

KINGSTON TOWN NEIGHBOURHOOD COMMITTEEWEDNESDAY 27 MARCH 2019
REPORT BY
HEAD OF PLANNING & REGENERATION
PLANNING APPLICATIONSINDEX

ITEM NO	REGISTER NO	ADDRESS	DESCRIPTION	RECOMMENDATION	PAGE NO
A1	18/12421	The Barge Dock Site Down Hall Road, Kingston Upon Thames, KT1 1PS	Erection of a traditional boathouse style building incorporating nine residential apartments and encompassing the existing plant room over the Barge Dock	REFUSE	A1

KINGSTON TOWN NEIGHBOURHOOD COMMITTEE

27/03/2019

REPORT BY THE

Assistant Director of Strategic Planning & Infrastructure

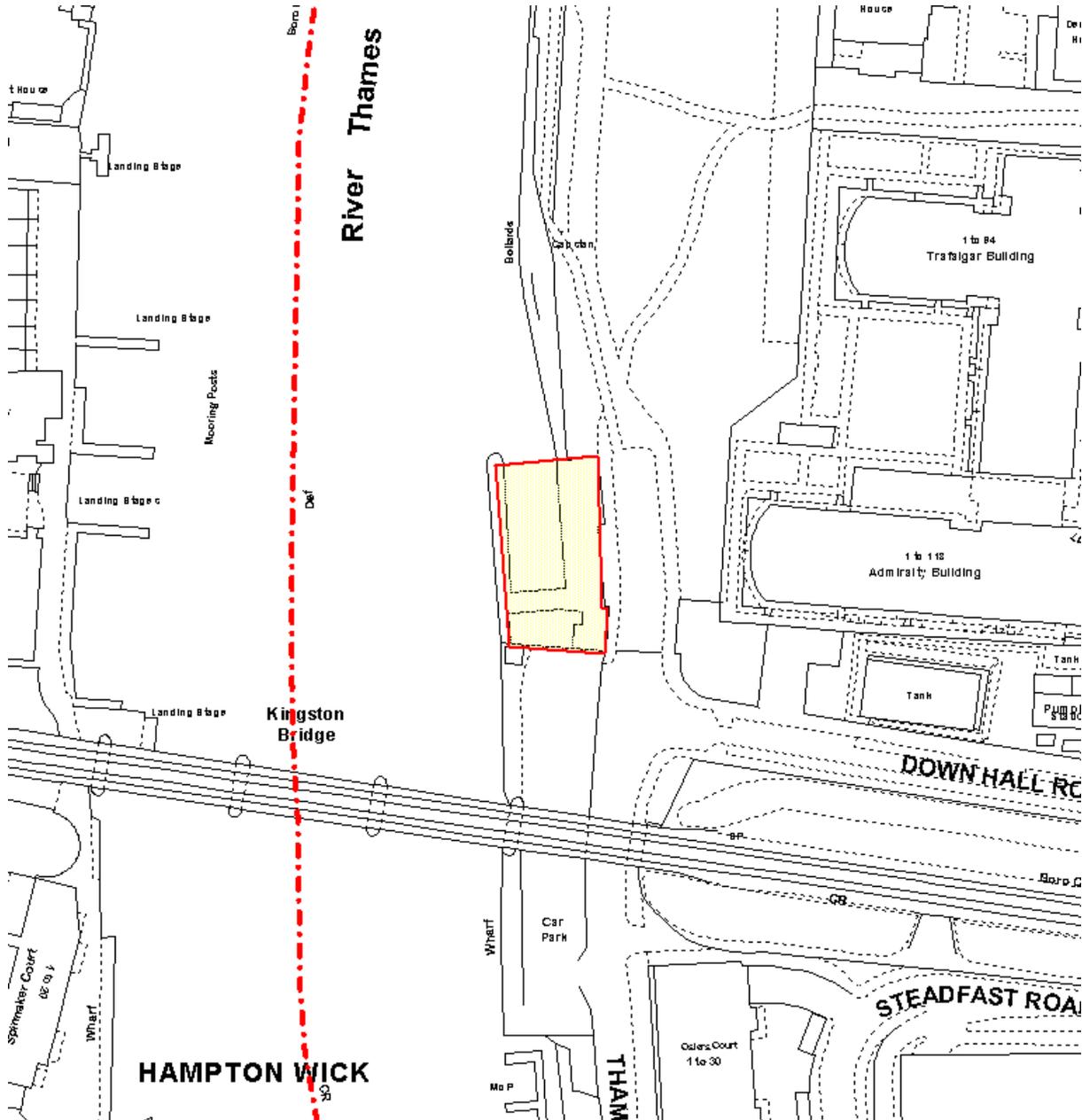
PLANNING APPLICATIONS

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.

