<table>
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<tr>
<th>ITEM</th>
<th>REGISTER NO</th>
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<tbody>
<tr>
<td>A1</td>
<td>17/15272</td>
<td>120 (The Fountain) Malden Road, New Malden, KT3 6DD</td>
<td>Restoration and retention of The Fountain public house (A4 use), erection of a 4-5 and 3-4 storey building to provide 45 one, two and three bedroomed residential flats (C3 use) and new retail/restaurant/cafe to ground floor (A1/A3 use) with associated car parking, roof terraces, balconies and landscaping</td>
<td>PERMIT</td>
<td>A4</td>
</tr>
<tr>
<td>A2</td>
<td>17/16547</td>
<td>119 Brighton Road, Surbiton, KT6 5NJ</td>
<td>Demolition of the existing buildings and erection of a part 3 part 4 storey mixed use building with basement level car parking, ground floor office, and 19 residential apartments, with associated landscaping, refuse and cycle storage</td>
<td>PERMIT</td>
<td>A41</td>
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<tr>
<td>ITEM NO</td>
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<tr>
<td>A3</td>
<td>18/16123</td>
<td>Former NHS Trust Site, South Place/Warwick Grove, Surbiton, KT5 8RX</td>
<td>Demolition of the former NHS Trust Site and erection of a three storey building with set back fourth floor providing 49 new homes, comprising 17 x 1 bed, 22 x 2 bed and 10 x 3 bed, proposed basement accommodating 30 car parking spaces, 84 cycle parking spaces and landscaping at ground floor</td>
<td>PERMIT</td>
<td>A63</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.
A1  Register No: 17/15272/FUL

Address: 120 (THE FOUNTAIN) MALDEN ROAD, NEW MALDEN, KT3 6DD

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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

This planning application seeks permission for the redevelopment of The Fountain. The application site is 0.3 hectares in size and is located in the Maldens and Coombe neighbourhood on the corner of Malden Road and Burlington Road.

The application site is occupied by The Fountain Public House. The site is not within a conservation area and does not affect any listed buildings, although The Fountain, The Watchman (no.184 High Street) to the north and The United Reform Church to the south are all Buildings of Townscape Merit (BTMs). There are three trees within the site which are protected by Tree Preservation Orders (TPOs). The site is located within the New Malden District Centre and the site is also included within the New Malden Shopping Frontage.

The proposed development seeks full planning permission for:

- Erection of 45 residential dwellings,
- Public House (214 sqm)
- Retail or Café/Restaurant (191 sqm),
- 17 car parking spaces,
- 84 residential cycle spaces,
- 20 commercial cycle spaces,
- Provision of public space and
- Landscaping and ancillary works.
### 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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<tbody>
<tr>
<td>Density</td>
<td>55-225 u/ha</td>
<td>167 u/ha</td>
<td>Yes</td>
</tr>
<tr>
<td>Affordable Housing</td>
<td>50%</td>
<td>33%</td>
<td>Yes</td>
</tr>
<tr>
<td>Unit Mix</td>
<td>30% 3 beds</td>
<td>31% 3 beds</td>
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</tr>
<tr>
<td>Car Parking Spaces</td>
<td>51 maximum</td>
<td>17</td>
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<tr>
<td>Cycle Parking Spaces (Residential)</td>
<td>77</td>
<td>84</td>
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</tr>
<tr>
<td>Cycle Parking Spaces (Commercial)</td>
<td>10</td>
<td>20</td>
<td>Yes</td>
</tr>
<tr>
<td>Sustainability – CO2</td>
<td>Zero Carbon</td>
<td>35% reduction and Carbon Offset payment</td>
<td>Yes, subject to the receipt of a Carbon Offset payment.</td>
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</tbody>
</table>

### Recommendation

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

### 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.

### National Planning Policy Framework 2012

#### Development Plan

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

#### Policies

- LP 3.11 Affordable housing targets
- LP 3.3 Increasing housing supply
- LP 3.5 Quality and design of housing development
- LP 3.8 Housing choice
- LP 5.13 Sustainable drainage
- LP 6.13 Parking
- LP 6.9 Cycling
Previous Relevant History

None relevant.

Consultations

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

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

- Increased pressure on GP services/schools/infrastructure,
- Increased pressure on highways, congestion and parking,
- Density, scale and design,
- Impact upon residential amenity,
- Noise and disturbance;
- Affordable housing,
- Loss of trading space for florists, farmers market and Christmas trees,
- Increase in air pollution,
- Loss of trees,
• Loss of community space.

One petition against the proposal has been received with 8 signatures.

Three letters expressing support for the proposal were received.

Re-consultation (April 2018)

12 additional responses: Reiterating concerns previously raised.

Design Review Panel: They commend the design team's efforts to address many of the recommendations made in the previous design review and we consider this proposal to be a significant improvement on the previous scheme in many respects. In particular we welcome the removal of the top-storey setback and stronger architectural treatment of the corner of Block A facing the roundabout, the introduction of additional ground floor retail space to activate the public realm in this prominent roundabout location at the end of the High Street and the reduction in parking to increase residents amenity space at ground level to the rear of the development.

We consider there to be significant scope for improvement, however, in terms of the setting of the building in the landscape, the quality of the amenity spaces to the front and rear of the apartments and the relationship between gardens and vehicular access/parking. This development presents an exciting opportunity with its prominent location, but we consider that there needs to be a much stronger vision and ambition for the highest quality residential living environment - both interior and exterior - as well as a clearer sense of the anticipated use and layout of the publicly-accessible amenity space north of the pub and how it will be managed to activate the public realm without conflicting with the privacy of residents.

Statutory and Non Statutory Consultation

Metropolitan Police Designing out Crime Officer: Concerns with undercroft parking, recommend the installation of access controlled gating and monitored CCTV so any incidents can be reacted to and on-going robust management of the area.

Thames Water: No objection, subject to conditions.

Transport for London (TfL): No objection, subject to conditions.

Kingston upon Thames Society: Objection to the scale, design and impact upon the Buildings of Townscape Merit.

RBK Climate Change and Sustainability Officer: No objection, subject to conditions and payment of Carbon Offset Contribution.

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

RBK Flood Risk: No objection, subject to conditions.
RBK Housing Services: No objection.

RBK Neighbourhood Traffic Engineer: Concerns raised regarding overspill parking.

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

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.

They support the principle of development in this location and recognise the opportunity to better utilise this prominent site. The retention of some commercial (pub/restaurant) use and the provision of housing is positive, however, we feel there are a number of issues with the current proposal to be addressed, and that further design development is required. As one of the first major proposals to come forward in an area that is likely to see significant development in the near future including the Cocks Crescent SPD area, the opportunity to set a benchmark and add value to the local area should drive this project.

We feel the amount of accommodation proposed is appropriate for the site. However, some redistribution of this accommodation could be informed by defining more distinct building typologies relating to the widely varying conditions across different areas of the site. The proximity of the A3 uses and roundabout to the west creates difficult conditions for residential use, and we feel this area in particular requires a more considered response. The inclusion of ground floor commercial use, modifications to the form, and response to the public realm should be explored.

With increased density, the provision of communal outdoor amenity spaces becomes more critical, but this has not been sufficiently resolved in the current proposal. Ground floor areas are dominated by parking and communal roof terraces are not fit for purpose. The quality of much of the ground floor residential accommodation is unacceptably poor. A significant space that is based around people as well as cars is required, and this should relate to the way proposed buildings frame this space.

**Site**

1. The application site is 0.3 hectares in size and is located in the Maldens and Coombe neighbourhood on the corner of Malden Road and Burlington Road and is adjacent to The Fountain roundabout. The site consists of the public house which is a three storey building with a single storey side extension, a large pub garden to the rear of the building and a pay and display car park. The existing building is identified as a Building of Townscape Merit (BTM). There are three trees within the site that are protected by Tree Preservation Orders (TPOs)
Surroundings

2. The surrounding area is characterised by a mixture of housing types with two storey terraced houses on Burlington Road to the east and three to four storey apartment blocks to the west on Kingston Road.

3. To the south is a mixture of commercial properties and terraced dwellings and directly to the north is the New Malden District Centre, mostly comprising commercial units with residential above.

4. The site has a Public Transport Accessibility (PTAL) Level of 4 - Good (on a scale of 1 to 6 where 6 is the most accessible). It is less than a 20m walk to the closest bus stops going to Kingston, New Malden, Tolworth and Worcester Park and it is a 400m walk to New Malden railway station.

Proposal

5. This is a proposal for 45 residential units comprising 1, 2 and 3-bedroom apartments with 17 car parking spaces and public/private amenity spaces, together with retention of 214 sqm of A4 (drinking establishment) floor space occupying the ground floor of the existing Public House and provision of 191 sqm of A1 retail space at ground floor level also forming part of the proposal on the south-east corner of the Fountain roundabout.

6. The development will involve demolition of an existing single-storey extension to The Fountain public house as well as the removal of three trees covered by a Tree Protection Order, with new tree planting forming part of the proposal to compensate for the loss.

7. The public house is to be retained at ground floor and basement level in the existing building. The first and second floors are proposed to be converted into four residential units.

8. There are two new proposed buildings. Block A would contain retail floor space, 31 residential units, cycle storage and refuse storage. The building would be adjacent to the public house and the north western corner of the site and would be to a maximum height of 19.1m (4-5 storeys in height), would have a maximum width of 27m and depth of 29m. Private amenity space would be provided via balconies and roof terraces.

9. Block B would be located to the eastern end of the site and would be to a maximum of 13.9m in height (3-4 storeys), a maximum width of 25m and depth of 16m. The building would contain 10 residential units and would provide balconies for private amenity space and a communal roof garden at 3rd floor level.

10. The proposed materials for the two new buildings include buff stock brick, red brick, grey metal panel cladding, grey window and door frames and glazed balconies. The restored public house will be repaired with render and materials to match the existing.
11. The existing vehicular access from Burlington Road to the eastern end of the site will be utilised for the proposed development, with the existing western access to be closed. To the rear of the site is car parking for no. 17 cars, turning space for deliveries and servicing and landscaping and a communal garden for residents.

Assessment

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

- Principle of Proposed Development
- Impact on Character of Area
- Impact on Neighbours’ Residential Amenity
- Highways and Parking
- Trees
- Legal Agreements
- Sustainability
- Flood Risk

Principle of Proposed Development

12. The proposal seeks to redevelop the site which currently contains a public house and a car park with a residential led development with provision of retail and retention of part of the public house. The site's location within the New Malden District Centre and Shopping Frontage is a sustainable location for development and accords with the National Planning Policy Framework (NPPF) to secure economic development and housing delivery wherever possible.

Community Facilities

13. Policy DM 24 states that the Council will:
   a) resist the net loss of community facilities unless
      • there is evidence to suggest the facility is no longer needed
      • where appropriate, it has been vacant and marketed for a community use without success,
      • or it can be re-provided elsewhere or in a different way;
   b) require new developments to contribute towards additional infrastructure requirements and community needs resulting from the development in accordance with the Planning Obligations SPD or CIL charge, in line with Policy IMP3.

14. The definition of community use includes public houses. The proposal includes the retention of The Fountain Public House at ground floor level as an A4 (drinking establishment) use but in a reduced capacity at 214sqm (from the existing 413sqm). Although this will result in a net loss of a community use, it is accepted that the new A4 use and the commercial use (191 sqm) on the ground floor of the development will be more
efficiently used, would enhance the corner of the site and contribute to the vibrancy of New Malden District Centre.

