

SOUTH OF THE BOROUGH NEIGHBOURHOOD COMMITTEE

WEDNESDAY 27 MARCH 2019  
REPORT BY  
HEAD OF PLANNING & REGENERATION  
PLANNING APPLICATIONS

INDEX

ITEM NO	REGISTER NO	ADDRESS	DESCRIPTION	RECOMMENDATION	PAGE NO
A1	18/10144	46 (Rescue House) Oakcroft Road, Chessington, KT9 1RH	Variation of Condition 17 (Permitted Hours for Traffic Movements) of Planning Permission 96/2114/FUL (Erection of 5 industrial/warehouse units, car parking and servicing) to allow occasional movement of vehicles on land adjoining the premises and erection of a 3.2m high timber acoustic fence along part of the boundary.	PERMIT	A1
A2	18/10299	Land at Maypole Motors, Vale Road South, Surbiton, KT6 5AQ	Demolition of existing buildings and erection of 9 x 3 bed houses with associated parking, landscape and amenity space	PERMIT	A15

**SOUTH OF THE BOROUGH NEIGHBOURHOOD COMMITTEE**

**27<sup>TH</sup> MARCH 2019**

**REPORT BY THE**

**Assistant Director of Strategic Planning & Infrastructure**

**PLANNING APPLICATIONS**

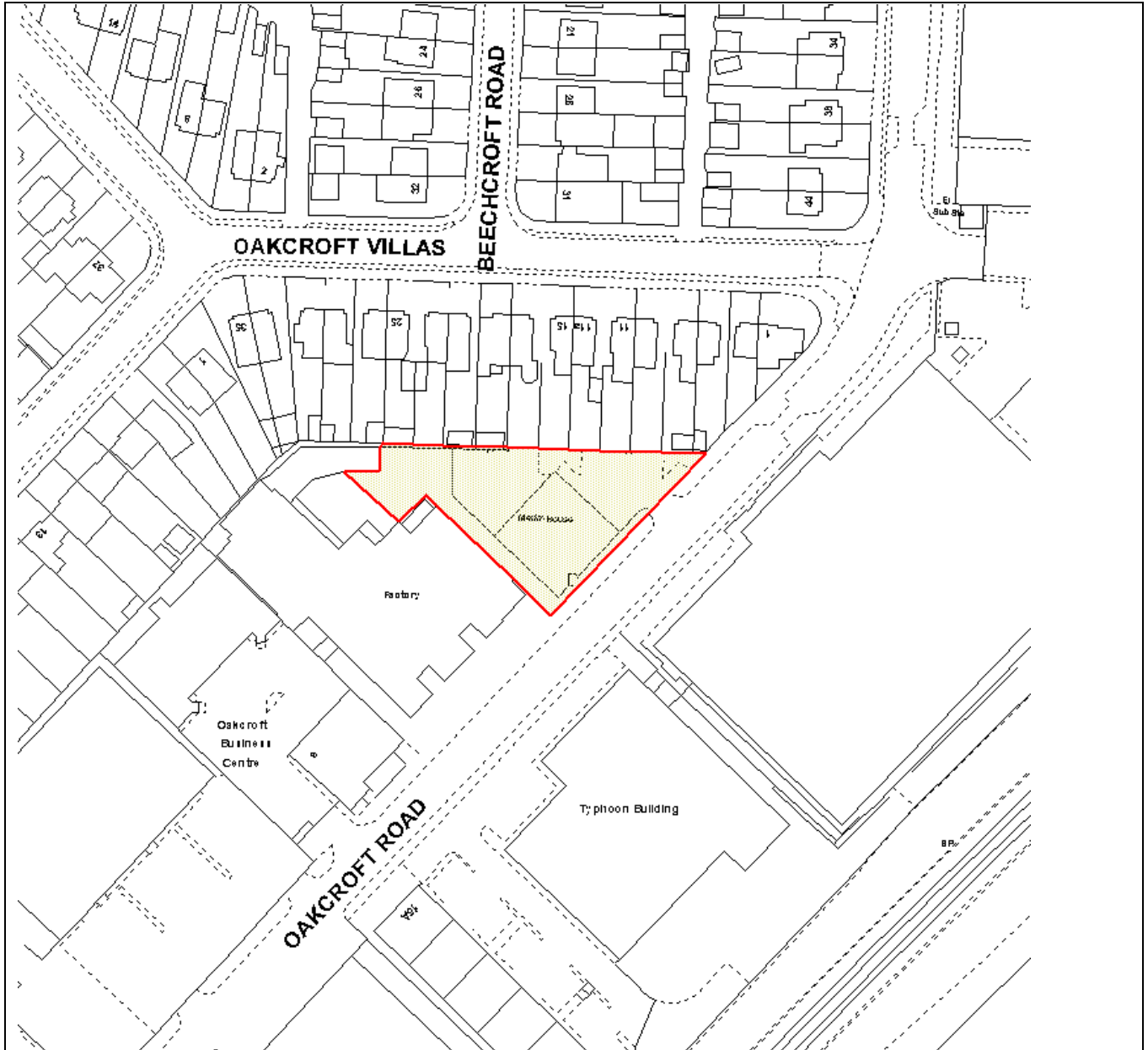
All recommendations for planning permission in this section are automatically subject to the condition limiting the duration of the permission required by Sections 91 and 92 of the Town and Country Planning Act (as amended) 1990 unless permission is to be granted for a limited period or unless there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

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A1 Register No: 18/10144/FUL

Address: 46 (RESCUE HOUSE) OAKCROFT ROAD,  
CHESSINGTON, KT9 1RH



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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.]

<u>Ward:</u>	Tolworth and Hook Rise
<u>Description of Proposal:</u>	Variation of Condition 17 (Permitted Hours for Traffic Movements) of Planning Permission 96/2114/FUL (Erection of 5 industrial/warehouse units, car parking and servicing) to allow occasional movement of vehicles on land adjoining the premises and erection of a 3.2m high timber acoustic fence along part of the boundary.
<u>Plan Type:</u>	Full Application
<u>Expiry Date:</u>	30/05/2018

### Executive Summary

The application was reported to the South of the Borough Neighbourhood Committee on 6<sup>th</sup> September 2018. A decision on the application was deferred to seek more information about:

- the traffic and highway implications, for example relating to Condition (5) and how the loading bay would be managed; and
- how monitoring would be undertaken of the number of occasions (in relation to the maximum level of 7 per month) when vehicle movements would occur on the site outside permitted hours and to allow a site visit to take place with traffic engineers.

A site visit took place on 8<sup>th</sup> October 2018 with traffic engineers. Following the site visit, a Traffic Management Order has been agreed to ensure that no waiting takes place on the western side of Oakcroft Road from the corner with Oakcroft Villas to the access to this site.

