bedroom</td>
<td>1.0</td>
<td>7</td>
<td></td>
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<tr>
<td>Dwelling 5 - 06 - Living/Kitchen</td>
<td>3.1</td>
<td>-</td>
<td>×</td>
</tr>
<tr>
<td>Dwelling 5 - 09 - Single Bedroom</td>
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<td></td>
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<td>13</td>
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</tr>
<tr>
<td>Dwelling 5 - 09 - Double Bedroom 2</td>
<td>1.1</td>
<td>21</td>
<td></td>
</tr>
</tbody>
</table>

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

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

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

165. The level of overheating shown within the detailed phase 1 is considered to be minimal within the units most at risk of overheating. The overheating assessment demonstrates that the units within the detailed phase 1 would generally meet the standards set out in TM59, with the level of exceedance of the criteria that two of the units fail to meet considered to be minor.
166. To ensure that the occupants deal with heatwaves in an appropriate and safe manner, the applicants have stated that a heatwave mitigation strategy will be provided to all occupants to advise them on the correct ways to cope in extreme temperatures. This will also include guidance on what not to do, in particular with regards to the opening of fire doors.

167. The proposed development is considered to be acceptable in overheating terms.

### Air Quality

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

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

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

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

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

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

174. Although the receptor locations that have been modelled in the assessment are the facades of buildings, these clearly show the drop off in concentrations with distance from the road. The public areas are set further back from the
road and the predicted concentrations at ground floor locations on the north-
east side of the development will be comparable to those in the public areas.

175. It is therefore considered that the exposure to poor air quality by future
receptors would not lead to unacceptable levels of poor air quality for users
within the areas of public realm where people are likely to spend 1 hour or
more.

**Sunlight and Daylight**

176. 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.

177. 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.

178. 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.

179. 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.

180. 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.

181. 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.
182. 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.

183. 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.

184. The methodology and criteria used for the assessment of daylight & sunlight is provided by the Building Research Establishment’s guidance ‘Site layout planning for daylight and sunlight: a guide to good practice’ (BRE, 2011) and the British Standard document BS8206 Pt2. The BRE guide provides advice on site layout planning to achieve good 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.

185. 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:

186. 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.

187. 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.

188. 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.

189. 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. 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.

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

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

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

193. The document demonstrates that of the 211 living rooms within the proposed detailed phase, 65 (31%) of the rooms would be considered to have levels of sunlight compliant with guidelines.

194. 20 units receive 80% (20 APSH Summer, 4 APSH Winter) of the guideline minimum sunlight standards. 85 (40%) of the units would achieve guidelines levels of sunlight.

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

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

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

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

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

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

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

202. Standard 28 of the Mayor’s Housing SPG (March 2016) states that proposals should demonstrate how habitable rooms within each dwelling are provided with an adequate level of privacy in relation to neighbouring property, the street and other public spaces.

203. 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.

Detailed Phase

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

205. The proposed separation distances between the habitable room windows of
blocks D1, D2 and D3 would be 18 metres.

206. This would be between 5 metres and 3 metres below the minimum separation guidance distance set out within the RBK Residential Design Guidance. However, distances such as this are not uncommon in dense, tall developments.

Outline Phases

207. The relationship between the buildings in the outline stage and the resultant impact on privacy would be a matter for the reserved matters. However, given the size of the site Officers are content that a scheme can be delivered which would be acceptable.

Private and Communal Amenity Space

208. 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.

209. 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.

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

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

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

213. 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.
214. Each phase will need to be able to provide an acceptable level of amenity space within its own phase.

**Detailed Phase**

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

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

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

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

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

220. 1,359 sq m of the private amenity space has a noise level above 55db. This leaves 396sqm of useable private amenity space. The total useable private and communal amenity space provided in the detailed phase would therefore be 3,833 sq m.

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

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

**Outline Phases and Overall Site**

223. The site as a whole, including both the detailed phase and the outline phase would be required to provide a minimum of 11,597 sq m of usable private amenity space and minimum of 800 sq m of communal amenity space. A total of 12,397 sq m.

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

225. It is considered the site could accommodate the 12,397 sq m of amenity space required for the 950 units. The applicant has agreed to a condition ensuring that each phase has a policy compliant level of useable communal and private amenity space.

**Play space**

226. 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.

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

228. The policy continues that development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs. The Mayor’s Supplementary Planning Guidance Providing for Children and Young People’s Play and Informal Recreation sets out guidance to assist in this
229. CS policy DM 13 (Housing Quality and Mix) states that in order to ensure that the housing delivered is of high quality and the most appropriate type, the Council will expect proposals for new residential development to accord with the principles of good design, as set out in Policies CS8-DM11 and the Residential Design SPD, including the provision of appropriate amenity space and play space provision.

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

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

232. 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.

233. 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.

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

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

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

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

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

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

239. The play areas for the outline element of the proposed development demonstrates that an acceptable level of play area, both formal and informal could be provided on the site. The reserved matters application would need to ensure that a suitable level of play equipment and playable landscape is provided for each phase. The development therefore meets and exceeds the requirements of the London Plan and the Shaping Neighbourhoods Play and Informal Recreation SPG.

**Housing**

**Housing Mix**

240. 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.

241. 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.

242. 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.

243. 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.

244. 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.

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

246. 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

247. 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.

248. 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.

249. 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.

250. 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.

251. 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.

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

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

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

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

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

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

257. The applicant has offered 285 affordable units (30%) with the following split:

- 25% (71 units) London Living Rent;
- 5% (14 units) Shared Ownership; and
- 70% (200 units) Discount Market Sale.

258. This would be 100% intermediate units under the Mayor’s Homes for Londoners SPG however, the proposed London Living Rent units would have a similar rent level to the Local Housing Allowance Outer South London rent levels, making the London Living Rent an Affordable Rented tenure in this location. The 30% affordable housing tenure offer is therefore a 25%/75% Affordable Rent/Intermediate mix.

259. To achieve 30% affordable housing on the site, the applicant has agreed to a blended developer profit level of 10.97% on the scheme from the outset. This is significantly below the usual developer profit levels of 15-17.5%.

260. The applicant has undertaken a viability assessment, which has been independently reviewed by a viability assessor for the Council, which demonstrates that at the profit level of 10.97%, the scheme could not support more than 30% housing at the aforementioned mix.

261. Given the need for affordable housing units and the vast difference in numbers deliverable on the scheme, officers considered that in this case, a 25/75 split to deliver 30% affordable housing is the appropriate tenure split.
262. Although the proposed level of affordable housing is below the 50% policy compliant level, the viability assessment has shown that the scheme cannot provide any more affordable housing, despite the drop in developer profit. However, should the application be approved, it would be subject to a review mechanism through the different phases of the development to capture any uplift in values which would allow for the provision of additional affordable housing to be provided. This is discussed in more detail in the Legal Agreements section below. The viability of the application is therefore in accordance with Policy DM15 of the Council’s adopted Core Strategy 2012.

**Impact on Neighbouring Amenity**

263. 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.

264. 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.

265. 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.

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

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

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

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

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

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

272. The relationship between Drayton Court, Dean Court, 87 Hook Rise South, Royston Court and Nos. 66 and 36 Hook Rise South would be dealt with as part of the reserved matters.