Retail and Employment

15. Both the London Plan and Core Strategy policies support new retail provision and retention of community uses within District Centres. Core Strategy Policy MC1 'New Malden District Centre' states that the Council will welcome appropriate development on opportunity sites to enhance retail. Meanwhile, policy CS12 "seeks to enhance the vitality and viability of New Malden District Centre" ... to "remain the focus for "walk to" services, shopping and other town centre uses of an appropriate scale for the size of the centre", while Policy DM20 encourages new retail development that meets future needs and ensures accessibility by sustainable transport.

16. Policy DM17 seeks to protect existing employment land and premises. In part B, it states that the Council will protect all employment premises for employment uses in district centres to enhance their vitality and viability. Mixed use development schemes should not result in a net loss of employment capacity (floorspaces and/or land) and should not compromise the viability of the site and/or its surroundings for employment purposes.

17. The existing public house has a floorspace of 413 sqm. The combined proposed floor space of the re-provided public house (214 sqm) and retail floor space (191 sqm) would be 405 sqm with a net loss of 8 sqm. Although there is a reduction in floorspace, it is considered that the new floor space could be used more efficiently and be of a better quality than the existing.

18. The development proposals will complement future development that is planned for Cocks Crescent, contributing to a more vibrant High Street with improved commercial provision around the Fountain Roundabout. The quantum of retail floorspace is proposed at 191.2 sqm. New retail provision at this location will help to enhance the vitality and viability of the District Centre.

Residential Use

19. 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.

20. 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.

21. 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.

22. 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.

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

24. 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.

25. 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.

26. 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.

27. Core Strategy Policy CS10 (Housing Delivery) states that the Council will take full advantage of opportunities to deliver new housing and, in particular maximise the delivery of affordable housing. New housing should be delivered in the most sustainable locations, and with the associated infrastructure necessary to support it. New Malden 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 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.

28. CS Policy MC1 (Maldens and Coombe Neighbourhood) welcomes affordable housing across the neighbourhood and working with developments and landowners to provide a range of new homes, including family housing with gardens outside New Malden District Centre and higher density homes within the District Centre.

29. 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.

30. 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.

31. The delivery of 45 residential units would carry significant weight in favour
of the proposal.

Housing Quality and Mix

32. Policy DM13 has regard to ensuring that the housing delivered is of high quality and the most appropriate type. This development should provide at least 30% of the units as 3 bedroom or more units to comply with this policy.

33. Policy DM13 states that housing developments should incorporate a mix of unit sizes 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. 14 of the 45 units would be 3 bed units, which represents 31% and would meet this policy requirement.

34. Policy DM13 states that the Council will expect proposals for new residential development to accord with London Plan policies, demonstrating that the scheme has been designed to provide adequate internal space appropriate to the intended number of occupants. National minimum space standards have been introduced and all units meet or exceed these minimum standards. The residential accommodation proposed would generally provide a reasonable standard of accommodation in terms of light, outlook and privacy.

35. Policy DM13 states that appropriate amenity and play space shall be provided. Policy Guidance 13 of the Residential Design SPD states that 10sqm of private amenity space should be provided per flat plus 1sqm per additional occupant and an additional 50sqm. A development of this size is required to provide 555sqm of private amenity space and 50sqm of communal amenity space. All of the proposed units apart from those in the upper floors of the converted public house would benefit from private amenity space. The proposal includes 520sqm of private amenity space. As allowed for in Policy Guidance 13, the shortfall of private space will be made up for in the provision of additional space within the communal gardens which would significantly exceed the required 50sqm, with 700sqm of communal amenity space proposed. The proposed amount of private and communal amenity space would therefore be in accordance with Policy DM13 of the LDF Core Strategy 2012.

Affordable Housing

36. London Plan 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
   - 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.

37. Core Strategy Policy CS10 seeks to maximise the delivery of affordable housing. Policy DM15 requires 50% of the units to be provided as affordable housing and proposals departing from these requirements will be expected to justify any lower provision through the submission of a financial appraisal.

38. A viability report has been submitted and assessed. It has been demonstrated that the proposal can viably provide 33% affordable housing which equates to 15 units - 9 affordable rent and 6 intermediate, on the site.

39. The applicant has proposed the following units for affordable rent: 3, 14, 15, 16, 27, 28, 29, 37 and 38. The following are proposed for shared ownership: 2, 4, 5, 17, 18, and 44. Affordable rent will be set at 65% of local market rent and the proposal includes one affordable rent wheelchair unit and car parking space.

40. The proposal would therefore comply with the requirements of policy CS10 and DM15.

**Density**

41. 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.

42. 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.

43. 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.

44. 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.

45. 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.

46. CS Policy CS10 (Housing Delivery) provides clear guidance that the preferred locations for new housing at the greatest density within the Borough are Kingston Town Centre, the three District Centres (including New Malden), areas with the highest PTAL and in areas in need of improvement or renewal.

47. 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 4, is in an ‘Urban’ location and has an average of 3.3 habitable rooms (hr) per unit, the appropriate density range for this site is between 55-225 units/ha and 200-700 habitable rooms per hectare.

48. The Council's Residential Design Supplementary Planning Document (July 2013) states that density should be calculated in accordance with the Mayor’s/ Greater London Authority's Housing Supplementary Planning Guidance (Nov 2012). The London Plan defines density in terms of net residential site area (This relates to the ‘red line’ planning application site boundary and excludes adjoining footways). The site area, which excludes the surrounding pavements, but includes all other parts of the site is measured as 0.3 hectares. 90.8% of the floorspace of the site is proposed to be residential. 90.8% of the site area equals 0.27 hectares. In accordance with this methodology, the density is calculated as 150 habitable rooms/0.27 hectares which equals 555 habitable rooms per hectare or 45 units/ 0.27 hectares which equals 167 units per hectare.

49. Policy MC1 (f), which relates specifically to the Maldens and Coombe Neighbourhood, welcomes affordable housing across the Neighbourhood and will work with developers and landowners to provide a range of new homes, including family housing with gardens outside the New Malden District Centre and higher density homes within the District Centre. The
proposed density is therefore considered acceptable.

**Impact on Character of Area**

50. 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.

51. 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.

52. 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.

53. 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.

54. 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).

55. 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.

56. 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.

57. Policy DM10 states that development proposals will be required to incorporate principles of good design, including respecting, maintaining or enhancing the prevailing development typology, density, scale, layout, height, form (including roof forms), massing, landscape setting and features, plot width and format including spaces between buildings, building line, set back and front boundary.

58. The site located adjacent to the Fountain Roundabout, to the southern end of New Malden District Centre. Much of the site is presently a car park and compounds the unpleasantness of the perception that the roundabout and its environs is heavily car-dominated. The pedestrian experience is poor due to the lack of ease in crossing the roundabout, their narrowness and the business of the adjacent traffic.

59. The existing housing stock is largely terraced and semi-detached dwellings in adjacent residential streets outside the town centre. These streets are of a mixed quality. Because of the way the site is positioned in relationship to the roundabout, and the adjacent commercial uses, it relates more to the townscape of the high street than these residential streets.

60. The site itself relatively deep. The buildings to the south are three storey buildings, with relatively generous storey heights, typical of the inter-war period. Whilst they are of no architectural note they do establish something of a consistent datum. The properties adjacent to the car park, along Burlington Road, are generally Victorian terraces and semi-detached residential dwellings. Some have been converted for commercial use, such as the veterinary practice. All of the buildings with commercial uses typically have residential accommodation above.

61. The proposal includes the conversion and restoration of The Fountain Pub and to erect two new blocks within the site. The original public house is three-storey with hipped slate roof. The front elevation is stuccoed and symmetrical with a central front entrance flanked by two-storey bay windows and the building is identified as a building of Townscape Merit (BTM).

62. Two other locally listed buildings - no. 184 High Street (former New Malden Police Station) and The United Reformed Church were built by the late-nineteenth century at the same time as The Fountain pub and all three non-designated heritage assets mark the original urban composition of the new town and related to the arrival of the railway in 1846. The public house and the former New Malden Police Station on Burlington road were built to form a pair of civic landmarks framing the Burlington road. The Fountain building was prominently set at the corner between Malden Road and
Burlington Road, facing The Fountain roundabout. Originally called the Norbiton Park Hotel, the pub was renamed in 1929 to match the water fountain that is located in the middle of the roundabout thus associating the pub building with a focal element in its urban context.

63. The proposal retains the historic core and use of the Fountain Public House, unclutters its façade with partial demolition and removal of twentieth-century extensions and reinstates the original landscaped corner to flank the pub on Burlington road. These proposed works would restore the historic architectural quality and prominence of the pub on the corner as well as re-establishing the historic townscape composition between landmark buildings at the junction between Malden road and Burlington road.

64. To the rear of the public house two perimeter blocks are proposed that respond to the urban conditions previously described. The corner block is a larger mass (4-5 storeys) that responds to its more prominent position. The break in the block allows for access. The corner block represents an increase in scale and massing. The intensification of the site almost overwhelms its townscape, but the use of sympathetic materials and a careful breaking down of the massing that mimics the existing townscape, overcomes this issue. The physical break between the largest mass, the pub and the relief provided by the void on the corner means that the height, scale and massing can be supported in terms of its impact on townscape.

65. The second block is smaller (3-4 storeys) in scale is intended to use architectural language that relates to the streetscape along Burlington Road. The scale sets down enough so that it can be described as sympathetic to its context.

66. The layout of the site maintains areas of open space and landscaping between the buildings with additional tree planting and will reinforce the leafy character of the area.

67. As such Officers conclude that the proposal would not harm the character of the area and would be in accordance with policies contained within the National Planning Policy Framework 2012, the London Plan 2015 and The Local Development Framework 2012.

68. Paragraph 135 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

69. The application site includes The Fountain which is designated as a Building of Townscape Merit (BTM) with two adjacent BTMs, no. 184 High...
Street (former New Malden Police Station) and The United Reformed Church. The Fountain public house has been considerably altered and expanded to the rear and side over the years until the late 1960s but has kept its original use, its physical and cultural landmark role in the area and its association with the historic route and roundabout. The development would demolish the existing single storey side extension to the public house and would not involve the loss of any significant architectural features or detailing. The form, height and massing of the proposed development would not harm the character of the area or the setting of the non-designed heritage asset.

70. As such Officers conclude that the proposal would not harm the significance of the non-designated heritage assets.

**Impact on Neighbours' Residential Amenity**

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

72. 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.

73. Paragraph 123 of the NPPF states that development should avoid giving rise to significant impacts on health and quality of life.

74. 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.

75. 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.

76. A Sunlight, Daylight and Overshadowing report has been submitted to demonstrate the impact of the proposal on occupiers of the surrounding buildings.

77. The results of the Daylight, Sunlight and Overshadowing report demonstrate that the proposed development would be fully compliant with the BRE guidelines and would not result in an unacceptable loss of daylight, sunlight or overshadowing to the windows in no. 1-10 Rushmon Villas, 102a & b, 122 and 124 Malden Road to the south of the site and no.s 1-7 Burlington Road to the north of the site.