On 15<sup>th</sup> November 2018, an Appeal decision was issued on application 17/10263/FUL dismissing application for alteration to the hours (but without the mitigation of the acoustic wall) due to the impact on the amenities of surrounding occupiers. Environmental Health confirm that they have no objection to this application with the proposed acoustic wall.

The application is recommended for approval.

### Applicant's Plan Nos:

06-J7-01043 Details of Fencing System	Received	04/04/2018
Site Location Plan	Received	04/04/2018
Site Location Plan Showing Fence Line	Received	04/04/2018

## BASIC INFORMATION

### National Planning Policy Framework (NPPF) 2019

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

### Policies

CS 11 LDF CORE STRATEGY CORE POLICIES  
Economy and Employment  
LDF CORE STRATEGY DEVELOPMENT MANAGEMENT  
DM10 Design Requirements for New Developments  
DM17 Protecting Existing Employment Land and

### Previous Relevant History

17/10263/FUL	Variation of Condition 17 (Permitted Hours for Traffic Movements) of Planning Permission 96/2114/FUL (Erection of 5 industrial/warehouse units, car parking and servicing) to allow the use of the site outside of the permitted hours only in exceptional circumstances for road traffic and safety reasons up to 7 times each month.	Refused 06/09/2017, Appeal Dismissed 15/11/2018
96/2114/FUL	Erection of 5 Industrial warehouse units, carparking and servicing.	Approved subject to conditions 06/07/1999

### Consultations

**Neighbour notification:** 51 neighbours have been notified - 13 objections have been received raising the following concerns:

- noise and disturbance late at night
- damage to property
- highway safety, congestion and parking
- overshadowing.

**Environmental Health:** No objection subject to conditions.

**Neighbourhood Traffic Engineer:** No objection.

### Site and Surroundings

1. The application site is located on the north western side of Oakcroft Road and comprises a parcel of land with a two storey height industrial unit and parking area currently being used in connection with National Rescue Group (NRG).
2. The site is located within the Chessington Industrial Area which is identified as a Strategic Industrial Location. The surrounding area is mixed in character, comprising industrial units to the south east and south west of the site. Directly to the north of the site are the residential properties nos.1-25 Oakcroft Villas.
3. Rescue House is occupied by National Rescue Group who operate a vehicle repair centre (B2), however, as part of this business, broken down vehicles are brought to the site on a recovery vehicle.

### Proposal

4. Planning permission was granted in 1999 (96/2114/FUL) for the erection of 5 industrial warehouse units, car parking and servicing. Rescue House (formally Merlin House) forms one of the consented warehouse units, although the remainder of the development has not been constructed.
5. The application seeks to vary condition 17 of planning permission 96/2114/FUL which reads:

*17. The premises shall not be used for the purposes hereby permitted or vehicle movements take place after the hours of 8:00pm Monday to Saturday and shall not reopen until 7:00am on any day. The premises shall not be used or vehicle movements take place at any time on Sundays and Bank Holidays.*

*Reason: To safeguard the amenities of the occupiers of nearby dwellings.*

6. The suggested wording by the applicant for condition 17 reads:

*17. (i) The buildings shall not be used for the purposes hereby permitted after the hours of 8:00pm Monday to Saturday and shall not reopen until 7:00am on any day. The buildings shall not be used at any time on Sundays and Bank Holidays.*

*(ii) Apart from in the exceptional circumstances listed below, vehicle movements on the site shall not take place after the hours of 8:00pm*

*Monday to Saturday and shall not occur again until 7:00am on any day. Vehicle movements shall not take place at any time on Sundays and Bank Holidays. An exceptional circumstance is where a vehicle must enter the land in order to be removed from the public highway for road traffic and safety reasons, and such exceptional circumstances are not to exceed seven times a month.*

*Reason: To safeguard the amenities of the occupiers of nearby dwellings.*

7. The proposal also includes the erection of 3.2m high acoustic fencing to the northern boundary of the site.

### Assessment

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

- Principle of Proposed Development
- Impact on Character of Area
- Impact on Neighbour's Residential Amenity
- Highways and Parking

### Principle of Proposed Development

8. The principle of the development has been established in planning permission 96/2114/FUL for the erection of 5 industrial/warehouse units, car parking and servicing. The application seeks to vary the condition which restricts the hours of use of the site to allow for vehicle movements outside of the permitted hours on up to 7 occasions per month
9. As such the principle of the proposal is therefore supported subject to the proposals complying with other relevant policies within the LDF Core Strategy, the London Plan and NPPF 2018.

### Impact on Character of Area

10. Paragraph 124 of the NPPF states that the government believes that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
11. The proposal includes the erection of an acoustic fence to a height of 3.2m along the northern boundary of the site which adjoins the rear gardens of no.s 5-25 Oakcroft Villas.
12. Given the industrial nature of the site, the scale of the proposed fencing would not appear incongruous in this location. With the proposed fencing being along the northern boundary only, much of this would not be visible from within the streetscene. Therefore the proposed fencing is considered not to result in any significant adverse impact upon the character of the area.

13. The proposal would not result in any significant adverse impact upon the character of the area and would comply with Policy DM10 of the LDF Core Strategy 2012.

#### Impact on Neighbours' Residential Amenity

14. Paragraph 127 of the NPPF states that planning should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
15. NPPF paragraph 170 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.
16. 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.
17. The original planning permission for the erection of 5 industrial warehouse units, car parking and servicing includes condition 17 which restricts the use and the movement of vehicles within the application site after the hours of 8:00pm Monday to Saturday and before 7:00am on any day. The premises cannot be used or vehicle movements take place at any time on Sundays and Bank Holidays. The reason for the restrictions within condition 17 were to protect the amenities of neighbouring residential properties.
18. The applicant has applied to vary this condition in order to allow vehicle movements within the site outside of the permitted hours on up to seven occasions a month in the circumstances where it is not possible to leave the rescued car on the highway.
19. The nearest residential properties are Nos. 1-25 Oakcroft Villas located immediately to the north of the site and the rear elevations of the properties are between 16-20m from the site boundary.
20. The applicant states that vehicles are unloaded along Oakcroft Road and are driven (slowly and quietly) into the carpark at Rescue House. Staff are instructed to turn off the rescue vehicle lights once pulling off the road (the lights must be kept on whilst on the highway) and to turn off the engine. A noise management plan has been submitted setting out all of the measures to be taken by National Rescue when delivering a rescued vehicle out of hours.
21. The proposal was previously refused on 06/09/2017 ref. 17/10263/FUL for the following reason:  
*The applicant has failed to demonstrate that sufficient mitigation measures can be employed so as to ensure the proposal would not have a significant adverse impact on the residential amenities of neighbouring properties in terms of noise and disturbance. As such, the proposal is considered to be contrary to Policy DM10 of the Local Development Framework Core Strategy, Adopted April 2012 and paragraphs 17 and 123 of the National Planning Policy Framework 2012.*
22. In order to address the reason for refusal the applicant has submitted a



noise impact assessment.