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

274. 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 detailed phase of the proposed development allow for an accurate assessment of the impact that the detailed phase would have on neighbouring residential properties in terms of overshadowing, overlooking and impact on daylight/sunlight.

Overshadowing and Overlooking

275. Given the separation distances and heights of the buildings within the detailed phase of the proposed development from the neighbouring properties, the proposed development would be considered to not cause any significantly detrimental overlooking or overshadowing impacts on the surrounding neighbouring residential properties. The relationship with the outline phase will be considered in the reserved matters.

Daylight/Sunlight

The detailed and originally submitted outline elements have been considered together in the paragraphs below. These will be re-assessed at the reserved matters stage.

Drayton Court

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

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

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

**Dean Court**

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

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

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

**No. 87 Hook Rise South**

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

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

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

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

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

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

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

Nos. 4-66 Hook Rise North

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

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

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

Plant Noise

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

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

Noise from Proposed Commercial Uses

294. The proposed development includes retail and commercial units which will primarily be located in Block D and the main square (Detailed Phase) and Block G, Block H and Block E in the outline phase.

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

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

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

Noise from Increased Traffic

298. The proposed development would result in an increase in road traffic around the site.

299. To increase the noise level by 3 dBA, the minimum perceptible, the future traffic flow would have to be at least twice the existing traffic flow.

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

Impact on Existing Businesses

301. 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.

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

303. The elements of the development that could be affected by the existing businesses are in the outline phase. The applicant has assessed the impact of the noise of the existing businesses on these properties. The noise
contours in the appendices of the Acoustic report demonstrate that there would be an impact from the existing businesses on the facades facing the railway line, with the arrival of a freight train resulting in a significant impact on blocks within the outline phase.

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

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

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

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

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

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

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

Highways & Parking

311. 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.

312. 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.

313. 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.

314. 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.

315. 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.

316. 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.

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

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

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

320. 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.

321. 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.

322. 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.

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

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

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

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

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

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

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

**On Site Car Parking**

330. The site has a Public Transport Accessibility Level (PTAL) of 2 (Poor) and 3 (Moderate). The application is proposing 386 car parking spaces across the outline and the detailed phases of the development. 35 off street and 2 on street car parking spaces will be for blue badge holders, equating to 11.5% in compliance with the London Plan. This would be secured by way of a condition.
331. LP Table 6.2 (Car Parking Standards) states that the maximum parking standards for a 1 or 2 bed unit is less than 1 per unit with up to 1.5 spaces per 3 bed unit.

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

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

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

335. This would equate to 712 car parking spaces.

336. However, the lower provision of 0.37 spaces per dwelling has been discussed with the GLA and TfL, and has been considered appropriate by both of these organisations for the following reasons:

- The target demographic for the development, amongst which car ownership levels are generally considerably lower than is typical across Kingston;
- The mix of residential unit sizes proposed, which will comprise predominantly 1 and 2 bedroom dwellings;
- The proximity of the site to Tolworth District Centre;
- The proximity of the site to Tolworth railway station;
- The proposed improvements to public transport, including the extension of the 281 bus service and introduction of a new bus interchange facility adjacent to the railway station;
- The need to manage additional traffic on the road network immediately surrounding the site;
- 8 car club bays, with 2 proposed in the first phase;
- A CPZ within the confines of the site;
- £60 on an oyster card to each new flat to incentivise and encourage sustainable travel;
- The comprehensive suite of hard and soft travel planning measures described above, which will discourage private car use and promote more sustainable travel by public transport, on foot and by bicycle; and
- A robust parking management strategy that will seek to manage on-site parking and monitor on-street parking demand in the areas surrounding the site.
337. The Sustainable Transport SPD indicates that 1 car club bay should be provided per 40 units, and the provision of 8 car club bays is set as a minimum, subject to uptake and as such officers considered that this could be considered to offset 240 spaces.

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

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

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

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

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

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

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

**Electric Vehicle Car Parking**

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

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

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

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

349. RBK Neighbourhood Traffic Engineers have therefore stated that they consider that the allocation of 40% of the total parking provision solely for the use of electric vehicles is not warranted. The RBK Neighbourhood Traffic Engineers have stated that they consider that the current demand for electric vehicles will not allow the 40% of residential spaces to be fully utilised, unless they are made dual use bays and that it will in effect further restrain the level of on-site parking, potentially resulting in the displacement of cars into the surrounding residential roads.

350. The GLA has been clear in this instance that the electric vehicle only spaces cannot be dual use and to ensure that the air quality is not significantly adversely affected, this must be 40% of each phase, not a staggered approach across the build out of the development.

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

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

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

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

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

356. The applicant has provided a number of mitigation measures in order to aid traffic flow in the immediate vicinity of the site and improve capacity within the surrounding network. These works are focused on Tolworth roundabout and include:

- Changes to the road markings (white lining) on the junction approaches and on the roundabout gyratory to a 'spiral marking arrangement' in order to smooth traffic flows through the junction;
- Improvements to the traffic signage on the approaches to the junction to ensure drivers use the most appropriate traffic lanes; and
- Alterations to the signal timings to optimise performance by maximising capacity and ensuring the future flows across the junction are balanced.

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

358. The VISSIM modelling has been used to model:

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

359. The bus routes modelled are:

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

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

<table>
<thead>
<tr>
<th>No.</th>
<th>Bus Route</th>
<th>Number of Vehicles</th>
<th>Travel Time</th>
<th>Number of Vehicles</th>
<th>Travel Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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<td>220</td>
<td>7</td>
<td>212</td>
</tr>
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<td>4</td>
<td>281 SB</td>
<td>5</td>
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<td>687</td>
<td>3</td>
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</tr>
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<td>6</td>
<td>406 SB</td>
<td>2</td>
<td>334</td>
<td>2</td>
<td>331</td>
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<td>7</td>
<td>418 NB</td>
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<td>343</td>
<td>4</td>
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<tr>
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<td>K1 SB</td>
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<td>233</td>
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<td>K2 NB</td>
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<td>K2 SB</td>
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The results of the TfL VISSIM modelling showed the below changes to the journey times of the buses in the pm peak with the significant negative changes marked in red:

<table>
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<tr>
<th>No.</th>
<th>Bus Route</th>
<th>Number of Vehicles</th>
<th>Travel Time</th>
<th>Number of Vehicles</th>
<th>Travel Time</th>
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362. The results of the TfL VISSIM modelling of the queue lengths at the junctions in the am peak shows the below changes with the negative impacts marked in red:

<table>
<thead>
<tr>
<th>No.</th>
<th>Junction</th>
<th>Approach</th>
<th>Movement</th>
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<th>Base Model</th>
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<td>377</td>
<td>697</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Jubilee Way</td>
<td>Left</td>
<td>Right</td>
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</tr>
<tr>
<td>4</td>
<td>Jubilee Way</td>
<td>Ahead &amp; Right</td>
<td>93</td>
<td>78</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
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<td>119</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Kingston Rd SB</td>
<td>Left &amp; Ahead</td>
<td>37</td>
<td>115</td>
<td></td>
<td></td>
</tr>
<tr>
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<td>Old Kingston Rd</td>
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<td>29</td>
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<td></td>
</tr>
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<td>90</td>
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<td>Tolworth Roundabout</td>
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<tr>
<td>11</td>
<td>Tolworth Rise S</td>
<td>Left &amp; Ahead &amp; Right</td>
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<tr>
<td>16</td>
<td>Tolworth Broadway / Ewell Rd</td>
<td>Tolworth Broadway</td>
<td>Ahead &amp; Right</td>
<td>93</td>
<td>92</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Tolworth Broadway / Ewell Rd</td>
<td>Ewell Rd WB</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>43</td>
<td>45</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Tolworth Broadway / Ewell Rd</td>
<td>Ewell Rd</td>
<td>Left &amp; Ahead</td>
<td>95</td>
<td>96</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Ewell Rd / Elgar Ave / Princes Ave</td>
<td>Ewell Rd WB</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>80</td>
<td>80</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Ewell Rd / Elgar Ave / Princes Ave</td>
<td>Ewell Rd EB</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>43</td>
<td>61</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Elgar Ave</td>
<td>Elgar Ave</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>39</td>
<td>39</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Princes Ave</td>
<td>Princes Ave</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>31</td>
<td>31</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Hook Roundabout</td>
<td>Hook Rd SB</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>165</td>
<td>205</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Hook Roundabout</td>
<td>Hook Rise S</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>46</td>
<td>47</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>Hook Roundabout</td>
<td>Hook Rd NB</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>91</td>
<td>74</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Kingston Bypass</td>
<td>Kingston Bypass</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>35</td>
<td>32</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Toby Way</td>
<td>Left</td>
<td>48</td>
<td>63</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The results of the TfL VISSIM modelling of the queue lengths at the junctions in the pm peak shows the below changes with the negative impacts marked in red:

<table>
<thead>
<tr>
<th>No.</th>
<th>Junction</th>
<th>Approach</th>
<th>Movement</th>
<th>PM Ave Max Queue (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Base Model</td>
</tr>
<tr>
<td>1</td>
<td>Kingston Rd NB</td>
<td>Kingston Rd NB</td>
<td>Ahead</td>
<td>89</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>Kingston Rd NB</td>
<td>Left</td>
<td>79</td>
</tr>
<tr>
<td>3</td>
<td>Jubilee Way</td>
<td>Jubilee Way</td>
<td>Left</td>
<td>1333</td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>Kingston Rd SB</td>
<td>Ahead &amp; Right</td>
<td>1334</td>
</tr>
<tr>
<td>5</td>
<td></td>
<td>Kingston Rd SB</td>
<td>Right</td>
<td>98</td>
</tr>
<tr>
<td>6</td>
<td></td>
<td>Kingston Rd SB</td>
<td>Left &amp; Ahead</td>
<td>214</td>
</tr>
<tr>
<td>7</td>
<td>Old Kingston Rd</td>
<td>Kingston Rd NB</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>21 &amp; 19</td>
</tr>
<tr>
<td>8</td>
<td></td>
<td>Kingston Rd NB</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>347 &amp; 309</td>
</tr>
<tr>
<td>9</td>
<td></td>
<td>Kingston Bypass</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>406</td>
</tr>
<tr>
<td>10</td>
<td>Tolworth Roundabout</td>
<td>Tolworth Bypass</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>345</td>
</tr>
<tr>
<td>11</td>
<td></td>
<td>Tolworth Rise S</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>275</td>
</tr>
<tr>
<td>16</td>
<td>Tolworth Broadway / Ewell Rd</td>
<td>Tolworth Broadway</td>
<td>Ahead &amp; Right</td>
<td>73</td>
</tr>
<tr>
<td>17</td>
<td>Ewell Rd WB</td>
<td>Ewell Rd WB</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>39</td>
</tr>
<tr>
<td>18</td>
<td>Ewell Rd</td>
<td>Ewell Rd</td>
<td>Left &amp; Ahead</td>
<td>118</td>
</tr>
<tr>
<td>19</td>
<td>Ewell Rd WB</td>
<td>Ewell Rd WB</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>69</td>
</tr>
<tr>
<td>20</td>
<td>Ewell Rd EB</td>
<td>Ewell Rd EB</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>174</td>
</tr>
<tr>
<td>21</td>
<td>Elgar Ave</td>
<td>Elgar Ave</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>47</td>
</tr>
<tr>
<td>22</td>
<td>Princes Ave</td>
<td>Princes Ave</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>37</td>
</tr>
<tr>
<td>23</td>
<td>Hook Roundabout</td>
<td>Hook Rd SB</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>271</td>
</tr>
<tr>
<td>24</td>
<td>Hook Roundabout</td>
<td>Hook Rise S</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>377</td>
</tr>
<tr>
<td>25</td>
<td>Hook Rd NB</td>
<td>Hook Rd NB</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>105</td>
</tr>
<tr>
<td>26</td>
<td>Kingston Bypass</td>
<td>Kingston Bypass</td>
<td>Left &amp; Ahead &amp; Right</td>
<td>124</td>
</tr>
<tr>
<td>28</td>
<td>Toby Way</td>
<td>Toby Way</td>
<td>Left</td>
<td>61</td>
</tr>
</tbody>
</table>
364. The journey times modelled are between the following routes:

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

```
<table>
<thead>
<tr>
<th>Routes</th>
<th>AM (07.00-08.00)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Base</td>
</tr>
<tr>
<td>1</td>
<td>532.2</td>
</tr>
<tr>
<td>2</td>
<td>330.9</td>
</tr>
<tr>
<td>3</td>
<td>531.9</td>
</tr>
<tr>
<td>4</td>
<td>343.0</td>
</tr>
<tr>
<td>5</td>
<td>431.1</td>
</tr>
<tr>
<td>6</td>
<td>261.7</td>
</tr>
<tr>
<td>7</td>
<td>143.8</td>
</tr>
</tbody>
</table>
```

366. The results of the TfL VISSIM modelling of the journey times in the pm peak shows the below changes with the negative impacts marked in red:
367. The modelling results demonstrate that the trip generation of the proposed development, once all 6 phases are completed would result in moderate to significant impacts on the bus journey times, queue lengths and journey times in the immediate surrounding area. However, the development is proposed to be completed in phases, with the estimated completion of the development not expected until the mid 2020s.

<table>
<thead>
<tr>
<th>Route</th>
<th>PM (16:45-17:45)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Base</td>
</tr>
<tr>
<td>1</td>
<td>325.2</td>
</tr>
<tr>
<td>2</td>
<td>535.1</td>
</tr>
<tr>
<td>3</td>
<td>438.8</td>
</tr>
<tr>
<td>4</td>
<td>485.7</td>
</tr>
<tr>
<td>5</td>
<td>269.2</td>
</tr>
<tr>
<td>6</td>
<td>468.4</td>
</tr>
<tr>
<td>7</td>
<td>175.2</td>
</tr>
<tr>
<td>8</td>
<td>766.8</td>
</tr>
<tr>
<td>9</td>
<td>805.7</td>
</tr>
</tbody>
</table>

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

369. TfL have stated that the Strategic Solution would mitigate the impacts of the development whilst providing additional capacity. At the request of TfL, the applicant has agreed to pay a contribution of £2.5 million towards the strategic highways solution. TfL has stated that should the applicant agree to contribute £2.5 million towards the Strategic Highways solution, the scheme would be considered acceptable. TfL have indicated that they expect to complete the strategic solution by 2022/3.