78. The main impacts in terms of loss of daylight and sunlight would occur to
79. The Daylight, Sunlight and Overshadowing report indicates that there would be 3 windows which would experience a more noticeable reduction of daylight distribution in the side of no. 10 Burlington Road. However, two of these windows are serving bathrooms which are non-habitable rooms and the third window serving a kitchen/diner which benefits from a dual aspect and has an additional south facing window which would not be impacted. It is therefore considered that the development would not result in any significant loss of daylight, sunlight or overshadowing to any of the neighbouring residential properties.

80. In terms of privacy, it is noted that the proposal includes side facing terraces on the first, second and third floor levels of Building B which would be adjacent to the shared boundary with no. 10 Burlington Road. Details of screening to these terraces and balconies will be required by condition to ensure the privacy of the adjacent property.

81. Policy Guidance 16 of the Council's Residential Design SPD states that a separation distance of no less than 21m should normally be maintained between facing windows of habitable rooms and a separation of distance of 7.5m should be maintained between a new habitable room window and the boundary to neighbouring properties. A separation of 15m between habitable room windows and flank walls should be maintained. With regards to overlooking from first floor windows and balconies towards the properties to the south of the site the It is considered that the proposed development would not result in any material loss of privacy with separation distances meeting those prescribed in Policy Guidance 16.

82. Overall it is concluded that the daylight and sunlight levels reflect the levels achieved in most urban areas. Therefore, whilst there will be some impact on daylight and sunlight levels, and to general amenity to neighbouring properties, when assessed against the overall benefits of the scheme it is considered that impact would not be so significant as to justify refusal.

83. 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.

84. 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.

85. 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.

86. 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.

87. Policies DM08 and DM09 of the Core Strategy seek to ensure that new development has regard to local traffic conditions and does not contribute to congestion or compromise highway safety.

88. Table 6.2 (Car Parking Standards) states that maximum parking standards for a development of this size is 51 spaces. The site has a Public Transport Accessibility (PTAL) Level of 4 - Good (on a scale of 1 to 6 where 6 is the most accessible). It is a less than a 20m walk to the closest bus stops travelling towards Kingston, New Malden, Tolworth and Worcester Park and it is a 400m walk to New Malden railway station. The proposed development includes 17 car parking spaces. Of those parking spaces 10% of spaces should be accessible. 20% will be for active electric vehicle charging and 20% for passive, (future), electric vehicle charging in accordance with London Plan standards. The Council's Neighbourhood Engineer has raised concerns regarding potential overspill parking. Officers consider, given the sustainable location of this site which has good accessibility to public transport and the shops and other facilities of New Malden that a reduced parking provision is appropriate for this site.

89. The borough Sustainable Transport SPD further requires that a travel plan statement, parking management plan and a construction management plan are submitted for a development of this size.

90. Cycle parking is required for a minimum of 77 cycles in total for the residential units, at ground floor level access and the proposal provides 84 cycle spaces for the residential and a further 20 cycle spaces for the A1/A3 and A4 uses. Full details of the proposed cycle parking would be secured by condition.
91. The parking provision is below the maximum standards. The level of off street parking proposed is considered appropriate for the scale of the development, the sustainable location of the site with good access to public transport, the high provision of cycle storage and also allowing for more significant soft landscaping, planting and communal amenity space. Furthermore, the provision of cycle parking would promote the use of sustainable modes of transport. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The level of off-street parking proposed is considered not to result in a severe impact upon on-street parking provision in the locality.

92. Furthermore, the applicant has agreed to agree to a S106 agreement to ensure that the future occupiers of the scheme will not be able to apply for a parking permit in the local area, should a CPZ (Controlled Parking Zone) ever be implemented.

93. As such the proposal is considered to be acceptable and would be compliant with Policies DM9 and DM10 of the LDF Core Strategy (Adopted April 2012).

Trees

94. The site lies within an area where large street trees, along with trees within private gardens play an important role in forming the character of the area. Policy DM10 which requires 2 for 1 replacement tree planting.

95. There are three trees protected by Tree Preservation Orders (TPO) within the site and trees in adjacent sites which may be affected by the proposals. The application has been accompanied by an Arboricultural Impact Assessment & Method Statement and a Tree Report.

96. The proposal would result in the loss of three trees covered by a TPO and two other trees.

97. Replacement planting with additional trees will be required on a 2 for 1 basis. The Council's Tree Officer has raised no objection to the proposal which includes the planting of x16 new trees including two semi-mature London Plane trees adjacent to the public house. The Arboricultural details submitted are acceptable including the Tree Protection Plan and Replacement Tree Planting Plan and in this respect the proposal complies with Policy DM10 of the LDF Core Strategy 2012.

Legal Agreements

98. Policy IMP3 of the Core Strategy 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.
99. On the 1st November 2015 the Council commenced the operation of a Community Infrastructure Levy (CIL) which is means of collecting monies to provide local infrastructure to offset the impact of developments. Local CIL replaces S106 as a mechanism for collecting contributions for local infrastructure e.g education and health with the exception of affordable housing and other site specific requirements which will still be dealt with by way of a S106 agreement.

100. The site is located in zone 3 of the Kingston CIL charging schedule and all additional floorspace would be charged £85/m2. In addition, the development would also be liable for Mayoral CIL at a rate of £35/m2. The floorspace uplift has been calculated at 3987.45sqm and the development would be liable to pay £140,102.70 MCIL and £340,102.70 KCIL.

101. In the event of an approval, the application would also be subject to a legal agreement covering the following provisions:

- The provision of 15 affordable housing units (9 affordable rent and 6 intermediate) including one affordable rent wheelchair unit and car parking space. The applicant has proposed the following units for affordable rent: 3, 14, 15, 16, 27, 28, 29, 37 and 38. The following are proposed for shared ownership: 2, 4, 5, 17, 18, and 4. Affordable rent to be set at 65% of local market rent.

- Car capping to ensure that the future occupiers of the scheme will not be able to apply for a parking permit in the local area, should a CPZ (Controlled Parking Zone) ever be implemented.

- Submission of a Travel Plan

- £60,174.00 Carbon off-set payment

- £1,000.00 towards Travel Plan monitoring.

**Sustainability**

102. 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.

103. 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.

104. 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%, achieved through an energy efficient design and specification and a 31 kWp solar photovoltaic array. In order 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.

105. The development will be required to offset 33.43 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 £60,174.00. These contributions will be secured through a S106 agreement.

106. The proposed development would achieve an acceptable level of sustainability and would therefore be considered acceptable in sustainability terms, subject to conditions ensuring that the residential and commercial elements meet their respective sustainability targets.

**Flooding and Surface Water Drainage**

107. The application site is located within a Flood 1 (low risk: less than 1 in 1000 year) which is an area not considered to be at risk of tidal or fluvial flooding. It is therefore considered to be of low risk for fluvial flooding. No significant risks have also been identified in relation to flooding from other non-fluvial sources.

108. In accordance with the NPPF and associated Technical Guidance, the application has been accompanied by a Flood Risk Assessment (FRA). The A129 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.

109. The Council's Flood Risk Officer has 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.

110. 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.

**Conclusion**

111. The application proposes the development of a site which is located in a sustainable location within the New Malden District Centre. The proposed development would be of a scale and design that would meet the quality required for a prominent site and be in keeping with the surrounding area, would retain the existing Building of Townscape merit with the provision of a public house and commercial floor space at ground floor level.
112. The proposed density of the site would be within the London Plan density matrix and that of the surrounding area, there is also the significant benefit to the Borough through the provision of 45 units, including 31% family sized units and 33% affordable housing.

113. It is therefore considered that the economic, regenerative benefits, new public space and additional housing, including affordable housing would weigh in favour of the development.

**Recommendation:**

Approve subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), as specified in the above legal agreements section, and the following condition(s):

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:

   - 5622 01 Topographic Survey 20/12/2017
   - 5622 02 Existing Elevations 20/12/2017
   - 5622 03 Existing Floor Plans 20/12/2017
   - 10588 PL_010 The Fountain - Elevations as Proposed 20/12/2017
   - MBSK171208-2 Swept Path Analysis 2 20/12/2017
   - 10588 PL_000 Site Location Plan-A4 20/12/2017
   - 10588 PL_002D Proposed First Floor Plan 02/07/2018
   - 10588 PL_003D Proposed Second Floor Plan 02/07/2018
   - 10588 PL_004C Proposed Third Floor Plan 02/07/2018
   - 10588 PL_005B Proposed Fourth Floor Plan 30/04/2018
   - 10588 PL_006A Proposed Roof Plan 30/04/2018
   - 10588 PL_007C Block A - Elevations_Sheet 1 30/04/2018
   - 10588 PL_008C Block A - Elevations_Sheet 2 30/04/2018
   - 10588 PL_009A Block B - Proposed Elevations 30/04/2018
   - 10588 PL_020C Indicative Rear Courtyard view 02/07/2018
   - 10588 PL_021C Indicative Burlington Road view 07/07/2018
3 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 A4 (Drinking Establishment) shall not be used for any other use. No other use is permitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision of the community facility.

4 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 A1 (retail)/A3 (restaurant/café) use shall not be used for any other use, unless agreed in writing by the Local Planning Authority.

Reason: To protect the vitality of the District Centre.

5 The A1/A3 and A4 units and the associated outside space hereby approved shall be ready for occupation and being actively marketed.
prior to occupation of the first residential unit, unless otherwise agreed in writing with the Local Planning Authority.

Reason: The provision of the commercial unit is required to accord with Planning Policy DM17.

6 No fans, louvres, ducts, flues, pipe-work or other external plant shall be fixed to the elevations of the buildings without the prior written approval of the Local Planning Authority.

Reason: In the interests of the visual amenities of the area in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

7 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 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.

8 A sample of all facing materials or schedule of materials supported by images to be utilised in the development hereby permitted including bricks, plant enclosures, windows, doors, external hard landscaping surfaces and external elevations, shall be submitted to and approved in writing by the Local Planning Authority before any above ground level works on site are commenced. The development shall then be built in accordance with these approved details, unless otherwise agreed by the Local Planning Authority.

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.

9 Full detailed drawings at 1:20 of openings including windows, doors, communal entrances openings, balconies, areas for signage and plant screening shall be submitted to and approved in writing by the Local Planning Authority before any above ground level works on site are commenced. 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.
Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

10 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: 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).

11 Prior to commencement of the development hereby permitted, a scheme incorporating measures to minimise, where possible, the risk of crime in accordance with the principles and physical security requirements of Secured by Design, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Metropolitan Police. The approved measures 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).

12 Prior to the first occupation of any residential unit, details of the location of the ‘wheelchair user dwellings’ which meet requirement M4(3) of Part M of Building Regulations shall be submitted to and approved in writing by the Local Planning Authority. The number of wheelchair user dwelling shall total at least 10% of the total number of residential units hereby approved. The development shall then be carried out in accordance with these details.

Reason: To ensure that the development provides a range of homes to meet different needs and to ensure compliance with Policies 3.5 and 3.8 of the London Plan March 2015.

13 Prior to the first occupation of any residential unit details of how the residential units as built comply with Part M4 (2) of the Building Regulations shall be submitted to and approved in writing.

Reason: To ensure that the development provides a range of homes to meet different needs and to ensure compliance with Policies 3.5
and 3.8 of the London Plan March 2015 and Housing Standards MALP December 2015.

14 No development (other than site clearance) shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within the first planting season following completion of the development and the tree planting and landscaping shall thereafter be maintained for five years to the satisfaction of the Local Planning Authority. Any trees or shrubs which die during this period shall be replaced in the first available planting season, and the area shown to be landscaped shall be permanently retained for that purpose only.