23. The noise impact assessment has been reviewed by the Council's Environmental Health Officer. The assessment finds that with the erection of a 3.2m high acoustic fence would be a reduction of 12.9 dB at the 1st floor level receptors, reducing the sound level to 29.9 dB LAr, 0.3 dB below the background noise level and would be classed as low impact. The Environmental Health Officer has confirmed that they are satisfied with the findings of the assessment, its methodology and its recommendation to erect acoustic fencing. They have therefore raised no objection to the proposed variation of condition.
24. In relation to noise and disturbance, it should also be noted that the applicant could currently carry out deliveries of vehicles and vehicle movements on the highway on Oakcroft Road directly outside of the site without restriction. Allowing a controlled number of out of hours movements into the site would have the benefit of ensuring that these movements take place with least disruption to neighbouring residents. The proposed acoustic fencing would also be beneficial to neighbouring residents throughout the permitted hours on the site. Due to the nature of the use there is noise and disturbance throughout the day, which would be lessened with the proposed barrier in place.
25. The proposed acoustic fence would be 3.2m high on the northern boundary of the site which is adjoining the rear gardens of No.s 5-25 Oakcroft Villas. The rear gardens of these properties are a minimum of 14.5m in length. The majority of the dwellings have outbuildings to the rear of the gardens and some have mature trees and hedges. The proposed fence at 3.2m would be taller than the standard garden fence of 1.8-2m in height, however, given that it would be to the rear of the gardens and partially screened by outbuildings and trees this increase in height would not result in any significant overbearing impact upon the neighbouring occupiers.
26. The rear of the neighbouring dwellings are south facing. To the end of the gardens there would be some degree of overshadowing from the proposed fence, however this would not impact daylight and sunlight into windows and the impact would be not so significant given the position next to the existing outbuildings and the screening from trees and hedging. The majority of the garden space would remain unaffected throughout the day in respect of overshadowing. The proposed fencing would not therefore result in any significant loss of daylight, sunlight, overshadowing or overbearing impact for the occupiers of No.s 5-25 Oakcroft Villas.
27. Given the proximity of the site to residential properties and the proposed vehicle movements during unsociable hours, it is considered that a temporary consent for 12 months should be issued. This will allow the Local Planning Authority to review the impact of the proposal and the procedures carried out within the site in order to ensure the proposal does not result in an unacceptable impact upon neighbouring residents.
28. The proposal is therefore considered not to lead to unreasonable noise or disturbance, loss of daylight, sunlight or overshadowing. As such, the proposal would be compliant with Policies in the NPPF as set out in paragraphs 17 and 123 and the Policy DM10(K) of the LDF Core Strategy.

## Highways & Parking

29. The Council's Neighbourhood Highways Engineer has raised no objection to the proposal. They consider that seven off peak vehicle movements per month would be of no significance to the highway network. With regards to highway safety it is preferable for the vehicles to be secured within the site rather than being parked on the public highway.
30. In this respect the proposal is compliant with DM10(L) of the LDF Core Strategy.

## Issues raised at previous committee/ Conclusion

31. The first issue raised by the committee was the traffic and highway implications, for example relating to Condition (5) and how the loading bay would be managed.
32. Condition 5 states "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."
33. A plan has been submitted which shows the original layout with parking adjacent to the rear gardens of houses in Oakcroft Villas. This shows the delivery area that would be kept free behind those car parking spaces and which provide access into the building. A plan would be secured via Condition 5.
34. The second issue raised by the committee was how monitoring would be undertaken of the number of occasions (in relation to the maximum level of 7 per month) when vehicle movements would occur on the site outside permitted hours
35. The Planning Statement states that "NRG (National Rescue Group) already have the systems in place to monitor adherence to a modified condition, i.e. the existing logging of any vehicles arriving at the site and the CCTV coverage."
36. In conclusion, Officer's consider that the issues raised by the committee have been overcome. In addition, agreed changes to the loading restrictions outside this site should help to improve the operation of the highway in conjunction with this permission allowing vehicles to be taken off the highway on 7 occasions per month. This is proposed for a temporary period of one year to allow the impact to be assessed.

Recommendation:

Approve subject to the following conditions:

- 1 The development hereby permitted shall be commenced within 5 years from the date of the decision of 96/2114/FUL issued 06/07/1999.

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:

Site Location Plan	04/04/2018
Site Location Plan Showing Fence Line	04/04/2018
06-J7-01043 Details of Fencing System	04/04/2018
TP463 08B	01/01/1999
TP463 09A	01/02/1999
TP463 10B	01/02/1999
TP463 11B	01/01/1999

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

- 3 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.

- 4 By the time the development hereby permitted is substantially complete, visibility sight line splays of 4.5m x 60m shall be provided in each direction at the access to Oakcroft Road and shall be permanently retained free from any obstruction to visibility higher than 1.0 metres above the surface of the adjoining highway.

Reason: In the interests of vehicular and pedestrian safety.

- 5 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.

- 6 Within six months of the date of this decision, full details of the materials, colour and texture of the external finish of the buildings shall be submitted to an approved in writing by the Local Planning Authority and the development shall be constructed in accordance with the approved finishes.

Reason: To ensure a satisfactory appearance on completion of the development.

- 7 All plant and machinery shall be enclosed and soundproofed in accordance with a scheme which have been submitted to and approved in writing by the Local Planning Authority. Such sound insulation shall be provided before the plant and machinery is brought into use and therefore permanently retained.

Reason: In order to protect residential amenity.

- 8 Fences, walls or other means of enclosure shall be erected along the south and east boundaries of the site, in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority within 6 months of the date of this decision and shall be permanently retained.

Reason: In order to protect the privacy of adjoining occupiers.

- 9 Within 6 months of the date of this decision details of the levels of buildings, roads, parking areas and pathways within the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure the appearance and functioning of the development is satisfactory and to protect residential amenity.

- 10 Within 6 months of the date of this decision, details of refuse storage facilities shall be submitted for approval in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details and permanently retained at the site.

Reason: To ensure the provision of adequate refuse facilities.

- 11 No external lighting shall be installed without the prior written approval of the Local Planning Authority.

Reason: In order to protect residential amenity.

- 12 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.

- 13 The office accommodation shall be used only for purposes ancillary to the main use of the premises.