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

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

**Hook Rise South Trip Generation**

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

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

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

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

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

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

378. In terms of vehicles being able to exit the development site onto Hook Rise South during the peak hours, the peak departure flows suggest 139 departures during the morning peak hour and 55 departures during the evening peak hour. Of these, approximately 50% would use the northern site access on Hook Rise South, and the remaining 50% would use the southern site access on Hook Rise South. In the morning peak hour, this would equate to approximately 70 cars using each access point to leave the site, or approximately 1 vehicle per minute. Based on the existing base traffic flows using Hook Rise South in the morning peak hour (approximately 150 vehicles per hour southbound and 170 vehicles per hour northbound), there would be
ample opportunity for these vehicles to exit the site onto Hook Rise South without any significant queuing back into the site at either access point. During the evening peak hour, when the departure flows are much lower at approximately 55 vehicles, there would be even less risk of any queues forming back into the site at either access.

379. The VISSIM modelling work demonstrates that the additional traffic generated by the development would be accommodated on Toby Way during the peak hours without queuing back as far as Hook Rise South. Only a small proportion of this traffic would use Hook Rise South to the west of the site when accessing the development, which would have a negligible impact on existing conditions.

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

**Access and Off Site Car Parking**

381. The site would be accessed by vehicles from two entrances on Hook Rise South. Service vehicles would also be able to access the northern area (the block proposed near the railway station) of the site via the new Lansdowne Close-Toby Way link. Additional pedestrian and cycle accesses are proposed to be provided from Toby Way, Lansdowne close and Tolworth Station to Tolworth Square.

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

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

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

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

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

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

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

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

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

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

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

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

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

**Cycle Parking, Pedestrians and Wayfinding**

394. The London Plan cycle parking standards state that for 376 one bedroom units and 574 units of two or more bedrooms, the proposal would be required to provide 1,524 cycle parking spaces on the basis of 1 per one bedroom unit and 2 per two or more bedroom unit. Depending on the total number of each unit type proposed in the overall development, this may need to be adjusted.

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

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

397. The level of cycle parking proposed is considered to be acceptable and in accordance with the London Plan.

398. The London Plan states that the following cycle provision is required for the non-residential uses:
399. The Application proposes the following cycle provision for the non-residential uses:

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

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

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

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

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

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

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

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

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

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

**Servicing**

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

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

411. 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.

412. 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.

413. 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.

414. 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.

415. 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.

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

Hook Rise South

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

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

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

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

**Transport Interchange**

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

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

**Public Amenity Areas**

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

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

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

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

**Internal Roads**

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

**Podium Level Gardens**

428. The detailed plan for the podiums shows a modest grassed area, with some low level planting separating the private terraces from the communal space. The area could also house some play equipment for children. The podium landscaping is considered to be of an acceptable quality for its proposed use as a communal area.

429. It is considered that development would significantly improve and enhance the public realm at street level. The landscaping scheme would fit in with the Kingston mini-Holland material palette across the borough, provide improved pedestrian and cycle links along Kingston Road and Hook Rise South, a softened and green boundary between the site and Hook Rise South and the A3, gradual green link through the level of low level and tree planting between Tolworth and the heavily planted boundary of Tolworth Court Farm as viewed when travelling into and out of the Borough along Kingston Road.

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

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

432. 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).

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

434. 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:

435. “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”.

436. The recent Appeal was found to be acceptable in all respects except the legal agreement failing to incorporate details of: 1) Proposed affordable housing in relation to rent levels, household earnings in relation to the intermediate units and affordable housing management strategies; 2) Certainty that the Strategic Roundabout Works would be secured; and 3) Lack of inclusion of all landowners in the legal agreement.

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

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

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

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

440. In addition, a series of S278 works will be required covering:

- A bus interchange facility including bus stops and shelters for bus route 281, passenger waiting areas, bus standing areas and a driver's mess facility on Lansdowne Close;
- The transfer of a portion of Land to TfL to enable the Tolworth Roundabout Strategic works;
- Works to Hook Rise South, including the widening of the carriage way to incorporate on-street parking lay-bys, the closure of the existing site access, creation of two new vehicular entrances, creation of a shared pedestrian and cycleway;
- Works to Toby Way including the widening of the carriageway to include on street parking lay-bys and the creation of a new site access point;
- Works to Lansdowne Close including the realignment of the carriageway and introduction of a bus-only route between the Drayton Court car park
access and the A240 Kingston Road junction, creation of new carriageway with on-street parking and loading lay-by to extend Lansdowne Close to the southwest of Drayton Court as far as Toby Way, the resurfacing of the carriageway and footways and the creation of new landscaping and planting;

- Works to Kingston Road including alterations to elements of the kerbing, alterations to the white lining on the approaches to the roundabout and on the roundabout gyratory, and the introduction of new traffic signage on the approaches to the roundabout; and

- General works to the highways including:
  - General preliminaries;
  - Alterations to statutory undertakers’ pipes, cables, plant and equipment as necessary;
  - Surface water drainage alterations may be required for new gullies, manholes, connections and all pipework required;
  - Provision and relocation of lighting columns and any other street furniture as necessary, and all associated electrical work;
  - Provision of road markings and traffic signs, both temporary and permanent, where necessary;
  - Footway and carriageway works and alterations including embellished surfacing on approach to crossings; and
  - Parking or waiting restrictions as required by the Council or TfL fronting the Development.

441. The development will be providing 285 (30%) affordable housing units. This will be subject to a review mechanism requiring the submission of a viability review with the Reserved Matters applications for the 2nd and 4th phases.

442. The legal agreement will also secure:

- A community facility in phase 1, and the expansion of this in phase 2. The residential element of the development will not be occupied until a tenant has been found;

- A Day Nursery in phase 1. The residential element of the development will not be occupied until a tenant has been found;

- A Doctors Surgery in the outline phase (late stages).

- A Welfare Station for Tolworth Metropolitan Police Officers in Phase 2;

- A Local Employment Strategy;

- £253,800 towards a Carbon Offset contribution;

- A review of the Carbon Offset required for each phase.
£1,090,160 towards sporting and leisure provision in the borough split between:

- £594,128 towards swimming pools; and
- £496,032 towards sports halls.

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

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

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

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

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

448. 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.

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

**Sustainability**

450. 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.

451. 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.

452. 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.

453. 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.

454. 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.

455. 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.

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

457. 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.

458. 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.

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

**Energy Efficiency**

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

461. The crèche, community space and café all exceed the minimum requirements of Part L being 19%, 16% and 2.65 respectively above the minimum standards.

462. All of the commercial buildings in the detailed phase 1 meet the minimum standards and are therefore policy compliant with regard to energy. The commercial uses in the outline phases will need to be assessed in each of the respective reserved matters applications.

**Energy**

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

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

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

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

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

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

Other Material Considerations

Air Quality

469. 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.

470. 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.

471. 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.