Reason: To ensure that these works are properly implemented and maintained and in the interest of visual amenity in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012. 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.

15 All planting, seeding or turfing detailed in the approved landscape scheme including the communal amenity space shall be carried out in the first planting and seeding seasons following the occupation of the first residential unit; and any trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The area shown to be landscaped shall be permanently retained for that purpose only.

Reason: To ensure that these works are properly implemented and maintained and in the interest of visual amenity in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

16 The development hereby approved shall be carried out in accordance with the approved Tree Protection Plan and Replacement Tree Planting Plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenities and so 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.
Prior to commencement of works (excluding site investigations and demolition), the applicant must submit a final detailed drainage design including drawings to the Lead Local Flood Authority for review and approval. Where the applicant has made material changes to the approved drainage strategy defined in the Drainage Assessment Form dated 23/04/2018 and other related documents submitted as part of the planning application, updated information must be provided including revised calculations and an updated Drainage Assessment Form that demonstrate compliance with the original drainage strategy. The applicant must also submit an updated maintenance plan that includes all drainage components of the proposed scheme including the green roof and confirms whom will maintain the scheme for its lifetime.

Reason: To prevent the risk of flooding to and from the site in accordance with relevant policy requirements including but not limited to London Plan Policy 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.

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

Reason: To prevent harm to human health and pollution of the environment in accordance with DM1 of the LDF Core Strategy April 2012.

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

Reason: To prevent harm to human health and pollution of the environment in accordance with DM1 of the LDF Core Strategy April 2012.

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

Reason: To prevent harm to human health and pollution of the environment in accordance with DM1 of the LDF Core Strategy April 2012.

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: In order to protect residential amenity.

Prior to the occupation of the development, full details of any plant or machinery and enclosures 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.

25 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.

26 Prior to commencement of the development the applicant shall provide a scheme to the Local Planning Authority for its written approval detailing sound transmission reduction measures to be installed between the ground floor A4 use and the first floor flats located above. The scheme shall be designed to provide at least DNTw+Ctr 50dB. 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: In order to protect residential amenity.

27 Prior to the commencement 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 scheme shall include, but not be limited to:

(a) between the floors/ceilings and separating walls of the residential units;
(b) between the floors/ceilings and separating walls of the residential units and car park;
(c) between the floors/ceilings and separating walls of the residential units and commercial units; and
(d) external traffic noise.

Any works which form part of the scheme shall be completed before any of the dwellings are occupied.

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

28 The communal amenity space hereby approved shall be permanently retained as amenity space for the occupiers of the buildings and shall not be used for any other purposes.

Reason: To ensure the retention of amenity space and to safeguard the amenities of adjoining occupiers in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

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

Reason: In order to protect residential amenity

31 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.

32 The A1/A3 and A4 uses shall not be used for the purposes hereby permitted before 8am or after midnight Monday to Sunday. The outside areas in connections with any A1/A3 and A4 uses shall not be used after 11pm, unless otherwise agreed in writing by the local planning authority.

Reason: In order to protect residential amenity.

33 The servicing (including deliveries) of the A1/A3 and A4 uses shall only take place between 8am and 8pm Monday to Saturday and no at all on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect residential amenity.

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

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

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.

35 The car parking, servicing and manoeuvring areas shown on the approved drawing shall be provided with a hard, bound, dust-free surface, adequately drained before the development is occupied for the purpose hereby permitted. The respective areas shall be kept free from obstruction at all times, and shall not thereafter be used for any other purposes other than those shown on the approved drawing.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety on adjoining highways and that adequate parking servicing and manoeuvring provision is made in accordance with Policies DM9 (Managing Vehicle Use for New Development) and Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

36 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 before any above ground level works on site are commenced, such facilities are 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.
37 Prior to the first occupation of any part of the scheme details of the spaces for the electric vehicle charging points shall be submitted to and approved in writing. The car parks shall then be laid out in accordance with these 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.

38 Notwithstanding the submitted information, prior to the beneficial occupation of the residential units hereby approved 84no. secure and covered cycle parking spaces shall be provided 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. The secure cycle parking facilities 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. 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.

39 Notwithstanding the submitted information, prior to the first use of the A1/A3 and A4 units hereby approved no.20 cycle parking spaces shall be provided 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. The cycle parking facilities 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. 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.

40 Prior to the beneficial occupation of the development hereby approved the existing access to the west of the site from Burlington Road shall be permanently stopped up and extinguished.

Reason: In the interests of amenity and vehicular and pedestrian safety in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012. Compliance is required to be prior to
commencement due to the potential impact at the beginning of the construction.

41 By the time the development hereby permitted is substantially complete, protected areas either-side of the proposed access ensuring a minimum visibility splay to vehicles emerging from the development measuring 1.5m into the site from the back of the footway and 1.5m along the site boundary away from either edge of the access when facing the road. The splay shall be permanently retained free from any obstruction to visibility higher than 0.6m above ground level.

Reason: To maintain pedestrian/vehicular intervisibility in the interest of highway safety in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

42 Notwithstanding the information submitted, no above ground works shall commence until the details of the privacy screens on the roof terraces have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved screens have been installed as per the approved details. The screens shall thereafter be retained.

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

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 Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings
must be given to the Council’s Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.

3 It is recommended that a draft Section 61 application is made to the Local Authority in the first instance at least one month before the intended submission date to facilitate discussions. All communications for this should be made to the Environmental Control Section of Environmental Health Service.

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

5 The contaminated land assessment shall include: -
   a) a desk top study detailing the history of the site’s uses and proposing a site investigation strategy based on the relevant information discovered by the desk study all of which is to be submitted to the local planning authority for approval.
   b) a site investigation, including relevant soil gas surface and groundwater sampling, carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
   c) a site investigation report, in accordance with BS 5930:1999 (Code of Practice for Site Investigations & BS10175: 2001 Code of Practice Investigation of Potentially Contaminated Sites) detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remedial strategy.
   d) All work should generally be in accordance with the Environmental Protection Act 1990 (Part IIA), Statutory Guidance on Contaminated Land together with other relevant legislation and guidance as described in the DETR documents Contaminated Land Research Reports, CLR Series, 1994.

6 Remedial Works
The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters. The closure report shall include details of the proposed remedial works and the quality assurance certificates to show that the works have
been carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean up criteria shall be included in the closure report together with the necessary "Duty of Care" documentation detailing what waste material have been removed from the site. All work should be in accordance with the HSE document "Protection of workers & the general public during the development of Contaminated Land".

The development approved by this planning permission will be liable to pay the Mayor of London's Community Infrastructure Levy (MCIL) and Kingston Community Infrastructure Levy (KCIL).

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 and CIL 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 0208 547 5002.
[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

Full planning permission is sought for comprehensive redevelopment of this previously developed site consisting of the demolition of the existing buildings (1 family dwelling and an MOT car repair garage) and the erection of a part 3 part 4 storey mixed use building comprising

- 19 Residential units
  - 14 x 1 bedroom
  - 5 x 3 bedroom (27%)
- 5 affordable residential units (27% of the 19 units)
  - 3 affordable rent
  - 2 shared ownership
- 22 basement level car parking, including
  - 4 accessible spaces,
  - 4 active electric charging points, and
  - 4 passive charging points.
- 28 cycle parking spaces
- 185 sqm B1a Office accommodation (ground floor), and
- Associated landscaping and refuse storage.

Key Standards Dashboard

<table>
<thead>
<tr>
<th>Planning Issue</th>
<th>Relevant Standard</th>
<th>Proposed</th>
<th>Is this Aspect in Accordance with the Development Plan?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density</td>
<td>170</td>
<td>238</td>
<td>No - in terms of a strict application of the figure against the matrix – however, Officers consider the proposed density to be acceptable when assessed against the policies in the Development Plan taken as a whole.</td>
</tr>
<tr>
<td>Affordable housing</td>
<td>50%</td>
<td>27%</td>
<td>Yes, subject to a full viability test</td>
</tr>
<tr>
<td>Unit Mix</td>
<td>30% 3 beds</td>
<td>27% 3 beds</td>
<td>No</td>
</tr>
<tr>
<td>Car Parking Spaces</td>
<td>22 maximum</td>
<td>22</td>
<td>Yes</td>
</tr>
<tr>
<td>-------------------</td>
<td>------------</td>
<td>----</td>
<td>-----</td>
</tr>
<tr>
<td>Cycle Parking Spaces</td>
<td>27</td>
<td>28</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 the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), as specified in the above legal agreements section, and the following 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 it the development plan unless material considerations indicate otherwise.

**Development Plan**

London Plan March 2016
- 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 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
- 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
LP 6.3 Assessing effects of development on transport capacity
LP 6.4 Enhancing London’s transport connectivity
LP 6.5 Funding Crossrail
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

LDF CORE STRATEGY CORE POLICIES
CS 01 Climate Change Mitigation
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
DM08 Sustainable Transport for New Development
DM09 Managing Vehicle Use for New Development
DM10 Design Requirements for New Developments
DM11 Design Approach
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
Consultations

1. 92 addresses have been notified of the proposed development, in addition the application was advertised by a site notice and a press notice. A total of 7 objections have been received. The objections can be summarised as follows:
   - The design of the proposed development is out of keeping with the surrounding area
   - The proposed development would harm the amenities of existing occupants of neighbouring buildings
   - The development would increase parking pressures in the area

2. RBK Neighbourhood Engineer - No objection subject to planning conditions

3. RBK Sustainability Officer - No comments at time of writing

4. RBK Environmental Health - No comments at time of writing

5. Transport for London – No objection subject to conditions, however, they request the applicant explores a reduction in car parking numbers

6. Thames Water – No comments at time of writing

Site and Surroundings

7. The application is located on the west side of Brighton Road. The buildings on the site are vacant, they were previously used as an MOT and car repair business.

8. The site is located in the Surbiton District Centre, in an area which is characterised by a mix of commercial and residential uses.

9. The site is not located in a conservation area and the buildings on site and adjacent to the site are not statutorily or locally listed.

10. The site has a Public Transport Accessibility Level (PTAL) of 3 (moderate).

Proposal

11. Full planning permission is sought for comprehensive redevelopment of this previously developed site consisting of the demolition of the existing buildings (1 family dwelling and an MOT car repair garage) and erection of a part 3 part 4 storey mixed use building comprising
   - 19 Residential units
o 14 x 1 bedroom
  o 5 x 3 bedroom (27%)
• 5 affordable residential units (27% of the 19 units)
  o 3 affordable rent
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• 22 basement level car parking, including
  o 4 accessible spaces,
  o 4 active electric charging points, and
  o 4 passive charging points.
• 28 cycle parking spaces
• 185 sqm B1a Office accommodation (ground floor), and
• Associated landscaping and refuse storage.

**Assessment**

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

- Principle of Proposed Development
  o Residential use
  o Office Use
- Design
- Housing Delivery
  o Housing Mix and Quality of Accommodation
  o Affordable Housing
- Density
- Impact on Neighbouring Amenity
- Highways and Parking
- Legal Agreements
- Sustainability
- Ground water and land stability
- Contaminated Land
- Community Infrastructure Levy
- Conclusion

**Principle of the development**

7. The proposal seeks to redevelop a vacant brownfield site for a predominately residential led mixed use development. The site is located within the Surbiton District Centre, has a Public Transport Accessibility Level (PTAL) of 3 (moderate) and fronts onto Brighton Road, part of the Borough’s Strategic Cycling Network.