Reason: To ensure the use of the site retains appropriate uses.

- 14 The premises shall be used for Class B1(b) (research and development) and (c) (light industrial), B2 (general industrial) and B8 (storage and distribution) purposes only.

Reason: To protect the approved uses of the land.

- 15 (i) The premises shall not be used for the purposes hereby permitted or vehicles movements take place after the hours of 8:00pm Monday to Saturday and shall not reopen until 7:00am on any day. The premises shall not be used or vehicles movements take place at any time on Sundays and Bank Holidays.

(ii) For a period of 12 months from the date of this decision, vehicle movements may take place on up to seven occasions per calendar month, outside of the hours stated at 15(i), unless otherwise agreed in writing by the Local Planning Authority. Any vehicle movements outside of the hours stated at 15(i) must be in accordance with the Noise Management Plan received 29/06/2018. After 12 months from the date of this decision the hours stated at 15(i) shall be in force.

Reason: In order to protect residential amenity.

- 16 No additional floorspace shall be formed within the buildings hereby permitted by means of internal horizontal division or conversion of roof space to usable floorspace, and notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting this

Order) no extension shall be re-enacting this Order) no extension shall be erected without the prior written approval of the Local Planning Authority.

Reason: The additional intensity of use would result in additional demand for car parking spaces which cannot be met on site.

- 17 Any broadcasting or amplifying equipment to be installed shall at no time be audible outside the curtilage of the site.

Reason: In order to protect residential amenity.

- 18 Before the end of the planting season following the completion of the development a replacement tree for the Silver Birch to be lost through the development shall be planted within the curtilage of the site in accordance with details previously agreed in writing by the Local Planning Authority. If within a period of 5 years from planting that tree dies, removed or becomes seriously damaged or diseased it shall be replaced in the next planting season with another of similar size and species, unless the Local Planning Authority given written consent to any variation.

Reason: In the interests of visual amenity.

- 19 Within 6 months of the date of this decision, a landscaping scheme including where applicable the retention of the existing trees shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within the first planting season following completion of the development and the tree planting and landscaping scheme thereafter be maintained for five years to the satisfaction of the Local Planning Authority. Any trees or shrubs which die during in 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: In the interests of visual amenity.

- 20 Notwithstanding the siting shown on the approved drawings the refuse storage area and the covered cycle storage shall be relocated to an alternative part of the site in accordance with details which shall be submitted within 6 months of the date of this decision for approval in writing by the Local Planning Authority. The approved refuse and cycle storage shall be provided in accordance with the approved details and retained on site in perpetuity.

Reason: In order to protect residential amenity.

- 21 Within 6 months of this decision, adequate access shall be provided for people with disabilities, in accordance with details which shall have been previously submitted to an approved in writing by the Local Planning Authority.

Reason: In order to ensure that the development is accessible.

- 22 There shall be no windows in the west elevation of Unit D nor in the northern elevation of Unit E, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect residential amenity.

- 23 Within three months of the date of this decision the acoustic fencing as detailed in drawing no. 06-J7-01043 and Site Plan Showing Fence Line shall be erected in accordance with the approved details and shall remain in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

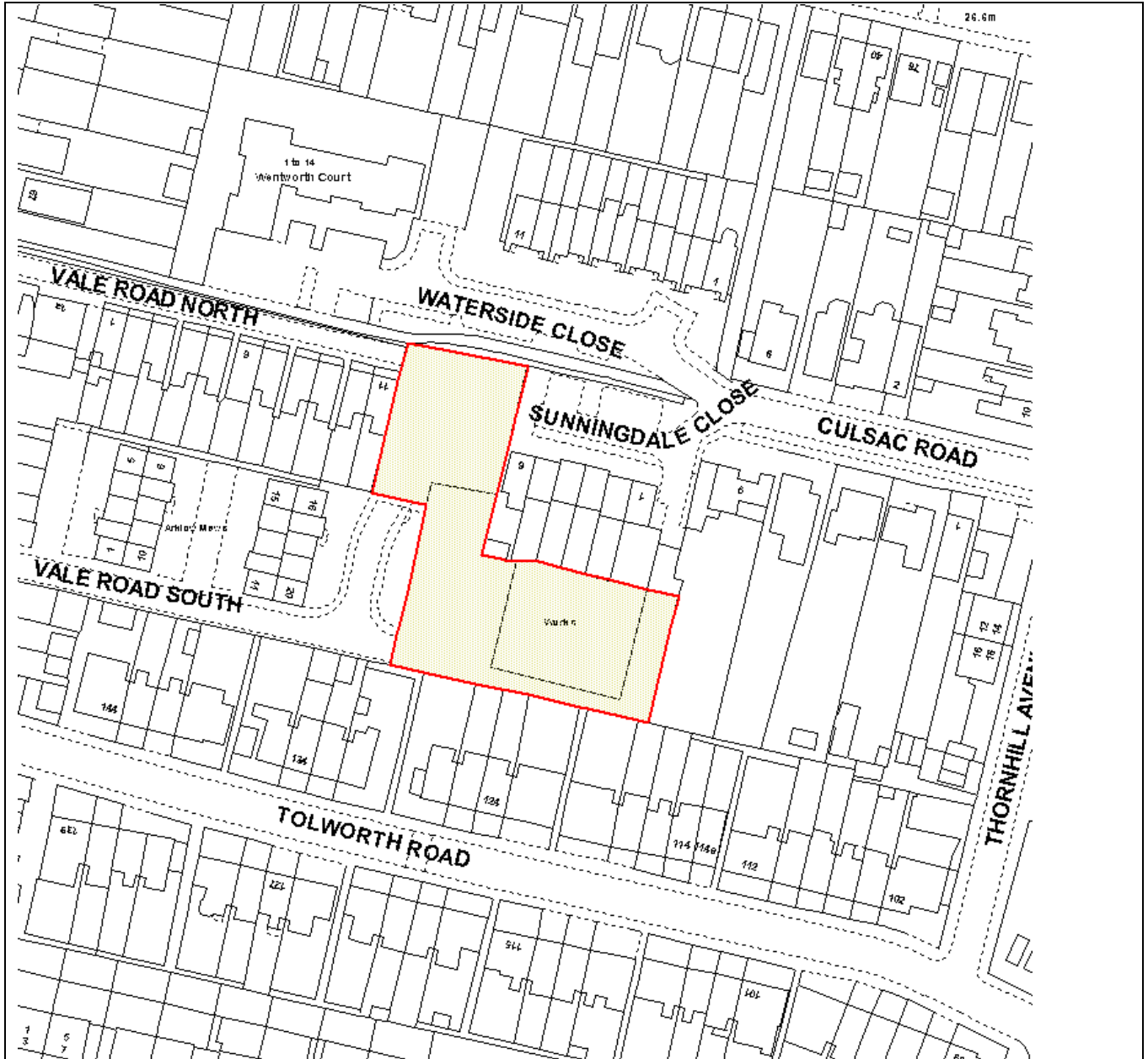
Reason. In order to protect residential amenity.