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

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

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

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

476. The development also proposes having 2 x 750kW CHP boilers and 9 x 1130KW boilers located within an Energy Centre. These boilers will all be natural gas-fired units. The Air Quality Assessment states that the proposed energy centre within the development will lead to an imperceptible increase in annual mean and 1-hour nitrogen dioxide concentrations. As such the air quality impacts of the proposed energy centre would be considered to be ‘not significant’.
477. The proposed development will generate additional traffic which would result in increases in pollutant concentrations at a number of sensitive locations. The resulting emissions from these additional traffic movements will have slight to moderate adverse impacts for nitrogen dioxide and negligible impacts for PM10 and PM2.5. The dwellings that would be affected number between approximately 20 and 25 properties consisting of:

- Hook Rise North: approximately 2-3 houses at the top of Hook Rise North closest to Tolworth Interchange (represented by receptor R5 in the air quality assessment report);
- Dean Court on Kingston Road: approximately 3-4 ground-floor dwellings fronting onto Kingston Road (represented by receptors R7 and R8 in the air quality assessment report);
- Bell Court on Barnsbury Lane: approximately 8-10 ground-floor dwellings fronting onto Barnsbury Lane (represented by receptors R9 and R10 in the air quality assessment report); and
- Kingston Road: approximately 5 ground-floor dwellings fronting onto Kingston Road (represented by receptor R11 in the air quality assessment report).

478. The concentrations of PM10 and PM2.5 at these receptors would remain above the air quality objectives at some of the sites, with or without the scheme in place. However, the slight to moderate adverse impacts would result in small changes in absolute concentrations (i.e. <2% or 0.8 μg/m3), which would be considered to be adverse because the existing baseline nitrogen dioxide concentrations are high and already exceed the objective.

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

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

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

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

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

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

Health Impacts

485. 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.

486. 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.

487. 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. This is particularly important in Tolworth where there is already pressure on GP practices which are at a capacity and in addition to the cumulative effect of other large developments in the vicinity.

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

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

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

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

Education

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

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

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

495. The educational provision within the site is supported.
Community Facility

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

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

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

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

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

Accessibility and Inclusion

501. 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.

502. 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.

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

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

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

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

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

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

**Archaeology**

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

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

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

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

**Biodiversity**

513. 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.

514. 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.

515. 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.

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

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

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

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

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

**Contamination**

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

522. Nevertheless, Paragraph 121 goes on to add that planning policies and decisions should also ensure that:

- The site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;

- After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

- Adequate site investigation information, prepared by a competent person, is presented.

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

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

**Flooding and Surface Water Drainage**

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

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

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

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

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

**Refuse and Recycling**

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

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

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

**Fire Safety**

533. Following the Grenfell Tower Fire, the applicant has provided an outline fire safety strategy that has been developed for RIBA Stage 2. The applicant will need to consult with Building Control (or an Approved Inspector) and the Fire Brigade during the next design stages i.e. RIBA Stage 3 (Developed Design) when a full and detailed fire strategy will be prepared.
534. The overarching means of escape strategy currently recommended in both BS 9991 and Approved Document B (i.e. a ‘defend in place’ strategy) is still appropriate for residential buildings. There have been significant developments with respect to smoke detection and alarm systems, smoke ventilation, firefighting access, material specification and fire safety management as well as extensive research undertaken demonstrating the high levels of safety provided with such a strategy. The recommendations of these two design guides provide a level of safety that fulfils the requirements of the current Building Regulations and fire safety standards.

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

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

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

- Automatic fire detection will be provided throughout the building (i.e. to all areas – apartments, corridors, lift lobbies, ground and basement areas). The means of escape arrangements for the residential accommodation in the building are designed for ‘defend in place’ strategy;
- Sprinklers to all buildings;
- Firefighting services are provided to all levels within those building with a height above 18m including a dry riser hydrant system, accessed from the common corridor, a firefighting lift and smoke ventilation;
- Buildings with a height of less than 18m height do not require a firefighting shaft, but will still require smoke ventilation in common corridors and dry riser provision;
- Smoke shafts will be provided to deliver mechanical smoke control ventilation to the common corridors and lift lobbies;
- All elements of the structure will be protected with 90 minutes for buildings with a height above 18m, but less than 30m; buildings with a height below 18m require only 60 minutes fire resistance. Flats will be separated from one another by 60 min fire resistance and compartment floors will provide 60/90 min fire resistance;
- The smoke shaft will comprise of 60/90 minute fire enclosure whereas all apartment risers will be fire stopped at each compartment floor with the same fire resistance period as the compartment floors. Risers within
the common parts will be formed in 60/90 minute fire resisting enclosures with 1 hour fire resisting doors, these risers will not be afforded fire stopping at floors levels;

- External fire spread analysis will be undertaken during next design stage using BR187 guidance; and
- The external façade materials will comply with guidance as per ADB or BS.

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

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

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

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

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

542. The MOL at Tolworth Court Farm Fields is located to the south of the development, on the other side of the railway line embankment and the Lidl site and is also designated as a Local Nature Reserve. From this location, currently only the very top part of Tolworth Tower is visible. Only the top storey and the mansard roof of block G would be visible when the trees are not in leaf. When the trees are in full leaf these views would disappear. The amount of building visible would be less than that of Tolworth Tower and would be less intrusive on the view from the MOL than from Tolworth Tower. Given the limited views of the site and presence of Tolworth Tower in the
view already, it is considered that the development would not affect the visual amenities of the MOL at Tolworth Court Farm.

543. The MOL at King George’s Fields is located on the other side of the railway line embankment, directly to the south east of the site. At present only Tolworth Tower is visible from this location. The development would be highly visible from this view with the tallest proposed buildings, 8 and 10 storey blocks F and G respectively, against the embankment. The proposed development would have a significant and noticeable impact on the currently open setting of this open space to the northern side of the MOL at this location given the height and mass of the proposed buildings and their proximity to the MOL. Any development to regenerate the brownfield land at this location would impact on the setting of the MOL at this location. The fact that this would be visible and would change the setting is not the same as it causing harm. It will be a significant change to the setting of the MOL which will include the provision of high quality buildings. The impact on the setting of the MOL is considered to be acceptable.

Cumulative Impact

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

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

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

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

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

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

Conclusion

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

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

552. Balanced against the increased density is the significant benefit to the Borough and Tolworth in particular through the provision of 950 units, including 30% family sized units and 30% affordable housing. Furthermore, the proposal would secure the regeneration of a longstanding vacant site.
It is therefore considered that the significant economic, regenerative benefits, new public space, additional housing, including affordable housing and the contributions towards improving the strategic transport solution provided by the development which would mitigate the additional traffic generated by this development.

RECOMMENDATION: APPROVE

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

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

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

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

2. A detailed Design Code shall be submitted to and agreed in writing by the Council prior to the submission of the first reserved matters application. Once approved, the subsequent reserved matters applications shall be submitted in accordance with the details in the approved Design Code. The Design Code should include the following information:
   a) Character Areas
   b) Masterplan design concept – per phase
   e) Scale and building form
   f) Provision of private and communal amenity spaces including,
   i) Detailed design
   j) Site wide materials palette, including principles of deployment.
   k) Landscape including design concept and layout'
   l) Microclimate, including wind and sunlight

**Reason:** In the interests of the proper planning of the development in accordance with the Royal Borough of Kingston Upon Thames Development Plan.
3. The following matters (the ‘Reserved Matters’) shall be reserved for the approval of the local planning authority in accordance with the provisions of Article 5 (1) of the Town and Country Planning (General Management Procedure) Order 2015 (or any Order revoking or re-enacting this Order):

   a) Appearance;
   b) Landscaping;
   c) Scale
   d) Layout

   for the outline phase of the planning permission must be made to the Local Planning Authority within three years of the date of this decision.

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

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

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

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**Restrictions on Development**

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

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

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

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

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

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

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

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

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

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

11. With the exception of the areas clearly identified in the approved plans the roofs of the buildings hereby permitted shall not be converted or used as balconies or a sitting out areas, and no access shall be gained except for maintenance purposes.