Date of Meeting: 27 March 2019

A1 Register No: 18/12421/FUL
Address: The Barge Dock Down Hall Road, Kingston upon Thames, KT1 1PS



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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	Canbury
Description of Proposal	Erection of a traditional boathouse incorporating nine residential apartments and encompassing the existing plant room over the Barge Dock
Plan Type	Full Application
Expiry Date	17/07/2018

PLANNING POLICY GUIDANCE/PLANNING POLICY STATEMENTS

DEVELOPMENT PLAN:	Mayor for London London Plan March 2016 (consolidated with alterations) since 2011 LDF Core Strategy Adopted April 2012 Kingston Town Centre AAP 2008 RBK Riverside Public Realm SPD 2018
NATIONAL POLICY	National Planning Policy Framework 2019 National Planning Practice Guidance (web based)

POLICIES

	LONDON PLAN MARCH 2016
LP 3.16	Protection and enhancement of social infrastructure
LP 3.19	Sports facilities
LP 3.3	Increasing housing supply
LP 3.4	Optimising housing potential
LP 3.8	Housing choice
LP 5.12	Flood risk management
LP 5.13	Sustainable drainage
LP 5.14	Water quality and wastewater infrastructure
LP 5.2	Minimising carbon dioxide emissions
LP 5.3	Sustainable design and construction
LP 7.17	Metropolitan Open Land
LP 7.19	Biodiversity and access to nature
LP 7.2	An Inclusive environment
LP 7.24	Blue Ribbon Network
LP 7.25	Increasing the use of the Blue Ribbon Ne
LP 7.27	Blue Ribbon Network: supporting infrastructure
LP 7.4	Local character
LP 7.5	Public realm
LP 7.6	Architecture
LP 7.8	Heritage assets and archaeology
	LDF CORE STRATEGY CORE POLICIES
CS 01	Climate Change Mitigation
CS 02	Climate Change Adaptation
CS 03	The Natural and Green Environment
CS 04	River Thames Corridor, Tributaries and t
CS 05	Reducing the Need to Travel
CS 06	Sustainable Travel

CS 07	Managing Vehicle Use
CS 08	Character, Heritage and Design
CS 10	Housing Delivery
CS 11	Economy and Employment
CS 12	Retail and Town Centres
CS 16	Community Facilities
LDF CORE STRATEGY DEVELOPMENT MANAGEMENT	
DM01	Sustainable Design and Construction Standards
DM03	Designing for Changing Climate
DM04	Water Management and Flood Risk
DM05	Green Belt, Metropolitan Open Land (MOL)
DM06	Biodiversity
DM07	Thames Policy Area
DM08	Sustainable Transport for new Development
DM09	Managing Vehicle Use for New Development
DM10	Design Requirements for New Developments
DM11	Design Approach
DM12	Development in Conservation Areas and Affecting Heritage Assets
DM13	Housing Quality and Mix
DM17	Protecting Existing Employment Land and Premises
DM24	Protection and Provision of Community Facilities
K+20 AREA ACTION PLAN	
K+ K06	Provision of Facilities for Arts etc
K+ K07	Housing
K+ K09	Design Quality in the Town Centre
K+ K10	Town Centre Public Realm
K+ K13	Riverside Strategy
K+ K24	Flood Risk Management
K+ P17	Former Power Station and Electricity Sub

PREVIOUS RELEVANT HISTORY

05/12214/FUL	Erection of "boathouse" building (821m2) over the Barge Dock for use as a restaurant / cafe on first floor with ground floor reception, plant room and alterations to mooring facilities	Permit with conditions 27/12/2012
15/12466/FUL	Variation of Condition 2 of Planning Permission 05/12214/FUL (Erection of "boathouse" building (821m2) over the Barge Dock for use as a restaurant / cafe on first floor with ground floor reception, plant room and alterations to mooring facilities)	Permit with conditions 03/09/2015
17/12347/FUL	Erection of a mixed-use development over the Barge Dock comprising nine residential apartments and a restaurant, encapsulating the existing ground floor plant room and alterations to mooring facilities	Refuse 07/06/2017