#### Informative(s)

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

A2 Register No: 18/10299/FUL

Address: LAND AT MAYPOLE MOTORS, VALE ROAD SOUTH, SURBITON, KT6 5AQ



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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: Tolworth and Hook Rise  
Description of Proposal: Demolition of existing buildings and erection of 9 x 3 bed houses with associated parking, landscape and amenity space  
Plan Type: Full Application  
Expiry Date: 08/02/2019

APPLICANT'S PLAN NOS:

Design & Access Statement	Received	27/07/2018
FD-17-1586-100 Plots 1-2 Proposed Floor Plans & Elevations	Received	25/07/2018
FD-17-1586-110 Plots 3-6 Proposed Floor Plans	Received	25/07/2018
FD-17-1586-115 Plots 3-6 Proposed Elevations	Received	25/07/2018
FD-17-1586-120 Plots 7-9 Proposed Floor Plans & Elevations	Received	25/07/2018
FD-17-1586-200 Proposed Bin & Cycle Store	Received	25/07/2018
FD-17-1586-50 Site Location Plan	Received	25/07/2018
FD-17-1586-51 Existing Site Plan	Received	25/07/2018
FD-17-1586-52 Existing Sections	Received	25/07/2018
FD-17-1586-53 Removals Plan	Received	25/07/2018
FD-17-1586-55 Proposed Site Layout	Received	25/07/2018
FD-17-1586-56 External Works Plan	Received	25/07/2018
FD-17-1586-58 Existing Elevations	Received	25/07/2018
FD-17-1586-59 Existing Elevations	Received	25/07/2018
FD-17-1586-700 Proposed Sections	Received	25/07/2018
FD-17-1586-705 Existing & Proposed Street Scenes	Received	25/07/2018
Flood Risk Assessment Part 1	Received	25/07/2018
Flood Risk Assessment Part 2	Received	25/07/2018

PLANNING  
POLICY/DEVELOPME  
NT PLAN:

National Planning Policy Framework (NPPF) 2019  
National Planning Practice Guidance (web based  
resource)  
London Plan March 2016 (consolidated with  
alterations since 2011)  
LDF Core Strategy Adopted April 2012  
Kingston Town Centre AAP 2008

POLICIES

	LONDON PLAN MARCH 2016
LP 3.3	Increasing Housing Supply
LP 3.4	Optimising Housing Potential
LP 3.5	Quality and Design of Housing Development
LP 3.8	Housing Choice
LP 5.1	Climate Change Mitigation
LP 5.2	Minimising Carbon Dioxide Emissions
LP 6.13	Parking
LP 6.9	Cycling
LP 7.4	Local Character
LP 7.6	Architecture
	LDF CORE STRATEGY CORE POLICIES
CS 01	Climate Change Mitigation
CS 02	Climate Change Adaptation
CS 07	Managing Vehicle Use
CS 08	Character, Heritage and Design
CS 10	Housing Delivery
CS 11	Economy and Employment
	LDF CORE STRATEGY DEVELOPMENT MANAGEMENT
DM01	Sustainable Design and Construction Standards
DM03	Designing for Changing Climate
DM08	Sustainable Transport for New Development
DM09	Managing Vehicle Use for New Development
DM11	Design Approach
DM13	Housing Quality and Mix
DM17	Protecting Existing Employment Land and Premises

PREVIOUS RELEVANT HISTORY

15/10338/FUL	Demolition of existing buildings and erection of 9 x residential units (1 x 4 bed house, 6 x 3 bed flats/maisonettes & 2 x 2 bed flats/maisonettes) with associated parking, landscaping and amenity space.	Refused 09/02/2016, Appeal Allowed 20/10/2016.
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## CONSULTATIONS

1. 78 neighbouring properties have been consulted and 16 representations from separate addresses have been received.
2. 15 objection letters have been received, summarised below
  - loss of employment use; not been demonstrated adequately that the site could not be used for alternative B2 use
  - orientation, mass, scale, proximity, height
  - increase in off-street parking demand/stress
  - access problems (including emergency vehicles)
  - concern pedestrian access could be created allowing future residents to park in Culsac Close, Sunningdale Close, Waterside Close
  - loss of daylight/sunlight
  - loss of privacy
  - overlooking
  - overbearing

2 support letters (1 which also included objections) have been received, summarised below:

- the Borough needs more homes; using this site to add to the local housing supply makes sense
- improve general character and appearance
- reduce noise and disturbance from existing B2 use

A number of other general comments were contained within some of the letters, summarised below:

- ensure materials are of a good quality; this can make or break a home's appearance
- request a number of improvements to Vale Road North (e.g. residents only parking, resurfacing/gulley, repositioning of handrail) to minimise further disruption with increased traffic

### 3. Statutory, Non-Statutory and Internal Consultations

Environment Agency: Objection. The applicant has failed to submit an acceptable Flood Risk Assessment (FRA). The proposed development may potentially reduce flood storage capacity thereby increasing the risk of flooding to the local area. The proposed finished floor levels need to be in accordance with Policy K24 (Flood Risk Management) of the Kingston Strategic Flood Risk Assessment.

RBK Neighbourhood Traffic Engineer: No objections.

## SITE AND SURROUNDINGS

4. The site comprises Maypole Motors, an approximate 0.23 hectare site comprising of B2 (General Industrial) currently in use for motor vehicle repairs.
5. The surrounding area is residential in character and appearance consisting of two storey semi-detached and terraced properties.
6. The site does not contain a Listed Building and is not located within a Conservation Area. The site falls within EA Flood Risk Zone 2 (Medium Probability) and partly within EA Flood Risk 3a (High Probability).

## PROPOSAL

7. The application proposes the demolition of an existing industrial unit and the erection of 9 residential units with associated landscaping, car parking and amenity space.
8. The 9 residential units would be two storey and would comprise of two semi-detached properties (plots 1 & 2), a block of three terraced properties (plots 7, 8 & 9) and a block of four terraced properties (plots 3, 4, 5 & 6). The latter would have accommodation in the roofspace. Plots 1 - 6, and associated parking, are accessed from Vale Road South and plots 7 - 9, and associated parking, are accessed from Vale Road North.
9. The application site benefits from planning permission (reference 15/10388/FUL; allowed at appeal APP/Z5630/W/16/3153052) for a similar scheme.