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

Design and Landscaping

12. Prior to the submission of any Reserved Matters application, a single Design Code for all outline phases of the development site shall be submitted and approved in writing by the Local Planning Authority. Once approved, the subsequent reserved matters applications shall be submitted in accordance with the details in the approved Design Code, including a code compliance statement. The Design Code shall include the following information:

Design

a) Character Areas
b) Masterplan design concept
c) Built Form
d) Design Concept
e) Scale and building form including,
   i) Scale and expression of base, plinth and podium;
   ii) Scale of link buildings or mews houses;
   iii) Scale and expression of roofs and upper storeys; and
   iv) Street sections showing the above as well as public and private spaces between buildings.
f) Provision of private and communal amenity spaces including,
   i) Balcony strategy (including location, size, form and design);
   ii) Allocation of defensible space to units and relationship with public or communal space; and
   iii) The usability of the above with regard to microclimate, noise and air quality.

 g) Floor plan arrangements
h) Active frontages (definition to be agreed);
i) points of access (number, type and zones);
ii) location of bin and cycle storage;
iii) aspect of units;
v) units per shared core; and
vi) location of family (3bed) units.

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

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

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

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

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

Reason: The details would affect subsequent design of other elements of the scheme and must be agreed at the outset and to ensure a satisfactory appearance on completion of the development in accordance with Policy
<table>
<thead>
<tr>
<th><strong>DM10</strong> (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.</th>
</tr>
</thead>
</table>
| **14.** A sample of all facing materials to be utilised in the café building hereby permitted including bricks, contrast materials, mortar, windows, doors, roof materials and plant enclosure shall be submitted to and approved in writing by the Local Planning Authority before any works on site are commenced. The development shall then be built in accordance with these approved samples.  

**Reason:** The details would affect subsequent design of other elements of the scheme and must be agreed at the outset and to ensure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012. |
| **15.** Prior to the commencement of the development, floor plans of the café building, including the location of any plant, shall be submitted to and approved in writing by the Local Planning Authority.  

The café shall then be implemented in accordance with these approved plans before the beneficial occupation of the detailed phase.  

**Reason:** The details would affect subsequent design of other elements of the scheme and must be agreed at the outset and to ensure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012. |
| **16.** A sample of all facing materials to be utilised in the bus stop and the associated facilities, of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, in consultation with TfL, before any works on site are commenced. The development shall then be built in accordance with these approved samples.  

**Reason:** The details would affect subsequent design of other elements of the scheme and must be agreed at the outset and to ensure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012. |
| **17.** Full detailed drawings at scale 1:20 or 1:50 of openings including windows, doors, communal entrances openings, the ground and first floor elevations, double height dormers, balconies, areas for signage and plant screening for phase 1 shall be submitted to and approved in writing by the Local Planning |
Authority prior to the commencement of any works on site. The development shall be carried out in accordance with the approved plans.

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

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

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

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

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

20. Prior to the occupation of any of the outline phases of the development hereby permitted, full details of the Metropolitan Police Welfare station located in Block D, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Metropolitan Police.

The Metropolitan Police Welfare station shall be implemented prior to any occupation of Phase 2.
<table>
<thead>
<tr>
<th>Reason: To ensure a satisfactory finish to and provision of the Welfare Station on completion of the development in accordance with Policy DM10 of the LDF Core Strategy Adopted April 2012.</th>
</tr>
</thead>
<tbody>
<tr>
<td>21. Each Phase of the development shall provide a level of private and communal amenity in line with the following standard:</td>
</tr>
<tr>
<td>- 50 sqm of communal amenity space per building;</td>
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<tr>
<td>- 10 sqm of private amenity space per flat including 1 additional sqm for every person over 1; and</td>
</tr>
<tr>
<td>- 50sqm of private amenity space per house.</td>
</tr>
<tr>
<td>If the private amenity space cannot be provided, this may be accommodated in the communal amenity space.</td>
</tr>
<tr>
<td>Reason: To ensure that the housing delivered is of high quality and to ensure compliance with Policy 3.5 of the London Plan (March 2016), Policy DM10 and DM13 of the Council's LDF Core Strategy 2012 and the RBK Residential Design SPG (July 2013).</td>
</tr>
<tr>
<td>22. The development shall provide a minimum of 30% of the housing on site as 3 bedroom or more units.</td>
</tr>
<tr>
<td>Reason: To ensure a mix of housing and to ensure compliance with Policy DM13 of the Council's LDF Core Strategy 2012.</td>
</tr>
<tr>
<td>23. No building within the development, except Block D, may have more than 8 units per core.</td>
</tr>
<tr>
<td>Reason: To ensure that the housing delivered is of high quality and to ensure compliance with Policy 3.5 of the London Plan (March 2016), Policy DM10 and DM13 of the Council's LDF Core Strategy 2012 and the Mayors Housing SPG (March 2016).</td>
</tr>
<tr>
<td>24. No building within the development shall include a 3 bed unit that is not dual aspect.</td>
</tr>
<tr>
<td>Reason: To ensure that the housing delivered is of high quality and to ensure compliance with Policy 3.5 of the London Plan (March 2016), Policy DM10 and DM13 of the Council's LDF Core Strategy 2012 and the Mayors Housing SPG (March 2016).</td>
</tr>
</tbody>
</table>
25. Prior to the commencement of any phase of the development hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that a minimum of 10% of the units within the phase are wheelchair accessible.

**Reason:** The details would affect subsequent design of other elements of the scheme and must be agreed at the outset and to ensure that an adequate level of accessible units are provided in accordance with Policy 3.8 of the London Plan (2016), Policy DM13 of the RBK Core Strategy (2012) and the Mayors Housing SPG (2016).

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

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

27. The levels of buildings, roads, parking areas and pathways within the site shall only be in accordance with details which shall have previously been submitted to and approved in writing by the Local Planning Authority before development is commenced

**Reason:** To ensure that the appearance and functioning of the development is satisfactory and to safeguard the amenities of the area and adjoining occupiers in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012 and comply with Supplementary Planning Document 'Access for All' (July 2005)

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

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

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

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

**Reason:** The relevant works would take place at the beginning of the construction phase and to prevent the risk of flooding to and from the site and to ensure that sufficient capacity is made available to cope with the new development, in accordance with relevant policy requirements including but not limited to Policy 5.13 of the London Plan (2016), its associated Sustainable Design and Construction SPG, the Non Statutory Technical Standards for Sustainable Drainage Systems and Kingston Council's Core Strategy Policy DM 4 (Water Management and Flood Risk).

29. Prior to the commencement of the development, an impact study of the existing water supply and waste water infrastructure shall have been submitted to and approved in writing by the Local Planning Authority, in consultation with Thames Water. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

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

30. Prior to the occupation of each phase of the development, full details of the wildflower brown roof related to that phase shall be submitted to and approved in writing by the Local Planning Authority. The wildflower brown roof shall be implemented prior to the occupation of that phase of the development and retained in perpetuity.
**Reason:** The details would affect subsequent design of other elements of the scheme and must be agreed at the outset and to ensure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

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

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

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

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

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

**Reason:** The relevant works would take place at the beginning of the construction phase and in the interests of sustainability and energy conservation as set out in Policies 5.2 (Minimising Carbon Dioxide Emissions) and 5.3 (Sustainable Design & Construction) of the London Plan (March 2016) and Policy DM1 (Sustainable Design and Construction Standards) of the LDF Core Strategy Adopted April 2012.
34. Within 3 months of the occupation of any phase of the development with a commercial unit, a Post-Construction Review demonstrating that the commercial unit has achieved a BREEAM Outstanding rating shall have been submitted to and approved in writing by the Local Planning Authority. The submission shall also include confirmation that the development will meet the London Plan CO2 reduction targets.