8. Policy S1 (Surbiton neighbourhood) of the Core Strategy directs that the Council will *inter alia* enhance housing options in the Neighbourhood by working with developers and landowners to provide a range of housing development sites, with higher density dwellings in and around Surbiton District Centre; and work with partners to protect and deliver sufficient and appropriate employment land and premises by supporting the retention and provision of smaller, standalone employment sites in Surbiton.

9. The application site is in a highly sustainable location and such the mixed use redevelopment of the site would, subject to the detailed consideration of all other matters, be acceptable.
Residential Use

10. 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.

11. 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.

12. 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.

13. 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.

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

15. 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.

16. Paragraph 22 of the NPPF directs that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. It further states that policies should recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites.

17. The site is located within Surbiton District Centre, in a highly sustainable location, as such, subject to the detailed consideration of all other matters the introduction of residential units in this area could ensure that the vitality of the District Centre is enhanced.

**Office Use**

18. The site is an existing employment site, which has been vacant for some time. It was previously occupied by an MOT and car repair business.

19. Paragraph 22 of the National Planning Policy Framework (NPPF) states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternatives uses should be treated on their merits having regard to market signals and the relative need for different land uses to support local sustainable communities.

20. Paragraph 51 of the NPPF directs that local authorities should normally approve planning applications for a change of use from buildings currently in a B class use to residential where there is an identified need for additional housing in that area, provided there are no strong economic reasons why such development would be inappropriate.

21. Core Strategy Policy CS11 states that 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). The policy continues by directing that the Council will support the provision of flexible business space to meet the diverse needs of start-up, micro, small and medium sized enterprises (SMEs) including new and emerging sectors.

22. Policy DM17 seeks to protect existing employment land and premises. Alternative uses will not be accepted unless it has been demonstrated by sound evidence and rigorous marketing over a period of up to two years to demonstrate there is no quantitative or
qualitative need for a range of employment uses. It goes on to say that mixed-use schemes should not result in a net loss of employment capacity (floorspace and/or land) and should not compromise the viability of the site and/or its surroundings for employment purposes. Residential uses within mixed-use schemes will not be appropriate where they would be incompatible with established employment uses, or be prejudicial to the site's continued operation for employment purposes.

23. The Planning Statement confirms that the existing site contains 434sqm employment floorspace, the proposed scheme includes 185sqm of B1 employment floorspace, representing a loss of 249sqm of employment floorspace.

24. The proposal would provide new commercial floorspace as part of an efficient open plan commercial B1 office. The proposed commercial unit would front onto Brighton Road thus maintaining a commercial circuit along Brighton Road.

25. The proposed development would have the potential for an increased employment capacity when compared the existing use. The existing use, using the Employment Densities 2nd edition HCA Guide, estimates an employment capacity of 12 persons based on the floorspace. The proposed use has the potential to yield a capacity of between 15-19 persons.

26. Given the potential increase in employment capacity, it is considered that the principle of the proposed development would be acceptable subject to compliance with other relevant development plan policies.

**Design**

27. The NPPF directs that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Policy DM10 of the Core Strategy echoes these sentiments.

28. The proposed development would be of an architectural style that would be sympathetic to the surrounding area. The general mass and bulk and height of the proposed development would not be unduly overbearing or visually intrusive.

29. The area is characterised by a mix of building heights and the introduction of a 4 storey building is considered to be in keeping with the general pattern and form of development within the area.

30. The building has been designed to break up its mass and height with a staggered building line and the set back of the 4th storey (3rd floor) and use of different external finishes to provide articulation and visual interest.

31. It is considered that the proposed development would not detract from the character and appearance of the surrounding area.

32. The proposal would accord with policy CS8 and DM10 of the Council's adopted LDF Core Strategy.

**Housing Delivery**

33. Policy 3.3 of the London Plan identifies the pressing need for more homes in London and sets an annual minimum requirement for housing supply of at least 643 new homes for Kingston between 2015 and 2025.

34. Core Strategy Policy CS10 states that the Council will take full advantage of opportunities to deliver new housing and, in particular maximise the delivery of
affordable housing. Policy CS10 notes that preferred locations include areas with the greatest Public Transport Accessibility and areas in need of improvement or renewal. The proposal seeks to deliver 19 units.

35. Paragraph 17 of the National Planning Policy Framework directs that planning should encourage the effective use of land by reusing land that has been previously developed and should promote mixed use developments. The principle of providing housing on this site therefore is supported in principle.

Housing Mix and Quality of Accommodation

36. Policy DM13 directs that new housing should be of high quality and meet the needs of the Borough. It further directs that development should provide at least 30% of the units as 3 bedroom or more units (family units) unless it can be robustly demonstrated that this would be unsuitable or unviable. Moreover, It directs that Council will expect proposals for new residential development to be designed to provide adequate internal space appropriate to the intended number of occupants.

37. The proposed development provides 5 No 3 bed units (27%). The applicant has not provided any robust evidence to suggest that the delivery of 30% family units on the site would be unviable or that the site is unsuitable for family units. In terms of internal space the proposed units comply with the minimum standards. With regards to outdoor amenity space, all but 3 of the units would have access to outdoor private amenity space, communal space is accessible to those who do not have access to private space, and in any event the site is in walking distance of both Victoria Recreation Park and the River Thames river path.

38. Whilst overall the proposed units would be of an acceptable residential standard, the applicant has not provided sufficient evidence to demonstrate that the delivery of 30% of the units as family units would not be achievable. As such the proposal is contrary to policy DM13.

Affordable housing

39. The proposed development would offer 5 affordable units of which 2 would be shared ownership and 3 affordable rent. This equates to a 27% offer of affordable units across the proposed development.

40. The applicant has submitted a viability appraisal which has been reviewed by independent consultants and the level of affordable housing provision is found to be acceptable in order for the proposed scheme to be viable.

41. The proposed development therefore would accord with Policy DM15 of the Council's adopted LDF Core Strategy.

Density

42. Policy 3.4 of the London Plan seeks to optimise housing output for different types of location within the relevant density range, whilst taking into account local context and the character and public transport capacity.

43. The site has a Public Transport Accessibility Level of 3 (Moderate) and is an urban location. The London Plan’s density range for an “urban” site with these characteristics is 200-450 habitable rooms per hectare and 55 – 170 units per hectare.
44. The proposed development would be 238 units/hectare. Whilst this is above the density matrix, the London Plan, the home of the matrix is clear in that the matrix should not be used mechanistically, the assessment of whether a density is acceptable should be assessed against the accessibility of the site in terms of access to public transport, jobs, and facilities as well as the design of the proposed development. Taking all these matters into account Officers consider that the proposed development would be acceptable in terms of density.

Impact on Neighbouring Amenity

45. Paragraph 17 of the NPPF directs that one of the core principles of the Planning System is to ensure that planning decisions always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

46. Policy DM10 (Design Requirements for New Developments) advises that development must have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbance.

47. It is considered that the proposed development by virtue of its size, siting and design in relation to the neighbouring properties would not cause any significant material harm to the outlook, daylight/sunlight provision (amplified by the submission of a daylight/sunlight report) or privacy (due to sufficient separation distances between neighbouring properties) of the neighbouring occupiers. The proposal would accord with policy DM10 of the Council's adopted LDF Core Strategy April 2012.

Highways and Parking

48. The proposed development is located in an area with a Public Transport Accessibility Level of 3. The site is considered to be in a sustainable location in highways terms in that it has good access (moderate PTAL) to public transport links and that there is less of a reliance on the private motor car for future occupants.

49. This is reflected in the off-street car parking provision proposed at the basement level where 22 car parking spaces are proposed. 21 spaces are allocated to residential parking and 1 space is allocated to the office. 4 of the spaces would be active electrical charging parking spaces and a further 4 passive.

50. The Council's neighbourhood traffic engineer has reviewed the proposal and has found the development to be acceptable in terms of both highway safety and parking provision.

51. The development proposed the provision of 28 cycle storage spaces. The London would require 24 residential cycle parking spaces and 3 spaces to serve the Office accommodation.

52. The proposal is considered to comply with policy 6.13 of the London Plan and Policy DM10 of the Council's adopted LDF Core Strategy

Sustainability

53. Policies 5.1 & 5.2 of the London Plan (2016) seek to achieve an overall reduction in
London’s carbon dioxide emissions through a range of measures including using less energy, supplying energy efficiently and using renewable energy, and improving on Building Regulations targets including zero carbon residential buildings from 2016 and zero carbon non-domestic buildings from 2019 for major development proposals. The policy advises that where it is demonstrated that specific targets cannot be achieved on site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough. Relevant Core Strategy Policies include Policies DM1, DM2 and DM3 and Policy CS1 (Climate Change Mitigation) states that the Council will ensure that all development is designed and built to make the most efficient use of resources, reduce its lifecycle impact on the environment and contribute to climate change mitigation and adaption.

54. As the overall development is classified a major development, the target on site for the residential element should be zero carbon. The sustainability & energy statement concludes that the proposal would achieve 35% reduction in carbon emissions compared to the Building Regulations baseline. Therefore the carbon offsetting compensation required would be £21,760.99, and this would be secured through legal agreement.

**Ground water and land stability**

55. The proposed development is accompanied by a Basement Impact assessment. This has been reviewed and it is considered that the proposed development would have no significant impacts on land stability or groundwater flow and that the proposed development would not exacerbate risk of flooding.

56. The proposal would accord with Policy DM5 and DM10 of the Council's adopted Core Strategy

**Contaminated Land**

57. Policy DM 1 requires that new development should minimise air, noise and contaminated land impacts in line with industry best practice. Development proposals for contaminated land should include remediation measures. Given the previous use of the site it is considered reasonable to impose a contaminated land condition.

**Legal Agreements**

58. The proposed development would be MCIL and KCIL liable with the total amount payable £86,647.00.

59. Policy IMP3 of the Core Strategy 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.

60. On the 01 November 2015 the Council commenced the operation of a Community Infrastructure Levy (CIL) which is means of collecting monies to provide local infrastructure to offset the impact of developments. Local CIL replaces S106 as a mechanism for collecting contributions for local infrastructure e.g. education and health with the exception of affordable housing and other site specific requirements which will still be dealt with by way of a S106 agreement.

61. The application would be liable to pay Kingston CIL and the Mayoral CIL.
62. If planning consent is granted, a legal Agreement should be entered into covering:
   - Car capping agreement:
     - A requirement to preclude residents from applying for on street residents parking permits, including visitor parking permits and permits to park in Council owned car parks in the area;
     - A requirement to inform potential buyers or tenants of the above exclusion to publicise the lack of parking provision in sales brochures.
     - A restriction on the number of business parking permits issued for the commercial building, limited to 1 business permits in total.
     - Travel Plan monitoring fee contribution £1000
   - A carbon off-setting contribution of £21,760.

**Conclusion /Planning balance**

63. The proposed development would secure the delivery of both market and affordable units at a time when the Council is not able to demonstrate a supply of five years’ worth of housing land, this is a significant benefit weighing in support of the application. Counter to this is the disbenefit of the application in terms of the failure to deliver 30% of the units as family units along with the under provision of private amenity space for 3 of the units. Whilst these benefits weigh against the proposal Officers consider that they do not outweigh the benefits.