## ASSESSMENT

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

- Principle of Proposed Development
- Impact on Character and Appearance of Area
- Impact on Neighbour's Residential Amenity
- Highways and Parking
- Trees
- Legal Agreements
- Sustainability
- Other Material Considerations

### **Principle of Proposed Development**

10. Policy DM17 (Protecting Existing Employment Land and Premises) of the Council's LDF Core Strategy (2012) states that the Council will protect all employment land and premises throughout the Borough and

will resist their loss unless it can substantially demonstrated that the use has been appropriately marketed over a number of years (up to two years) that there is no quantitative or qualitative need for a range of employment uses.

11. The principle of residential use has already been established by the extant permission. Furthermore, the inspector (appeal reference APP/Z5630/W/16/3153052) stated that the "appeal site is wholly surrounded by residential development" and "its proximity to residential development and the constrained means of access is not a particularly attractive site for continued employment use".
12. Policy DM13 (Housing Quality and Mix) of the Council's LDF Core Strategy (2012) states that the Council will expect proposals to incorporate a mix of unit size 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 proposed 9 x 3 bedroom residential units would comply with DM13.
13. Paragraph 6.102 of the Council's LDF Core Strategy (2012) states that a high proportion of recent residential schemes have been in the form of 1 and 2 bed flatted developments, raising concerns about the availability of family housing.
14. Policy CS10 (Housing Delivery) of the Council's LDF Core Strategy (2012) states that the Council will take every opportunity to deliver new housing and, in particular maximise the delivery of affordable housing.
15. Paragraph 59 of the NPPF (2019) states [inter alia] that to significantly boost the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that land with permission is developed without unnecessary delay.
16. The Borough's annual housing target has increased since the adoption of the LDF Core Strategy and Kingston currently has a annual housing target of 643 new residential dwellings per year (London Plan 2016). The draft London Plan proposes a new annual housing target for Kingston of 1,364 new residential dwellings per year. This application proposes 9 additional residential units, therefore helping to contribute to these annual housing targets. In addition, the Council are currently unable to demonstrate a 5 year supply of land for the delivery of housing. As such, the 'titled balance' and Paragraph 11(d) of the NPPF (2019) is a material planning consideration.
17. The surrounding area is predominantly residential in character and appearance, and as such the policies of the current development plan would not preclude such developments. Therefore, the principle of creating additional residential units is acceptable, subject to the below considerations.

## Impact on Character and Appearance of Area

18. The National Planning Policy Framework (NPPF) attaches great importance to the design of the built environment. Paragraph 130 states 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. Policies CS8 and DM10 of the Council's LDF Core Strategy (2012) advise that proposals should relate well to their surroundings and be of a high standard of design to achieve a more attractive, sustainable and accessible environment.
19. Policy CS8 (Character, Heritage and Design) states that the Council will protect the primarily suburban character of the Borough, existing buildings and areas of high quality and historic interest from inappropriate development. Policy DM10 (Design Requirements for New Developments (Including House Extensions) states that development proposals will be required to incorporate principles of good design. The most essential elements are identified as contributing to the character and local distinctiveness of a street or area which should be respected, maintained or enhanced and includes the following:
  - Prevailing density of the surrounding area;
  - Scale, layout, height, form (including roof forms), massing;
  - Plot width and format which includes spaces between buildings;
  - Building line build up, set back and front boundary; and
  - Typical details and key features such as roof forms, window format, building materials and the design detailing of elevations.
20. The Residential Design SPD (2013) states that in general, the prevailing development typology should be respected and where possible maintained unless a departure from this can be justified e.g. where the established character is weakly defined and requires enhancement to reinforce local identity.
21. The application site benefits from extant planning permission (reference 15/10388/FUL; allowed at appeal APP/Z5630/W/16/3153052) with the proposed development similar in design, scale and mass, providing 9 x bedroom dwellings, rather than a mix of dwellings and apartments. The proposed housing typology of semi-detached and terraced dwellings would be in keeping with the surrounding area.
22. It is considered that the proposed dwellings would be responsive to the surrounding architectural style with the dual pitched roof design and projecting gable features reflecting and relating to the prevailing roof form. The proposed front and rear dormers on the three storey dwellings would sit comfortably and would not overwhelm the roofslope.
23. The applicant has stated that the materials will comprise of clay tiles for the roof and red brick for the external walls.

24. The proposed materials and finishes are considered acceptable in principle subject to the submission of samples of all external facing materials (secured via a pre-commencement condition to ensure that the finished appearance is satisfactory and of a high quality) and would complement the character and appearance of the surrounding area. The fenestration details (e.g. stone headers and cills) are considered to reflect and relate to the prevailing fenestration details of surrounding properties.
25. The proposal would introduce new hard and soft landscaping as well as a number of new trees. This is considered acceptable in principle subject to the submission of a landscaping scheme (secured via a pre-commencement condition to ensure that the finished appearance is satisfactory and of a high quality).
26. As such, subject to the further details, it is considered that the proposal would comply with Policies 7.4 and 7.6 of the London Plan (2016) and Policies CS8 and DM10 of the Council's LDF Core Strategy (2012).

### **Impact on Neighbours' Residential Amenity**

27. Policy DM10 of the Council's LDF Core Strategy (2012) seeks to safeguard residential amenities in terms of privacy, outlook, daylight/sunlight, avoidance of visual intrusion and noise and disturbance.
28. Policy Guidance 16 (Separation Distances) of the Council's Residential Design SPD (2013) states [inter alia] that for all new residential development (including conversions and changes of use) the priority should be to provide and protect acceptable levels of amenity for both existing and future residents. It further advises that a separation distance of no less than 21 metres shall normally be maintained between facing windows of habitable rooms.
29. Policy Guidance 17 (The 45 Degree Rule) of the Council's Residential Design SPD (2013) states [inter alia] that the 45 degree rule can be used to assess the impact a new building can have on neighbouring properties in terms of safeguarding daylighting.
30. The proposed dwellings, by reason of their siting in relation to the neighbouring built form, is not considered to have any significant impact upon neighbouring residential amenities.
31. The submitted details demonstrate that the proposal would comply with PG16 and PG17.
32. The first floor side facing windows (plots 1 & 2), serving the bathroom, have been specified to be obscure glazed therefore there is not considered to be any undue overlooking or issues regarding privacy. This aspect will also be secured via a condition.

33. As such, it is considered that the proposal would not have a detrimental impact upon the residential amenities of neighbouring properties in terms of loss of natural light, overshadowing, loss of privacy, overlooking or loss of outlook and would comply with Policy DM10 of the Council's LDF Core Strategy (2012).