CONSULTATIONS

The application was advertised on site and 306 surrounding properties were notified in writing of the application. 42 letters of objection have been received, their objections are summarised as follows

- The design is out of keeping with the area
- The proposal would harm the Conservation Area
- The proposal would be inappropriate for the Metropolitan Open Land
- Flooding
- Impact on Biodiversity
- Impact on Water Quality
- Noise
- Impact on views across the river
- Land ownership
- Loss of barge dock
- Lack of parking

2 letters of support have been received, their reasons for support can be summarised as follows

- This is a brownfield site in need of regeneration
- It would upgrade the entrance to the park
- The existing site is subject to antisocial behaviour, the proposed development would prevent this

RBK Neighbourhood Engineer	No Objections
RBK Flooding Officer	We object to the application for the following reasons: <i>Insufficient evidence has been provided to demonstrate why a green roof cannot be incorporated into the</i>
Environment Agency	Objection (flooding No objection Biodiversity subject to Planning Conditions
Kingston Conservation Area Advisory Committee	No Objection
Historic England (Archaeology)	No Objection
North Kingston Forum	Objection <ul style="list-style-type: none"> • Design • Light pollution • Biodiversity

SITE AND SURROUNDINGS

The site is located on the eastern bank of the River Thames within the North Kingston area of the Town Centre. North Kingston has been subject to major regeneration over recent years, with the redevelopment of the former Power Station, Gas Works, Station Yard and Factory sites for residential, leisure, and commercial uses, along with highway and landscape improvements.

The site lies next to the southern entrance of the Canbury Gardens, a Green Flag award winning 19th century public park. The park is identified as a major open space and an area of high landscape value, containing avenues of trees, pavilions, tennis courts, a bandstand, a café, and a Public House.

The site falls within land designated as Metropolitan Open Land, land given the same protection, for planning purposes, as Green Belt Land.

The site and wider area is located within the Riverside North Conservation Area. The conservation area is characterised by its intimate relationship with the River Thames, the islands, the Barge Dock and the riverside buildings on the opposite bank, which include Victorian boathouses and large Victorian houses within landscaped grounds

The site forms part of both the Council's Green Chain and Green Corridor network. Green-Chains are defined as a series of elongated MOL surrounding the Borough's major watercourses linking the Green Belt and broader areas of open land within the urban area. Green Corridors, are relatively continuous areas of open space that run through the Borough's built environment, consisting of railway embankments and cuttings, roadside verges, canals, parks, playing fields and rivers which links sites to each other. These Green Chains and Corridors allow animals and plants to be found further into the built up area than would otherwise be the case and provide an extension to the habitats of the sites they join.

The site falls within an area designated as a Site of Importance for Nature Conservation, The River Thames and Tidal Tributaries.

The application site comprises a sheet piled quayside separated from the landside by a dock approximately 9.3m wide. The south side of the site partially bridges the dock and provides access to the western quayside. The northern, eastern and southern boundaries are enclosed by a galvanised palisade security fence. The barge dock historically served the former Kingston Power Station which, when operational, contained a conveyor building of approximately 5 storeys in height, the building spanned over the dock and neighbouring land and transported coal from barges moored at the dock to the coal store at the power station. The building and associated infrastructure was demolished / removed by the mid-1990s.

To the east of the site is the former Kingston Power Station, redeveloped for residential and hotel development, to the south of the site is the Council operated Thames Side car park which currently accommodates 2 house boats moored on its riverside.

The site currently contains a single storey brick building. This building contains a plant room associated with the Kingston Height development (former Kingston Power Station site).

The barge dock provides mooring facilities for the Thames Venturer, a vessel operated by the River Thames Boat Project (RTBP). The RTBP is a charity which offers therapeutic cruises and educational activities on the River Thames for people of all ages, including those with a disability or mental health condition.

PROPOSAL

- i. The application seeks full planning permission for the erection of a residential development over the Barge Dock encapsulating the existing ground floor plant room.
- j.
- k. The development would comprise 9 residential units over the 1st and 2nd floors (2nd floor is located in the roofspace) above. The application includes the retention of a boat mooring facility for the River Thames Boat Project.