**Reason:** In the interests of sustainability and energy conservation as set out in Policies 5.2 (Minimising Carbon Dioxide Emissions) and 5.3 (Sustainable Design & Construction) of the London Plan (March 2016) and Policy DM1 (Sustainable Design and Construction Standards) of the LDF Core Strategy Adopted April 2012.

35. 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.

36. Prior to the occupation of each phase of the development, an overheating analysis, using TM59 methodology (or any future method which supersedes this), must be carried out on the corridors and the findings shall be submitted to the Local Planning Authority.

The relevant phase shall not be occupied until the Local Planning Authority has confirmed in writing that the overheating analysis/ results are acceptable.

**Reason:** To ensure that the housing delivered is of high quality and to protect the amenity of future occupiers in accordance with Policy 3.5 of the London Plan (March 2016), Policies DM10 and DM13 of the Council's LDF Core Strategy 2012 and the Mayors Housing SPG (March 2016).
37. No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

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

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

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

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**Environmental**

38. Prior to commencement of any phase of the development, a scheme incorporating full details of the external lighting for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such. The scheme shall take into account all of the lighting needs associated with the location and uses within the relevant phase of the development and shall be the minimum required to perform the relevant lighting task. It shall be specifically designed to minimise the risk of light spillage beyond the development site boundary and into the sky and to avoid dazzle or distract drivers on nearby roads. The scheme shall include:
a) A statement setting out the objectives of the lighting scheme;
b) A report, prepared by a lighting engineer, setting out the technical
details of the luminaries and columns, including their location,
type, shape, dimensions and, expected luminance output and
specifically explaining what design attributes have been chosen
to minimise light pollution;
c) A plan illustrating illuminance levels across the phase and at the
boundary of the site. The level of illuminance should be
appropriate to the character of the surrounding area as a whole;
d) A plan illustrating illuminance levels beyond the boundary of the
site, together with the downward light output ratio of the lights;
e) A statement which demonstrates how the lighting scheme will be
viewed against the wider landscape and, where appropriate, the
potential role of landscaping in minimizing the day and night-time
visual impact of the installation;
f) An operational statement, the purpose of which is to ensure that
the developer and the lighting designer have considered
operational regimes that can provide energy savings;
g) Details of the proposed hours of operation; and
h) Details of the cumulative impact of the lighting taking account of
each phase.

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

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

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

**Reason:** The relevant works would take place at the beginning of the
construction phase and to prevent harm to human health and pollution of the
environment in accordance with Policy DM10 (Design Requirements for New
Developments including House Extensions) of the LDF Core Strategy
Adopted April 2012.
40. Should remedial works be required for any phase of the development, the remedial strategy shall be submitted to and agreed in writing by the Local Planning Authority, prior to the commencement of the development works and remedial works. On completion of the agreed remedial works, a closure report and certificate of compliance endorsed by the interested party/parties, shall be submitted to and agreed in writing by the Local Planning Authority, prior to the occupation of the site by end users.

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

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

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

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

**Reason:** The relevant works would take place at the beginning of the construction phase and the proposed works will be in close proximity to underground water utility infrastructure and to safeguard the amenities of the occupiers of the neighbouring properties and surrounding area in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.
43. Prior to the occupation of each phase of the development, full details of any plant or machinery shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

   a. between the floor/ceiling construction of the Block D Community Use and first floor flats located above to limit airborne sound transmission
   b. between the floor/ceiling construction of the Block D Nursery and first floor flats located above to limit airborne sound transmission, and
   c. within the separating wall between the Block D Nursery and proposed flat to limit airborne sound transmission

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

**Reason:** The relevant works would take place at the beginning of the construction phase and in order to secure a reduction in the noise emanating there from and in the interests of the residential amenities of the area in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.
48. Prior to commencement of the outline phase, the applicant shall submit to the Local Planning Authority for approval in writing a scheme detailing sound transmission reduction measures to be installed between the site office, cycle hub, doctor’s surgery, retail unit and the adjacent flats:

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

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

49. Prior to the commencement of each phase of the development, a detailed estate management plan for each building (including waste management strategy) should be submitted to and approved in writing by the Local Planning Authority. The approved waste management plan shall be implemented upon first occupation of each building within each phase.

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

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

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

51. Prior to the commencement of any phase of the development hereby permitted a scheme shall be submitted to and approved in writing by the Local Planning Authority for the acoustic insulation of the buildings, including where necessary non openable windows. The scheme shall be implemented before the buildings are first occupied and thereafter permanently retained.
**Reason:** The relevant works would take place at the beginning of the construction phase and in order to secure a reduction in the noise emanating there from and in the interests of the residential amenities of the area in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

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<tr>
<th>Paragraph</th>
<th>Text</th>
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| 52. | 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. |
| 53. | The A1 (Retail) premises shall not operate outside of the hours between 7am and after 9pm on Monday to Saturday and between 8am and 5pm on Sundays and Bank Holidays  
**Reason:** To safeguard the amenities of the occupiers of the neighbouring properties in accordance with Policy DM10 of the LDF Core Strategy Adopted April 2012. |
| 54. | The D1 (Doctors’ Surgery) premises shall not operate outside of the hours between 7am and after 9pm on Monday to Saturday and between 8am and 5pm on Sundays and Bank Holidays  
**Reason:** To safeguard the amenities of the occupiers of the neighbouring properties in accordance with Policy DM10 of the LDF Core Strategy Adopted April 2012. |
| 55. | The D1 (Nursery) premises shall not operate outside of the hours between 6am and after 8pm on Monday to Saturday and between 8am and 5pm on Sundays and Bank Holidays  
**Reason:** To safeguard the amenities of the occupiers of the neighbouring properties in accordance with Policy DM10 of the LDF Core Strategy Adopted April 2012. |
<p>| 56. | The A3 (Café) premises shall not operate outside of the hours between 7am and after 9pm on Monday to Saturday and between 8am and 5pm on Sundays and Bank Holidays |</p>
<table>
<thead>
<tr>
<th>Reason: To safeguard the amenities of the occupiers of the neighbouring properties in accordance with Policy DM10 of the LDF Core Strategy Adopted April 2012.</th>
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<tbody>
<tr>
<td>57. The D1 (Community Use) premises shall not operate outside of the hours between 8am and after 9pm on Monday to Saturday and between 8am and 5pm on Sundays and Bank Holidays.</td>
</tr>
<tr>
<td><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>
</tr>
<tr>
<td>58. Details of the layout and the point at which air intake is proposed for the Mechanical Ventilation with Heat Recovery System shall be submitted to and approved by the local planning authority prior to first occupation of each phases of the development.</td>
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<tr>
<td><strong>Reason:</strong> To safeguard the amenity of future occupants of the residential development once occupied.</td>
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<tr>
<td>59. Prior to the commencement of the development, an Air Quality Report, detailing the expected air quality levels at all residential balconies, shall be submitted to and approved in writing by the Local Planning Authority.</td>
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<tr>
<td>All balconies where the hourly average air quality is demonstrated to exceed 60µg/m3 shall be removed from the proposal.</td>
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<tr>
<td><strong>Reason:</strong> To safeguard the health of neighbouring properties and future residents in the interests of air quality as set out in Policy 7.14 (Improving Air Quality) of the London Plan (March 2016).</td>
</tr>
<tr>
<td>60. Prior to the commencement of the development, details of the protection of UK Power Network infrastructure, including underground cabling and substations shall be submitted to and approved in writing by the Local Planning Authority, in consultation with UK Power Networks.</td>
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<td>Any mitigation measures required shall be fully implemented prior to the commencement of the development.</td>
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<td><strong>Reason:</strong> In the interests of the safety of future occupants of the residential development once occupied.</td>
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Highways