### **Highways & Parking**

34. Policy DM8 (Sustainable Transport for New Development), DM9 (Managing Vehicle Use for New Development) and DM10 (Design Requirements for New Developments (including House Extensions)) of the Council's LDF Core Strategy (2012) seek to ensure that new development has regard to local traffic conditions and does not contribute to congestion or compromise highway safety.

35. The application site benefits from extant planning permission (reference 15/10388/FUL; allowed at appeal APP/Z5630/W/16/3153052). The proposed vehicular access and car parking arrangements would remain the same as previously approved and is therefore given considerable weight in the assessment of the impacts upon highways and parking.

36. The application site is located within an area that has poor access to public transport with a PTAL rating of 2. The London Plan Policy 6.13, Table 6.2 requires up to 1.5 car parking spaces per 3 bedroom dwelling. The proposed designated 13 off-street car parking spaces would comply with Table 6.2. It is considered that further details shall be submitted (secured via a condition) to differentiate between the resident and visitor car parking spaces and so that each dwelling has a designated car parking space.

37. The proposed vehicular access arrangements would be via Vale Road South (plots 1-6) and Vale Road North (plots 7-9).

38. The applicant has stated that they are willing to enter into an obligation to enter into a highway agreement to allow the public full access to the proposed turning area located at the east end of Vale Road North. There is currently no opportunity for vehicles to turn around in Vale Road North. It is considered that the turning facility would improve the existing vehicular access arrangements and is therefore considered acceptable.

39. The London Plan Policy 6.9, Table 6.3 requires 2 cycle spaces per 3 bedroom dwelling. The proposed cycle storage would be alongside the refuse/recycling enclosure. This would be fully secure and covered and would comply with Table 4 of the Council's Sustainable Transport SPD (2013).

40. It is acknowledged that neighbouring occupiers have raised concerns that a pedestrian access could be created allowing future residents to park in Culsac Close, Sunningdale Close and Waterside Close which may give rise to overspill car parking and increase on-street car parking demand/stress. The shared boundary between the application site and



Sunningdale Close is characterised by a high brick wall. As stated above the access arrangements would remain the same as previously approved with further details of all boundary fences/gates/walls secured via a condition.

41. As such, it is considered that there would be no significant adverse impact upon highway and pedestrian safety, the free flow of traffic or on-street parking demand/stress subject to appropriate conditions (including pre-commencement) and would comply with Policies DM8, DM9 and DM10 of the Council's LDF Core Strategy (2012).

## **Trees**

42. Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the Council's LDF Core Strategy (2012) states [inter alia] that development proposals should ensure landscaping is an integral part of the overall design of all new developments and ensure that trees that are important to the character of the area or covered by Tree Preservation Orders are not adversely affected.
43. The existing site is largely hardstanding with the proposal introducing new soft landscaping and a number of new trees. It is acknowledged that three existing trees will be removed, however these will be replaced by at least three times the number of trees. This is considered acceptable in principle subject to the submission of a landscaping scheme and tree protection plan (secured via pre-commencement condition (s)).

## **Legal Agreements**

44. The applicant has stated that they are willing to enter into an obligation to enter into a highway agreement to allow the public full access to the proposed turning area located at the east end of Vale Road North. As such, subject to the completion of a Section 106 unilateral undertaking the proposal is considered acceptable in terms of highways and parking.

## **Sustainability**

45. Policies 5.1 and 5.2 of the London Plan (2016) seek to mitigate climate change and achieve an overall reduction in London's carbon dioxide emissions through a range of measures including less energy, supplying energy efficiently and using renewable energy.
46. Policy CS1 (Climate Change Mitigation) states that the Council will ensure that all development (including extensions, refurbishments and conversions) 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.
47. As such, subject to an appropriate condition, it is considered that the proposal would comply with Policy CS1 of the Council's LDF Core

Strategy (2012).

## **Other Material Considerations**

### **Quality of Accommodation**

48. The Technical Housing Standards - Nationally Described Space Standard (2015) sets clear internal minimum space standards for new dwellings to ensure that all new homes are fit for purpose.
49. Policy 3.5, Table 3.3 of the London Plan (2016) states for a three bedroom, two storey, five person unit the minimum Gross Internal Area (GIA) is 93sqm and for a three bedroom, three storey, five person unit the minimum GIA is 99sqm.
50. Policy Guidance 13 (Private Amenity Space) of the Council's Residential Design SPD (2013) states that a minimum of 50sqm of outdoor private amenity space should be provided for new houses (including conversions).
51. The submitted drawings demonstrate that all 9 proposed dwellings would meet the minimum space standards set out above and would be provided with at least 50sqm of private amenity space, therefore providing adequate living and private amenity arrangements.
52. As such, it is considered that the proposal would comply with Policy 3.5 of the London Plan (2016) and Policy DM10 of the Council's LDF Core Strategy (2012).

### **Affordable Housing**

53. The proposal is for 9 residential units with a floor space of less than 1,000sqm (953sqm), therefore it is not appropriate to seek affordable housing contribution from this small scale development (NPPG).

### **Refuse/Recycling Facilities**

54. The submitted drawings demonstrate the location of the bin and cycle storage enclosures located in the rear gardens of each proposed dwelling. These can be accessed via the private footpaths which is considered acceptable and would comply with Policy Guidance 22 (Waste Storage) and Appendix 2 - Waste Management of the Council's Residential Design SPD (2013).

### **Flood Risk**

55. The application site is located within EA Flood Risk Zone 2 (Medium Probability) and partly within EA Flood Risk 3a (High Probability).
56. A Flood Risk Assessment (FRA) is required to address all sources of flooding, the future impact of climate change and to take into account

the findings of the SFRA, National Guidance and Good Practice Guidance in accordance with Policy DM4 of the Council's LDF Core Strategy (2012) and the Council's Residential Design SPD (2013).

57. The proposal would reduce the level of hardstanding within the site therefore decreasing the surface water runoff due to the increased permeability (mainly through the incorporation of private gardens) of the site.
58. The Environment Agency have objected to the proposal, however they previously raised no objections, subject to conditions. The applicant and the Environment Agency are working to resolve this issue and any updates and suggested conditions will be provided as late material.

### **Community Infrastructure Levy (CIL)**

59. The application would be liable to pay Kingston CIL which is presently set at £50/sqm of development, as per charging zone 4, in this location.
60. The application would also be liable to pay Mayoral CIL which is presently set at £35/sqm of development.

### **Conclusion**

61. Paragraph 11(d) of the NPPF (2019) states that for decision-making the Council should approve planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
62. The Council are unable to demonstrate a 5 year supply of land for the delivery of housing. As such, the 'titled balance' and Paragraph 11(d) of the NPPF (2019) is a material planning consideration.
63. The delivery of 9 x 3 bedroom high quality residential dwellings with private amenity space is considered to significantly and demonstrably outweigh any negative impacts associated with the loss of employment land and premises.