- l.
- m. The 9 residential units would comprise¹ -

No	Bedrooms / Person	
23.3	1 Bedroom 2 Person	33.3%
26.3	2 Bedroom 3 Person	33.3%
29.3	2 Bedroom 4 Person	33.3%
32. Total 9 units		33.

- n.
- o. The development would provide 24 bicycle storage spaces²
- p. The development would not provide any car parking facilities and would be expected to be car-free i.e. future residents would not be able to apply for parking permits to park on the public highway.
- q.
- r. The proposed development would have a generally rectangular footprint, would measure approximately 20m by 38m and would span the width of the barge dock with supporting columns anchoring the building at the quayside and on the landside. The building would be 3 storeys (1 storey would be located within the roofspace) with a maximum height of 15m.
- s.
- t. The architecture of the building would be of a “traditional boathouse” similar to the boathouse permitted in 2015.
- u.
- v. Access to the residential units would be from a point located at the south-east corner of the proposed building, access to the quayside and plant room would also be provided in this location.

¹ It is to be noted that the Planning Statement indicates that 8 units would be built, however, the Plans and Application form shows 9 units.

² It is noted that the Planning Statement indicates only 20 spaces would be provided, however the submitted plans show space for 24.

ASSESSMENT

- Policy Context
- Principle of the Development (MOL)
- Delivery of Housing
- Housing Mix, Quality of Accommodation, and Density
- Community Facility
- Flood Risk
- Water Framework Directive
- Impact on Blue Ribbon network
- Design and Heritage
- Impact on Residential Amenity
- Highways impact
- Biodiversity
- Other material considerations
- Very Special Circumstances

Policy Context

The Borough Council as Local Planning Authority has a duty under Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 to determine this application in accordance with the Development Plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) requires local planning authorities when determining planning applications to “have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations”. At present in relation to this application the Development Plan consists of the Royal Borough of Kingston upon Thames LDF Core Strategy 2012 and the London Plan March 2015.

The 3rd iteration of the National Planning Policy Framework (NPPF) was published in February 2019. This document provides guidance to local planning authorities in producing local plans and in making decisions on planning applications. The NPPF is intended to make the planning system less complex and more accessible by summarising national guidance which replaces numerous planning policy statements and guidance notes, circulars and various letters to Chief Planning Officers. The document is based on the principle of the planning system making an important contribution to sustainable development, which is seen as achieving positive growth that strikes a balance between economic, social and environmental factors. The Development Plan remains the cornerstone of the planning system. Planning applications which comply with an up to date Development Plan should be approved. Refusal should only be on the basis of conflict with the Development Plan and other material considerations.

The NPPF states that policies in Local Plans should not be considered out of date simply because they were adopted prior to publication of the framework. However, the policies in the NPPF are material considerations which planning authorities should take into account. Due weight should be given to relevant policies in existing

plans according to their degree of consistency with the NPPF (the closer the policies are to the policies in the Framework, the greater the weight they may be given).

Principle of the Development

- i. The application site is located on land designated as Metropolitan Open Land (MOL). The site is currently free from development save for a single storey brick built building which serves as a power plant room associated with the neighbouring Kingston Heights development.
- i. The site has historical ties to the Kingston Power Station providing a dock for barges to moor in association with that use. However, any visual link with that industrial heritage is much diminished with the only vestige of its industrial past being the barge dock itself. The large conveyer building which occupied the site was removed in the mid-1990s.
- i. Save for the visual interruption associated with the single storey power plant room, the site remains relatively open, a key characteristic of MOL.
- i. There is an extant planning permission on the site for the erection of boathouse building (821m²) over the Barge Dock for use as a restaurant / cafe on first floor with ground floor reception, plant room and alterations to mooring facilities. This was initially granted in 2012 with alterations approved in 2015. This permission has not been built out, the applicant submits that the permission granted in 2015 was implemented as a result of the erection of the power plant room and is therefore extant.
- i. Regional and local planning policy provides that the strongest protection should be given to London's Metropolitan Open Land and that inappropriate development should be refused, save in very special circumstances, giving the same level of protection as the Green Belt. Planning policies direct that the policy guidance contained within the NPPF on Green Belts applies equally to Metropolitan Open Land.
- i. The London Plan provides that inappropriate development [in the MOL] is, by definition, harmful and should not be approved except in very special circumstances. It further states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the MOL and that 'Very special circumstances' will not exist unless the potential harm to the MOL by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- i. The London Plan directs that a local planning authority should regard the construction of new buildings as inappropriate in the MOL save for a number of exceptions. The pertinent exception in this case can be found at paragraph 145 of the NPPF :
 - i. *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