64. The planning application is therefore recommended for approval subject to planning conditions and legal agreement, both set out in this report

**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:

   - AQ1087 Brighton Road Air Quality Assessment 14/07/2017
   - 1700 Design and Access Statement 14/07/2017
   - 29313 170605 Energy Assessment 14/07/2017
   - Contamination Report Part 11 14/07/2017
   - Contamination Report Part 1 14/07/2017
   - Contamination Report Part 8 14/07/2017
   - Contamination Report Part 2 14/07/2017
   - Contamination Report Part 9 14/07/2017
Reason: For avoidance of doubt and in the interests of proper planning.

3 A sample of the facing materials to be utilised in the development hereby permitted 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: To ensure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

4 No site and building works which are audible at the site boundary shall be carried out outside of 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: In order to safeguard the amenities of the surrounding residential occupiers and to safeguard highway safety and the free flow of traffic in accordance with Policies DM9 (Managing Vehicle Use for New Development) and Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

5 Prior to commencement of development, 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 laying of dust, 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.

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 the LDF Core Strategy Adopted April 2012. 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.

6 Before the first occupation of the units the secure cycle parking facilities hereby approved shall be fully implemented and made available for use 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.

7 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 occupation 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.

8 No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

Reason: To safeguard and protect the sites bio diversity and nature conservation value in accordance with Policy DM6 (Biodiversity) of the LDF Core Strategy Adopted April 2012. 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.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no windows or other openings (other than those hereby approved) shall be formed in any elevation at first floor or above of the units hereby approved; without the prior written consent of the Local Planning Authority.

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

10 No unit shall be occupied until a landscaping has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within the first planting season following completion of the development and the tree planting and landscaping shall thereafter be maintained for five years to the satisfaction of the Local Planning Authority. Any trees or shrubs which die during this period shall be replaced in the first available planting season, and the area shown to be landscaped shall be permanently retained for that purpose only.

Reason: To ensure that these works are properly implemented and maintained and in the interest of visual amenity in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

11 All planting, seeding or turfing detailed in the approved landscape scheme including the communal areas shall be carried out in the first planting and seeding seasons following the occupation of the first residential unit; and any trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The area shown to be landscaped shall be permanently retained for that purpose only.

Reason: To ensure that these works are properly implemented and maintained and in the interest of visual amenity in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

12 No development shall take place until the details of all materials to be used for hard surfaced areas within the site including roads, driveways and car parking area have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details so approved.

Reason: To ensure that these works are properly implemented and maintained and in the interest of visual amenity in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

13 Prior to the first occupation of any residential unit, details of the location of the 'wheelchair user dwellings' which meet requirement M4(3) of Part M of Building Regulations shall be submitted to and approved in writing by the Local Planning Authority. The number of wheelchair user dwelling shall total at least 10% of the total number of residential units hereby approved. The development shall then be carried out in accordance with these details.

Reason: To ensure that the development provides a range of homes to meet different needs and to ensure compliance with Policies 3.5 and 3.8 of the London Plan March 2015 and Housing Standards MALP December 2015.
Prior to the first occupation of any residential unit details of how the residential units comply with Part M4(2) of the Building Regulations shall be submitted to and approved in writing.

Reason: To ensure that the development provides a range of homes to meet different needs and to ensure compliance with Policies 3.5 and 3.8 of the London Plan March 2015 and Housing Standards MALP December 2015.

Within 3 months of first occupation, evidence must be submitted to the council confirming that the new build development hereby approved has achieved not less than the CO2 reductions (ENE1) associated with meeting London Plan emissions requirements and internal water usage (WAT1) standards equivalent to Code for Sustainable Homes level 4 targets. 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 must demonstrate a minimum 35% emissions 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 2015 and Policy DM1 (Sustainable Design and Construction Standards) of the LDF Core Strategy Adopted April 2012.

Prior to commencement of any works, a District Heat Network Statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be obliged to connect to a District Heat Network where there is reasonable evidence to demonstrate to the Council's reasonable satisfaction that it is not technically possible, practical or commercially viable to do so having regard to such factors as connection charges proposed tariffs and the cost / benefit analysis of a connection. The statement must demonstrate compliance with Heat Network Manual for London standards and incorporate the following into development plans:

- How the plant room can in future be adapted to incorporate an adequately sized heat exchanger.
- The inclusion of domestic hot water isolation valves in the hot water headers to facilitate the connection of an interfacing heat exchanger.

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 2015 and Policy DM1 (Sustainable Design and Construction Standards) of the LDF Core Strategy Adopted April 2012. This information required prior to commencement of the development as it impacts on the construction of the development.

Prior to commencement of works (excluding site investigations), the applicant must submit a final detailed sustainable drainage design including drawings to the Lead Local Flood Authority for review and approval to demonstrate that surface water runoff rates will be restricted to as close to greenfield conditions as possible as per the submitted February 2018 Micro Drainage calculations. A detailed drainage maintenance plan must be submitted which shows that each drainage feature will be suitably managed for the lifetime of the development, confirming responsible owner(s). Where amendments have
been made from the September 2017 Flood Risk Assessment proposals, revised calculations and an updated Drainage Assessment Form must be submitted.

Reason: To prevent the risk of flooding to and from the site in accordance with relevant policy requirements including but not limited to London Plan Policy 5.13, it's associated Sustainable Design and Construction SPG, the Non-Statutory Technical Standards for Sustainable Drainage Systems and Kingston Council's Core Strategy Policy DM4.

18 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.

19 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.

20 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.

21 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.
Prior to any above ground level works, full details of the obscure screen louvers serving flats 107 and 207, and the privacy trellis located on the communal garden shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built, and the louvres and trellis installed before beneficial occupation. They shall be maintained in accordance with the agreed details.

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

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

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

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.

No fans, louvres, ducts or other external plant other than those shown on the drawings hereby approved shall be installed without the prior written approval of the Local Planning Authority.

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

The roof of the extension hereby permitted shall not be converted or used as a balcony or a sitting out area, and no access shall be gained except for maintenance purposes.

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

Informatives

1 In respect of the land contamination assessment and mitigation required by conditions 19 - 21, The contaminated land assessment shall include: - a) a site investigation, including relevant soil gas surface and groundwater sampling, carried out by a suitably qualified and accredited consultant/contractor in
accordance with a Quality Assured sampling and analysis methodology. A35 b) a site investigation report, in accordance with BS 5930:1999 (Code of Practice for Site Investigations & BS10175: 2001 Code of Practice Investigation of Potentially Contaminated Sites) detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remedial strategy. c) All work should generally be in accordance with the Environmental Protection Act 1990 (Part IIA), Statutory Guidance on Contaminated Land together with other relevant legislation and guidance as described in the DETR documents Contaminated Land Research Reports, CLR Series, 1994. Any remediation works necessary shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters. The closure report shall include details of the proposed remedial works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean up criteria shall be included in the closure report together with the necessary "Duty of Care' documentation detailing what waste material have been removed from the site. All work should be in accordance with the HSE document "Protection of workers & the general public during the development of Contaminated Land".

2 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 favorably.

3 Any vehicular crossing must be constructed in accordance with the provisions of the Highways Act 1980 by the Service Director (Planning & Transportation) (Highways), Directorate of Environmental Services, Guildhall II, Kingston upon Thames.

4 The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to: □ carry out work to an existing party wall; □ build on the boundary with a neighbouring property; □ in some circumstances, carry out groundwork's within 6 metres of an adjoining building. Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in “The Party Walls etc. Act 1996 - Explanatory Booklet”.

5 Your attention is drawn to the fact that planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.
6 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 email to snn@kingston.gov.uk. Alternatively, if you do not have internet access please call 020 8547 4606.

7 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. 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.
Date of Meeting: 19 July 2018

A3  Register No: 18/16123/FUL

Address: FORMER NHS TRUST SITE, SOUTH PLACE/WARWICK GROVE, SURBITON, KT5 8RX

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[Please note that this plan is intended to assist in locating the development it is not the site plan of the proposed development which may have different boundaries. Please refer to the application documents for the proposed site boundaries.]
Ward: Berrylands
Description of Proposal: Demolition of the former NHS Trust Site and erection of a three storey building with setback fourth floor providing 49 new homes, comprising 17 x 1 bed, 22 x 2 bed and 10 x 3 bed, proposed basement accommodating 30 car parking spaces, 84 cycle parking spaces and landscaping at ground floor
Plan Type: Full Application
Expiry Date: 25/06/2018

Executive Summary

The application seeks full planning permission for the demolition of the former NHS Trust buildings and erection of a three storey building with a setback fourth floor to provide 49 new homes.

The mix of units is proposed to be

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>Total No.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bed Unit</td>
<td>17</td>
<td>34.7</td>
</tr>
<tr>
<td>2 Bed Unit</td>
<td>22</td>
<td>44.9</td>
</tr>
<tr>
<td>3 Bed Unit</td>
<td>10</td>
<td>20.4</td>
</tr>
<tr>
<td>Total</td>
<td>49</td>
<td>100</td>
</tr>
</tbody>
</table>

6 of the units would be affordable units (4 Shared Ownership and 2 Affordable Rent)

The development would provide 30 car parking spaces and 84 cycle parking spaces.

Key Standards Dashboard

<table>
<thead>
<tr>
<th>Planning Issue</th>
<th>Relevant Standard</th>
<th>Proposed</th>
<th>Is this aspect in accordance with the development plan?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density</td>
<td>70-260 u/ha</td>
<td>257 u/ha</td>
<td>Yes</td>
</tr>
<tr>
<td>Affordable Housing</td>
<td>50%</td>
<td>12%</td>
<td>Yes, subject to a full viability test</td>
</tr>
<tr>
<td>Unit Mix</td>
<td>30% 3 beds</td>
<td>20.4% 3 beds</td>
<td>No</td>
</tr>
<tr>
<td>Car Spaces</td>
<td>Parking 54 maximum</td>
<td>30</td>
<td>Yes</td>
</tr>
<tr>
<td>Cycle Spaces</td>
<td>Parking 81</td>
<td>84</td>
<td>Yes</td>
</tr>
<tr>
<td>Sustainability - CO2</td>
<td>Zero Carbon</td>
<td>35.1% reduction and Carbon Offset payment</td>
<td>Yes, subject to the receipt of a Carbon Offset payment.</td>
</tr>
</tbody>
</table>
Recommendation

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

London Plan March 2016
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 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
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
LP 6.3 Assessing effects of development on transport capacity
LP 6.4 Enhancing London's transport connectivity
LP 6.5 Funding Crossrail
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

LDF CORE STRATEGY CORE POLICIES
CS 01 Climate Change Mitigation
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
DM08 Sustainable Transport for New Development
DM09 Managing Vehicle Use for New Development
DM10 Design Requirements for New Developments
DM11 Design Approach
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
Consultations

1. Neighbourhood Consultations: 378 addresses have been notified of the proposed development, in addition the application was advertised by a site notice and a press notice. A total of 29 objections have been received. The objections can be summarised as follows:

- Parking pressures
- Over development
- Out of keeping with the area
- Overbearing
- Visually intrusive
- Loss of daylight/sunlight
- Loss of privacy
- Affordable housing not affordable
- Loss of trees

RBK Neighbourhood Engineer - No objection subject to planning conditions

RBK Sustainability Officer - No comments at time of writing

RBK Environmental Health – No objections subject to air quality assessments.