### **RECOMMENDATION:**

Approve subject to the following conditions:

- 1 The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

FD-17-1586-110 Plots 3-6 Proposed Floor Plans	25/07/2018
FD-17-1586-51 Existing Site Plan	25/07/2018
FD-17-1586-120 Plots 7-9 Proposed Floor Plans & Elevations	25/07/2018
FD-17-1586-200 Proposed Bin & Cycle Store	25/07/2018
FD-17-1586-700 Proposed Sections	25/07/2018
FD-17-1586-705 Existing & Proposed Street Scenes	25/07/2018
FD-17-1586-52 Existing Sections	25/07/2018
FD-17-1586-53 Removals Plan	25/07/2018
FD-17-1586-55 Proposed Site Layout	25/07/2018
FD-17-1586-56 External Works Plan	25/07/2018
FD-17-1586-58 Existing Elevations	25/07/2018
FD-17-1586-59 Existing Elevations	25/07/2018
FD-17-1586-100 Plots 1-2 Proposed Floor Plans & Elevations	25/07/2018
FD-17-1586-115 Plots 3-6 Proposed Elevations	25/07/2018
FD-17-1586-50 Site Location Plan	25/07/2018
Flood Risk Assessment Part 1	25/07/2018
Flood Risk Assessment Part 2	25/07/2018
Design & Access Statement	27/07/2018

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

- 3 No development shall commence until samples of all external facing materials to be utilised in the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with these approved sample details.

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 The development hereby permitted shall not be occupied until details of all boundary fences/gates/walls (including specification, colour and texture) has been submitted to and approved in writing by the Local Planning Authority and shall thereafter be retained as such.

Reason: These details are required prior to commencement of development because the details would affect subsequent design of other elements of the scheme and must be agreed at the outset and to ensure the privacy of adjoining occupiers, visual amenity and 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.

- 5 No development shall commence until a landscaping scheme (specifying species, quantities, locations, sizes at time of planting, form and planting densities) for the front and rear gardens 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: In the interests of visual amenity and also that the Local Planning Authority shall be satisfied as to the details of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

- 6 Prior to commencement of the development, a detailed arboricultural method statement and tree protection plan shall be submitted to and approved by the Local Planning Authority. This submission shall include:
- (a) A plan to a scale and level of accuracy appropriate to the proposal, that shows the positions, crown spreads and root protection areas (RPA) of every retained tree on site, and on nearby ground or land adjacent to the site, in relation to the approved plans.
  - (b) A schedule of pre-construction tree works for the above-detailed trees, where appropriate.
  - (c) Details and positions of the tree root protection zones.
  - (d) Details and positions of tree protection barriers and ground protection where appropriate.
  - (e) Details and positions of the construction exclusion zones.
  - (f) Details and positions of the existing and proposed underground service runs, to be routed to avoid root protection zones where possible.
  - (g) Details and positions of any change in levels or the positions of any excavations within 5m of the root protection area of retained trees.
  - (h) Details of any special engineering required to accommodate the protection of retained trees (e.g. in connection with foundations, service installation, bridging water features, surfacing).
  - (i) Details of the working methods to be employed for the installation of drives, paths within the RPA's of retained trees in accordance with the

principles of 'No Dig' construction. The details shall be in accordance with British Standard BS: 5837: 2005 sections 9.3, 9.2, 9, 11.7, 5.2.2 and 10 for requirements (c) to (h) inclusive.

The approved protection scheme shall be implemented prior to commencement of any work on site and maintained to the reasonable satisfaction of the Local Planning Authority until the completion of the development.

Reason: 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.

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

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

- 8 Prior to beneficial occupation of the development hereby permitted, any windows in the side elevation walls and situated on the first floor shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing of a patterned type only which shall thereafter be retained as such. Any part below that level shall be fitted with, and retained in, obscure glazing to a minimum of level 3 on the standard scale. Any film used to achieve the requisite obscurity level shall be non-perishable and tamper-proof, and must be replaced in the event that it ceases to result in obscurity to level 3.

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

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

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

- 10 The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Policy CS1 (Climate Change Mitigation) of the LDF Core Strategy Adopted April 2012.

- 11 The levels of buildings, parking accommodation 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.

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.

- 12 The development hereby permitted shall not be occupied until details of the carriageway demarcation and signage to indicate that the parking bays are private and turning circle shall be submitted and approved in writing by the Local Planning Authority.

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.

- 13 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.

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.

- 14 Prior to commencement of any development on site, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. 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.

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.

- 15 The cycle parking facilities for the occupants of, and visitors to, the development hereby approved shall be built in accordance with Dwg No 17-1586-200 'Proposed Bin & Cycle Store'. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

- 16 The refuse storage facilities and recycling facilities of the development hereby approved shall be built in accordance with Dwg No 17-1586-200 'Proposed Bin & Cycle Store'. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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



- 17 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standards BS10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall be submitted to and approved in writing by the Local Planning Authority.

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.

- 18 If any contamination is found, no development shall commence until a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved. On completion of the agreed remediation works, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority, prior to the occupation of the site by end users.

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.

- 19 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until additional details for its remediation and how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as 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.

- 20 The site and building works required to implement the development shall only be 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 Sundays and Bank Holidays.

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

- 21 The development hereby permitted shall not be occupied until evidence has been submitted to the Local Planning Authority confirming that the development hereby permitted has achieved no 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 and WAT1 of the Code for Sustainable Homes Guide. Evidence to demonstrate a 19% reduction compared to 2013 Part L regulations and internal water usage rates of 105L/day must be submitted to the Local Planning Authority, unless otherwise agreed in writing.

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

- 22 No development shall take place until details of the implementation, adoption, maintenance and management of a sustainable drainage system have been submitted to and approved in writing by the Local Planning Authority. The system shall be implemented prior to occupation and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

Reason: These details are required prior to commencement of development because the relevant works would take place at the beginning of the construction phase and to prevent the increased risk of flooding in accordance with Policy CS1 (Climate Change Mitigation) of the LDF Core Strategy Adopted April 2012.

#### INFORMATIVE(S)

- 1 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.

- 2 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".

- 3 The development approved by this planning permission will be liable to pay Kingston CIL which is presently set at £50/sqm of development, as per charging zone 4, in this location; and the Mayoral of London's CIL (MCIL) which is presently set at £35/sqm of development.

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](mailto:mcil@rbk.kingston.gov.uk) or phone 0208 547 5002.

- 4 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.

Signature of Case Officer:	EC
Date:	18.03.2019
Signature of Lead Officer:	Toby Feltham
Date:	18/03/2019