- *not have a greater impact on the openness of the Green Belt than the existing development; or*
- *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

Officers acknowledge and accept that the application site is previously developed land and as such the limited, partial or complete redevelopment of the site may not amount to inappropriate development. However, Officers conclude that the proposed development, when compared to the existing development (para 145(g) bullet 1) – the single storey power plant room, would have a greater impact on openness. It is also noted that the application does not provide any affordable housing, and cannot therefore benefit from para 145(g) bullet 2. As such, it is concluded that the proposal would amount to inappropriate development which is by definition harmful and that this harm, as directed by the NPPF, should be attributed substantial weight in the planning balancing exercise.

The applicant submits that the proposed development wouldn't have a greater impact on openness than the existing and previous development on the site (reference to previous development does not resonate with paragraph 145 of the NPPF). Officers consider that paragraph 145 of the NPPF is clear and unambiguous, the baseline for assessing the impact on openness is the existing development. The only development existing on site is the single storey power plant room and some fencing, not the previous development, the barge dock industrial building, nor the permitted development.

Delivery of Housing

The application proposes the delivery of 9 residential units, of the 9 units, 0 would be family units, and 0 of the units would be affordable units.

National planning policy seeks encourage the effective use of land by reusing land that has been previously developed (brownfield land). National planning policy further recognises that residential development can play an important role in ensuring the vitality of centres.

National, regional and local planning policies recognises the pressing need to boost significantly the supply of housing so as to ensure that more homes are delivered 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.

Policy CS10 of the Core Strategy and Policy K7 of K+20 provides that the Council will take full advantage of opportunities to deliver new housing and, in particular maximise the delivery of affordable housing. Kingston Town Centre is a preferred location for new housing.

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.

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.

The Borough's annual housing target has increased since the adoption of the LDF Core Strategy and Kingston currently has an annual housing target of 643 new residential dwellings per year (London Plan 2016). 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, in normal circumstances, the Council would be in titled balance (paragraph 11d of the NPPF); however, given that the application site is located within MOL and the London Plan directs that it should be given the same weight as Green Belt policy in the NPPF, Footnote 6 to paragraph 11 disengages the titled balance.

- i. Notwithstanding, in isolation, the delivery of market housing is considered to carry weigh in favour of the proposal.

Housing Mix, Quality of Accommodation, and Density

- i. National, regional and local planning policies operate so as to ensure that future occupants have a genuine choice of homes that they can afford and which meet their requirements for different sizes. Policies further direct that new development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

- i. Policy DM13 of the Core Strategy directs that 30% of the proposed units should be family units (3 bedroom or more) and that each unit should provide appropriate amenity and play space. The appropriate amount of amenity space is set out in Policy Guidance 13 of the Residential Design SPD, where it provides that 10sqm of private amenity space should be provided per flat plus 1sqm per additional occupant and an additional 50sqm.

- i. The application proposes the delivery of 9 residential units, 0 of which would be family units. The applicant has not robustly demonstrated that the delivery of 3 family units on site (family units are defined in the London Plan as having 3 or more bedrooms) would not be viable nor has it been demonstrated that the site is unsuitable for family accommodation.

- i. The proposal would comprise 128 units per hectare and approximately 358 habitable rooms per hectare. Each of the units would be provided with balcony / terrace space, however with the exception of Flat 1 and Flat 9, the outdoor space would be of limited functional use owing to its size. The proposed development would not provide any communal amenity space.

- i. In terms of density, the proposal would fall below the density range in Policy 3.4 of the London Plan. Moreover, it is noted that each flat (with the exception of Flat 3) would exceed the internal space standards as set out in regional policy. This over-provision of internal space equals approx. 80sqm of accommodation. It is

considered that this over provision results in the development not making the optimal use of this brownfield site and a distribution of internal space in line with policy could result in the delivery of affordable homes.

. In terms of mix of units the proposed development mix would not be in accordance with the requirements of policy inasmuch as it fails to provide 30% of the units as family units (defined in paragraph 3.31 of the London Plan as having 3 or more bedrooms). This under provision would come at a time when the Council's Strategic Housing Market Assessment identifies an overwhelming need for family housing.