Transport for London – No objection subject to conditions, however, they request the applicant explores a reduction in car parking numbers.

Thames Water – On the basis of information provided, would not have any objection to the planning application.

Site and Surroundings

2. The application site is located on the south side of South Place east of Warwick Grove. The buildings on the site are not in use and formerly served as health
facility for the NHS.

3. The surrounding area is predominantly residential in character and appearance. The site is not located in a conservation area and the buildings on or adjacent the site are not statutorily or locally listed.

4. The site has a Public Transport Accessibility Level (PTAL) of 4.

**Proposal**

5. Planning permission is sought for the demolition of buildings and erection of a 4 storey building with basement providing 49 new homes, comprising

- 17 x 1 bed,
- 22 x 2 bed and
- 10 x 3 bed,

30 car parking spaces, 84 cycle parking spaces and landscaping.

**Assessment**

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

- Principle of Proposed Development
- Loss of Community facility
- Housing Delivery
- Affordable Housing
- Housing Quality and Mix
- Impact on Character of Area
- Impact on Neighbour’s Residential Amenity
- Highways
- Trees
- Sustainability
- Groundwater flow and Land Stability
- CIL

**Principle of the development**

7. The proposal seeks to redevelop a vacant brownfield site to provide 49 residential units. The site is located within close proximity of the Ewell Road Local Centre, has a Public Transport Accessibility Level (PTAL) of 4 and fronts onto South Place, part of the Borough’s Strategic Walking Network.

8. Policy S1 (Surbiton neighbourhood) of the Core Strategy directs that the Council will *inter alia* enhance housing options in the Neighbourhood by working with developers and landowners to provide a range of housing development sites, with higher density dwellings in and around Surbiton District Centre; and work with partners to protect and deliver sufficient and appropriate employment land and premises by supporting the retention and provision of smaller, standalone employment sites in Surbiton.
9. The application site is in a highly sustainable location and such the residential development of the site would, subject to the detailed consideration of all other matters, be acceptable

**Loss of Community facility**

10. The application would result in the loss of a community facility. The applicant has provided evidence that the site has been marketed which has not resulted in any sale or lease of the property for continued use for either a health facility or wider community use. The premises are no longer required by the NHS and the monies from the receipt of sale are being re-invested in the rationalisation and improvement in health services across the south west London region and in particular within the borough with the monies from the sale being reinvested in the Tolworth Hospital redevelopment.


**Housing delivery**

12. 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.

13. 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.

14. 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.

15. 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.

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

17. 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.

18. 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.

19. 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.
20. Core Strategy Policy CS10 (Housing Delivery) states that the Council will take full advantage of opportunities to deliver new housing and, in particular maximise the delivery of affordable housing. New housing should be delivered in the most sustainable locations, and with the associated infrastructure necessary to support it. New Malden 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 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.

21. 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.

22. 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.

23. The delivery of 49 residential units would carry significant weight in favour of the proposal.

**Affordable Housing**

24. There is a considerable need for affordable housing across the Borough and securing more affordable homes is a key priority. The Council has a role in promoting the development of additional affordable homes to meet local housing need.

25. The NPPF outlines that to deliver a wide choice of quality homes, local planning authorities should identify where affordable housing is needed and identify policies for meeting this on site, unless off-site provision or a financial contribution can be robustly justified. Policy DM15 states that the delivery of affordable housing is a key priority and the Council will seek to maximise its provision. On sites of 10 units or more the Council seeks 50% of the residential development as affordable housing, subject to viability considerations.

26. The proposed development would offer 6 affordable units of which 4 would be shared ownership and 2 affordable rent. This equates to a 12% offer of affordable units across the proposed development.

27. The applicant has submitted a viability appraisal which has been reviewed by independent consultants and the level of affordable housing provision is found to be the maximum that can be provided whilst allowing the scheme to remain viable.

Quality and mix of accommodation

29. The proposed accommodation would meet the minimum internal floorspace standards required for residential development as set out in table 3.3 of the London Plan Policy 3.5. The internal and external layouts would provide future occupants with an adequate provision of daylight/sunlight provision, privacy, outlook and amenity space for drying and siting. The proposal would provide refuse and recycling facilities and include sustainable transport measures with the provision of cycle parking.

30. The Core Strategy 2012 and the London Plan 2015 direct that the Council should take full advantage of opportunities to deliver a wide choice of new high quality homes. Policy DM13 states that 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. The scheme provides 20% as 3 bed units. The applicant states that

31. The unit mix has been influenced by a number of other factors which includes: Scheme viability, including agency input. However,

- The constraints of the site in terms of being able to achieve various design standards, such as private amenity space and dual aspect accommodation; and
- The opportunities of the site in terms of its sustainable location and suitability for higher density development.

65. However, Officers consider that whilst overall the proposed units would be of an acceptable residential standard, the applicant has not provided sufficient evidence to demonstrate that the delivery of 30% of the units as family units would not be achievable. As such the proposal is contrary to policy DM13.

Impact on the character of the area

33. The NPPF directs that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Policy DM10 of the Core Strategy echoes these sentiments.

34. Planning Policies contained within The Core Strategy 2012 and The London Plan 2015 attach great importance to the design of the built environment as a key part of sustainable development and that new development recognises distinctive local features and character and relates well and connects to its surroundings.

35. Core Strategy Policy DM10 requires development proposals to incorporate the principles of good design and sets out a number of detailed criteria relating to factors including prevailing development typology, scale, height, layout, form building lines and design details. Core Strategy Policy DM11 seeks to ensure that new developments are supported by a contextual statement that
demonstrates a clear understanding and analysis of the local character of the area, and demonstrates how the new development will make a positive contribution to protecting and enhancing the local character of the area.

36. The proposed development would be of an architectural style that would be sympathetic to the surrounding area.

37. The general mass and bulk and height of the proposed development would not be unduly overbearing or visually intrusive.

38. The area is characterised by a mix in housing type and size and the introduction of a 4 storey building is considered to be in keeping with the general pattern and form of development within the area.

39. The building has been designed to break up its mass and height with a staggered building line and the set back of the 4th storey (3rd floor) and use of different external finishes to provide articulation and visual interest.

40. It is considered that the proposed development would not detract from the character and appearance of the surrounding area.

41. The proposal would accord with policy CS8 and DM10 of the Council's adopted LDF Core Strategy

**Impact on neighbours’ residential amenity**

42. Paragraph 17 of the NPPF directs that one of the core principles of the Planning System is to ensure that planning decisions always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

43. Policy DM10 (Design Requirements for New Developments) advises that development must have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbance.

44. The proposed development would be situated 13 metres from the front elevation of properties on Warwick Grove, 10.8 metres from the existing properties on South Lane. These window of the properties adjacent are front facing windows towards a public highway and as such, there is a degree of existing mutual overlooking. This would therefore not have any detrimental impacts to the properties on Warwick Grove.

45. It is considered that the proposed development by virtue of its size, siting and design in relation to the neighbouring properties would not cause any significant material harm to the outlook, daylight/sunlight provision (amplified by the submission of a daylight/sunlight report) or privacy (due to sufficient separation distances between neighbouring properties) of the neighbouring occupiers. The proposal would accord with policy DM10 of the Council's adopted LDF Core Strategy April 2012.
**Highways**

46. The proposed development is located in an area with a Public Transport Accessibility Level of 4 (Good). This is reflected in the off-street car parking provision proposed at the basement level where 30 car parking spaces are proposed (0.6 spaces per unit). As the site is considered to be in a sustainable location in highways terms and has good access to public transport links it is considered that there would be less of a reliance on the private motor vehicle for future occupants and proposed level of parking would be acceptable.

47. The Council's neighbourhood traffic engineer has reviewed the proposal and has found the development to be acceptable in terms of both highway safety and parking provision.

48. Some concern has been raised locally that the low parking provision might cause problems on surrounding streets in terms of increased parking pressure. To address this the applicant has agreed to enter into a legal agreement that secures a £40,000 contribution to a future scheme in the area that would introduce parking control to mitigate parking pressures on street and also a parking management plan to avoid the car parking spaces within the development being used by anyone not occupying the proposed development. Furthermore, the applicant has agreed to a requirement to work with a car club provider to undertake feasibility work with an aim to introduce a car club space in close proximity to the application site and also to provide 1 year free membership to each unit of the development. This would be secured by way of legal agreement.

49. In terms of cycle parking, the proposed development is required to provide 81 spaces, the development would exceed this requirement.

50. The proposed development would be required to provide 20% of the parking spaces to have active electrical charging provision with a further 20% to have passive provision.

51. Subject to planning conditions the proposal is considered to comply with policy 6.13 of the London Plan and Policy DM10 of the Council's adopted LDF Core Strategy.

**Trees**

52. The NPPF states that planning permission should be refused for development resulting in the loss or deterioration of aged or veteran trees, unless the need for, and benefits of, the development clearly outweigh the loss. Policy DM10 of the Core Strategy and Policy 7.5 of the London Plan 2015 operate together to ensure 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.

53. The proposed development does not impact upon any trees that are the subject
of a Tree Preservation Order or that are in a conservation area.

54. The development would sit to the south of a mature Cedar tree in South Place in the grounds of 15 South Place. The Council's tree and landscaping officer has reviewed the proposed development and concludes that the siting of the development in relation to this tree is such that it would not cause harm to the tree or provide future pressure to fell the tree at a later date.

**Sustainability**

55. Sustainable development is a core principle of the NPPF, including supporting the transition to a low-carbon future in a changing climate, taking full account of flood risk and coastal change, encouraging the re-use of existing resources, and encouraging the use of renewable resources, including renewable energy (paragraph 17).

56. Improving the environment and tackling climate change is one of the London Plan’s main objectives.

57. At a local level Core Strategy Policy CS1 seeks 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 contribute to climate change mitigation and adaptation.

58. The proposed development provides a number of sustainability measures which results in a CO2 reduction of 35.1% meeting the minimum GLA target 35%.

59. In addition to this based on a price of CO2 of £1800 (£60 per tonne annually over 30 years) a contribution of £68,460.00 is to be made by the application as carbon offset payment in-lieu.

60. It is therefore considered that the proposed development would accord with policies 5.2 of the London Plan and DM1 and DM2 of the Council's adopted LDF Core Strategy.

**Groundwater flow and Land Stability**

61. Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, it should be made safe without increasing flood risk elsewhere.

62. In accordance with National and regional planning policy decisions on planning applications relating to major developments should ensure that SuDS for the management of run-off are put in place, unless demonstrated to be inappropriate. The NPPG states that whether SuDS should be considered will depend on the proposed development and its location, for example where there are concerns about flooding. SuDS may not be practicable for some forms of development. When considering major development, SuDS should be provided unless demonstrated to be inappropriate. Whether a SuDS system is
appropriate to a particular development proposal is a matter of judgement for
the Local Planning Authority and advice should be sought from relevant flood
risk management bodies, principally the Lead Local Flood Authority (LLFA).

63. The Department for Environment, Food and Rural Affairs (DEFRA) has
published non-technical standards for SuDS (March 2015) which will be taken
into account by the LLFA and local planning authorities in assessing the
acceptability of SuDS schemes.

64. The proposed development is accompanied by a Basement Impact
assessment. This has been reviewed and it is considered that the proposed
development would have no significant impacts on land stability or groundwater
flow and that the proposed development would not exacerbate risk of flooding.