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

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

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

62. Prior to commencement of any development on site, a Construction Management Plan shall be submitted to the planning authority for written agreement. The development shall only be implemented in accordance with the details and measures approved as part of the construction management plan, which shall be maintained throughout the entire construction period.

The construction management plan should include the following:

- a) Statement on how the proposed development will be built, with method statements to outline how major elements of the works would be undertaken, such as basement extension and major construction build;
- b) Proposals for loading/unloading materials, site storage etc;
- c) The route to and away from site for muck away and vehicles with materials;
- d) Deliveries/collections to and from the site should use a route that is agreed with NRSWA team. The agreed route should be signed accordingly.
- e) Protocol for managing deliveries to one vehicle at a time on sites with restricted access or space;
- f) Protocol for managing vehicles that need to wait for access to the site; and
- g) Whether any reversing manoeuvres are required onto or off the public highway into the site, and whether a banksman will be provided;
- h) Temporary site access;
- i) Signing system for works traffic;
- j) Site access warning signs will be required in adjacent roads.
k) Whether it is anticipated that statutory undertaker connections will be required into the site.

l) Storage of plant, materials and operatives vehicles;

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

n) Location of all ancillary site buildings;

o) Means of enclosure of the site; and

p) Wheel washing equipment.

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

r) A Dust Management Plan

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

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

63. Prior to the occupation of each phase of the development, details shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate that 40% of all of the car parking spaces for residents within the relevant phase shall be reserved for electric car users only.

**Reason:** To safeguard the health of the occupiers of neighbouring properties and future residents in the interests of air quality as set out in Policy 7.14 (Improving Air Quality) of the London Plan (March 2016).

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

**Reason:** In the interests of amenity, the free flow of traffic on the highway and road safety in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions) of the Local Development Framework Core Strategy, Adopted April 2012.
65. Prior to the occupation of any phase of the development, a car park management plan for that phase shall be submitted to and approved in writing by the Council, details of which shall include, how disabled people would have priority over use of the allocated disabled car parking bay(s); measures to prevent the access road being blocked; and monitoring arrangements. The parking arrangements as approved shall be implemented prior to occupation, and thereafter be permanently retained.

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

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<tr>
<th>66. A minimum of 10% of the car parking spaces provided within each phase shall be disabled car parking spaces.</th>
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<tr>
<td>The disabled car parking spaces will be made available for use prior to the occupation of the relevant phase of the development hereby permitted and shall thereafter be retained for use at all times by disabled people.</td>
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<tr>
<td><strong>Reason:</strong> To ensure the provision of adequate disabled car parking accommodation and that sustainable transport methods are encouraged and implemented in accordance with Policies CS07 and DM10 of the Kingston Core Strategy (April 2012).</td>
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<tr>
<th>67. Prior to the occupation of any phase of the development, a Travel Plan containing a package of measures for reducing the number of vehicle trips to the site by residents and visitors shall be submitted to the Local Planning Authority, in consultation with TfL.</th>
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<tr>
<td>The Travel Plan shall be implemented in accordance with details submitted to and approved by the Local Planning Authority. The Travel Plan shall include an action plan with timescales for the implementation of the proposed measures, details of an ongoing programme of monitoring and review and targets for reductions in car use. Monitoring and review shall include the submission of annual travel plan update report for the approval of the Local Planning Authority which contains the results of annually repeated staff travel surveys and demonstrates progress towards meeting targets.</td>
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<tr>
<td><strong>Reason:</strong> To ensure that sustainable transport methods are encouraged and implemented in accordance with Policies CS5 (Reducing the Need to Travel) and CS6 (Sustainable Travel) of the LDF Core Strategy Adopted April 2012.</td>
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68. Prior to the occupation of any phase of the development, a Travel Plan containing a package of measures for reducing the number of vehicle trips to the site by staff and visitors for the commercial units shall be submitted to the Local Planning Authority for approval, in consultation with TfL.

The Travel Plan shall be implemented in accordance with details submitted to and approved by the Local Planning Authority. The Travel Plan shall include an action plan with timescales for the implementation of the proposed measures, details of an ongoing programme of monitoring and review and targets for reductions in car use. Monitoring and review shall include the submission of annual travel plan update report for the approval of the Local Planning Authority which contains the results of annually repeated staff travel surveys and demonstrates progress towards meeting targets.

**Reason:** To ensure that sustainable transport methods are encouraged and implemented in accordance with Policies CS5 (Reducing the Need to Travel) and CS6 (Sustainable Travel) of the LDF Core Strategy Adopted April 2012.

69. No phase of the development hereby permitted shall be occupied until details of the secure and covered cycle parking facilities for the residents of, staff of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority.

These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

70. Prior to the occupation of the development, details of the location of an additional fire hydrant on Hook Rise South shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the London Fire Brigade.

The fire hydrant shall be installed and operational prior to the occupation of any part of the development.

**Reason:** In the interests of the safety of future occupants of the residential development once occupied.
71. Prior to the commencement of development the developer/construction contractor shall sign up to the Non-Road Mobile Machinery Register. The development shall be carried out in accordance with the NRMM Regulations and the inventory of all NRMM used on site shall be maintained and provided to the Local Planning Authority upon request to demonstrate compliance with the regulations.

Reason: To reduce the emissions of construction and demolition in accordance with the Mayor of London Control of Dust and Emissions during Construction and Demolition SPG July 2014. Compliance is required to be prior to commencement due to the potential impact at the beginning of the construction.

INFORMATIVES

1 In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form or our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

2 Thames Water advise that 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. They also advise that Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are A36 situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water’s ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required. 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 Your attention is drawn to the fact that planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

4 Street Naming and Numbering Kingston Council has a statutory duty to officially name streets and number properties within streets. As your planning application is likely to require address changes, you are obliged to contact the Street naming and numbering team to request official registration in accordance with Part II of the London Buildings Act 1939. Failure to do this could result in delays/omissions by the post office, emergency services and other service providers. You can submit your application online via our website www.kingston.gov.uk or via A37 email to snn@kingston.gov.uk. Alternatively, if you do not have internet access please call 020 8547 4606.

5 The development approved by this planning permission will be liable to pay the Mayor of London's Community Infrastructure Levy (MCIL). 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.

6 The development approved by this planning permission will be liable to pay the Mayor of London’s Community Infrastructure Levy (MCIL). 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 received approval of all reserve matters / 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.