65. The proposal would accord with Policy DM5 and DM10 of the Council's adopted
Core Strategy.

Legal Agreements

66. The applicant has agreed to enter into a legal agreement that secures a
£40,000 contribution to a future scheme in the area that would introduce parking
control if the council is minded to introduce this following consultation with local
residents to mitigate parking pressures on street. Furthermore, a parking
management plan would be required to avoid the car parking spaces within the
development being used by anyone not occupying the proposed development.

67. In the event of an approval, the application would be subject to a legal
agreement covering the following provisions

- Affordable housing (6 units)
- Car club feasibility and year membership
- Carbon Offsetting contribution
- Car Capping agreement

68. The development would be subject to the Kingston CIL and the London Mayoral
CIL.

Community Infrastructure Levy

69. The proposed development would provide £658,167.00 of Kingston Community
Infrastructure Levy funds and £284,301.00 of Mayoral Community
Infrastructure Levy funds.

Conclusion

69. The application proposes the development of a site which is located in a
sustainable location within a PTAL 4. The proposed development would be of
a scale and design that would meet the quality required for a prominent site and
be in keeping with the surrounding area.
70. The proposed development would secure the delivery of both market and affordable units at a time when the Council is not able to demonstrate a supply of five years’ worth of housing land, this is a significant benefit weighing in support of the application. Counter to this is the disbenefit of the application in terms of the failure to deliver 30% of the units as family units. Whilst these benefits weigh against the proposal Officers consider that they do not outweigh the significant benefits.

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:

   WM1251 Surbiton BIODIVERSITY 12/02/2018
   Design Access Statement Part 1 12/02/2018
   Flood Risk Assessment 12/02/2018
   Combined Phase III FINAL 12/02/2018
   Town Planning Statement 12/02/2018
   Surface Water Drainage Strategy 12/02/2018
   2074-01-DR-0001-P01 Location Plan 09/02/2018
   Transport Assessment 12/02/2018
   Travel Plan 12/02/2018
   Daylight and Sunlight Report 12/02/2018
   Construction Method Statement P1 12/02/2018
   2074-01-SA-0001-P02 49 Unit Scheme Summary Schedule 12/02/2018
   2074-01-SA-0002-P02 49 Unit Scheme Detailed Schedule 12/02/2018
   Delivery and Servicing Plan 12/02/2018
   WM1251 Surbiton PHASE 1 12/02/2018
   Internal daylight and sunlight 12/02/2018
   2074-01-DR-0010 P01 Existing Floor Plans 12/02/2018
   2074-01-DR-0011 P01 Existing Elevations 12/02/2018
   2074-01-DR-0002 P01 Existing Site Plan 12/02/2018
   2074-01-DR-0051 P02 Proposed Site Plan 12/02/2018
   2074-01-DR-0100 P02 Proposed Ground Floor Plan 12/02/2018
   2074-01-DR-0101 P02 Proposed First Floor Plan 12/02/2018
   2074-01-DR-0102 P02 Proposed Second Floor Plan 12/02/2018
   2074-01-DR-0103 P02 Third Floor Plan 12/02/2018
   2074-01-DR-0104 P02 Proposed Roof Plan 12/02/2018
   2074-01-DR-0401 P02 Proposed Sections 12/02/2018
   2074-01-DR-0604 P02 Proposed Courtyard Elevations 12/02/2018
   2074-01-DR-0601 P02 Proposed North Elevation 12/02/2018
   2074-01-DR-0602 P02 Proposed South Elevation 12/02/2018
   2074-01-DR-0603 P02 Proposed East and West Elevation 12/02/2018
3. A sample of the facing materials to be utilised in the development hereby permitted 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: To ensure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

4. No site and building works which are audible at the site boundary shall be carried out outside of 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: In order to safeguard the amenities of the surrounding residential occupiers and to safeguard highway safety and the free flow of traffic in accordance with Policies DM9 (Managing Vehicle Use for New Development) and Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

5. Prior to commencement of development, 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 laying of dust, 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.

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. 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,

6. Before the first occupation of the units the secure cycle parking facilities hereby approved shall be fully implemented and made available for use 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.

7. 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 occupation 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.

8. The roof of the extension hereby permitted shall not be converted or used as a balcony or a sitting out area, and no access shall be gained except for maintenance purposes.

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

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

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

10. No unit shall be occupied until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within the first planting season following completion of the development and the tree planting and landscaping shall thereafter be maintained for five years to the satisfaction of the Local Planning Authority. Any trees or shrubs which die during this period shall be replaced in the first available planting season, and the area shown to be landscaped shall be permanently retained for that purpose only.

Reason: To ensure that these works are properly implemented and maintained and in the interest of visual amenity in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

11. All planting, seeding or turfing detailed in the approved landscape scheme including the communal areas shall be carried out in the first planting and seeding seasons following the occupation of the first residential unit; and any trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The area shown to be landscaped shall be permanently retained for that purpose only.
12. No development shall take place until details of all materials to be used for hard surfaced areas within the site including roads, driveways and car parking area have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details so approved.

Reason: To ensure that these works are properly implemented and maintained and in the interest of visual amenity in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

13. Prior to the first occupation of any residential unit, details of the location of the ‘wheelchair user dwellings’ which meet requirement M4(3) of Part M of Building Regulations shall be submitted to and approved in writing by the Local Planning number of residential units hereby approved. The development shall then be carried out in accordance with these details.

Reason: To ensure that the development provides a range of homes to meet different needs and to ensure compliance with Policies 3.5 and 3.8 of the London Plan March 2015 and Housing Standards MALP December 2015.

14. Prior to the first occupation of any residential unit details of how the residential units comply with Part M4(2) of the Building Regulations shall be submitted to and approved in writing.

Reason: To ensure that the development provides a range of homes to meet different needs and to ensure compliance with Policies 3.5 and 3.8 of the London Plan March 2015 and Housing Standards MALP December 2015.

15. Within 3 months of first occupation, evidence must be submitted to the council confirming that the new build development hereby approved has achieved not less than the CO2 reductions (ENE1) associated with meeting London Plan emissions requirements and internal water usage (WAT1) standards equivalent to Code for Sustainable Homes level 4 targets. 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 must demonstrate a minimum 35% emissions 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 2015 and Policy DM1 (Sustainable Design and Construction Standards) of the LDF Core Strategy Adopted April 2012.
16. Prior to commencement of any works, a District Heat Network Statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be obliged to connect to a District Heat Network where there is reasonable evidence to demonstrate to the Council's reasonable satisfaction that it is not technically possible, practical or commercially viable to do so having regard to such factors as connection charges proposed tariffs and the cost / benefit analysis of a connection. The statement must demonstrate compliance with Heat Network Manual for London standards and incorporate the following into development plans:

- How the plant room can in future be adapted to incorporate an adequately sized heat exchanger.
- The inclusion of domestic hot water isolation valves in the hot water headers to facilitate the connection of an interfacing heat exchanger.

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 2015 and Policy DM1 (Sustainable Design and Construction Standards) of the LDF Core Strategy Adopted April 2012. This information required prior to commencement of the development as it impacts on the construction of the development.

17. Prior to commencement of works (excluding site investigations), the applicant must submit a final detailed sustainable drainage design including drawings to the Lead Local Flood Authority for review and approval to demonstrate that surface water runoff rates will be restricted to as close to greenfield conditions as possible as per the submitted February 2018 Micro Drainage calculations. A detailed drainage maintenance plan must be submitted which shows that each drainage feature will be suitably managed for the lifetime of the development, confirming responsible owner(s). Where amendments have been made from the September 2017 Flood Risk Assessment proposals, revised calculations and an updated Drainage Assessment Form must be submitted.

Reason: To prevent the risk of flooding to and from the site in accordance with relevant policy requirements including but not limited to London Plan Policy 5.13, it's associated Sustainable Design and Construction SPG, the Non-Statutory Technical Standards for Sustainable Drainage Systems and Kingston Council's Core Strategy Policy DM4.

18. Prior to commencement of works (excluding site investigations), the applicant must submit a final detailed sustainable drainage design including drawings to the Lead Local Flood Authority for review and approval to demonstrate that surface water runoff rates will be restricted to as close to greenfield conditions as possible as per the submitted February 2018 Micro Drainage calculations. A detailed drainage maintenance plan must be submitted which shows that each drainage feature will be suitably managed for the lifetime of the development, confirming responsible owner(s). Where amendments have been made from the September 2017 Flood Risk Assessment proposals, revised calculations and an updated Drainage Assessment Form must be submitted.
Reason: To prevent the risk of flooding to and from the site in accordance with relevant policy requirements including but not limited to London Plan Policy 5.13, its associated Sustainable Design and Construction SPG, the Non-Statutory Technical Standards for Sustainable Drainage Systems and Kingston Council’s Core Strategy Policy DM4.

19. 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.

20. 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.

21. 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.

22. 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.

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

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

24. No fans, louvres, ducts or other external plant other than those shown on the drawings hereby approved shall be installed without the prior written approval of the Local Planning Authority.

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

INFORMATIVES

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

2. Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.
3 You have been granted planning permission to build a residential extension. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.

4 The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
   • carry out work to an existing party wall;
   • build on the boundary with a neighbouring property;
   • in some circumstances, carry out groundwork’s within 6 metres of an adjoining building.
Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in “The Party Walls etc. Act 1996 - Explanatory Booklet”. 
Highway Notes

- Deliveries to the site should avoid school arrival and pick up times.

- Deliveries to the site should where possible avoid waiting on the highway as this could result in a reduction to road safety and emergency access;

- Any parking that cannot be contained within the site must park considerately and safely, so as not to obstruct sightlines at junctions or site accesses. The applicant should be aware that any such parking will cause unnecessary concern and agitation within the local community; Should make full use of the site accesses to maximise the availability of off street parking

- Service parking and deliveries should not cause any damage to the verges or margins, and no parking is allowed on both.

- A license from the Compliance Team will be required to erect off site direction signs. This same team will issue the hoarding license (if necessary) and seek appropriate deposits.

- It is not clear if a tower crane would be used. The applicant should be advised that a licence is needed for a tower crane, and should contact the Street Scene Compliance Team on 020 8547 5002. A traffic management arrangement for the delivery, erection, dismantling and removal of a tower crane (if it would be used) should be submitted for approval.

- The applicant should be advised to consider if a parking suspension might be needed to allow access for big delivery construction vehicles involved. To apply for parking suspension (if needed), the applicant should contact the Environment Contact Centre on 020 8547 5002.

The provision of the above information ensures that the Borough and the applicant are able to consider the construction at an early stage. This ensures that construction and any traffic management is completed in a professional and timely manner.

Should the access into the site during construction not be paved, spoil could be carried from the site onto the public highway. The access into the site should be paved to minimise the carryover of spoil onto adjacent roads. We would also require the applicant to sweep and wash down the adjacent roads to ensure that the public highway is kept clear of debris. This is to ensure a satisfactory road surface for road safety reasons at all times.
The development approved by this planning permission will be liable to pay the Mayor of London's Community Infrastructure Levy (MCIL) and the Royal Borough of Kingston CIL.

Payment will be due once the owner/developer serves a development Commencement Notice on the Council, and a payment Demand Notice has been received by the owner. Failure to submit a Commencement Notice will incur a surcharge of 20% of the chargeable amount or £2,500, whichever is the lower amount.

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

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

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.