. With some exceptions, the proposed units would not be provided with the required amount of private amenity space nor would the development provide the required amount of communal space. Officers consider the shortfall in both private and communal amenity space, couple with the under provision of family units along with the suboptimal use of the site would be contrary to Policy DM13 of the Core Strategy and Policy an acceptable in this instance given the close proximity of Canbury Gardens.

Community Facility

The application site has been used as a mooring facility by the River Thames Boat Project (RTBP) for their vessel, the Thames Venturer, for approximately 18 years. The RTBP is a charity which offers standard and bespoke programmes that provide a choice of [day and residential cruises](#) for older people and for people with a physical disability, a learning disability, or a mental health condition.

The RTBP run [education and learning programmes](#) for children and young people. Their schools programme is based on the National Curriculum and their learning activities are bespoke.

Given the length of time the barge dock has been used as a mooring for the RTBP, officers consider that the site has an established use as a community facility. The Core Strategy defines such a use as including *inter alia* education facilities and services provided by the community and volunteer sector. The Core Strategy identifies that these types of facilities are essential for local residents and contribute towards health and well-being.

National planning policy provides that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Regional and local planning policy build on this by directing that the Council will resist the 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.

The applicant has confirmed that the proposed development would maintain the mooring on the western quayside for the RTBP.

The retention of the established community facility would carries positive weight in favour of the proposal.

Flood Risk

The application site is located within Flood Zone 3B. Flood Zone 3B is classified as functional floodplain, and is deemed to be the most at risk land of flooding from rivers or the sea.

National planning policy directs that 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, making it safe without increasing flood risk elsewhere. The NPPF directs that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

Paragraph 163 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.

Table 2: Flood Risk Vulnerability Classification, contained within the PPG, classifies residential development as 'more vulnerable' and restaurant development as 'less vulnerable'.

Table 3: Flood risk vulnerability and flood zone 'compatibility' contained in the PPG, directs that 'more vulnerable' or 'less vulnerable' development should not be permitted within Flood Zone 3B.

The application is supported by a Flood Risk Assessment (FRA). The FRA concludes that the site is located within Flood Zone 3A, this is incorrect.

It is important to note that in dealing with the previous application for planning permission on the site (ref 05/12214/Ful) the Council also identified the site as falling in Flood Zone 3B.

The Environment Agency have objected to the proposed development.

In accordance with advice from the Environment Agency Officers conclude that The proposed development's vulnerability classification (more vulnerable) is inappropriate for Flood Zone 3b (functional flood plain) according to the National Planning Policy Framework and should not therefore be permitted; Moreover, the proposed development on and over the river will have a major impact on the water environment due to encroachment over a main river. It is important to further note that the Environmental Agency indicate that the developer would be unlikely to receive a Flood Risk Permit because it would restrict essential maintenance and emergency access to the River Thames and the river wall at this location.

In relation to surface water flooding (notwithstanding the objection to the development in terms of flooding impact) in accordance with paragraph 163 of the

NPPF development should only be allowed in areas at risk of flooding where it can be demonstrated that: *inter alia* it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate. It has not been demonstrated that a sustainable drainage system in particular the incorporation of a green roof, is not appropriate.

Water Framework Directive

The European Water Framework Directive came into force in December 2000 and became part of UK law in December 2003. It gives us an opportunity to plan and deliver a better water environment, focusing on ecology. It is designed to:

- enhance the status and prevent further deterioration of aquatic ecosystems and associated wetlands which depend on the aquatic ecosystems
- promote the sustainable use of water
- reduce pollution of water, especially by 'priority' and 'priority hazardous' substances
- ensure progressive reduction of groundwater pollution

The applicant has failed to assess the impact on the water environment through the production of a Water Framework Directive assessment. However, the Environment Agency are content that a package of ecological enhancements and environmental controls could be secured by planning condition.

Impact on Blue Ribbon network

Access to the river, from the barge dock, is currently limited to activities associated with the RTBP. The Council acknowledges the community benefit of the charity and its service, and whilst recognising that river access is currently limited, it is acceptable in this instance.

The Blue Ribbon Network (BRN) is London's strategic network of waterspaces and covers the River Thames, canals, tributary rivers, lakes, reservoirs and docks alongside smaller waterbodies. The network is of cross cutting and strategic importance for London. The nature of waterbodies is that there are linked, natural or semi natural systems, therefore the concept of the network is of vital importance. The Blue Ribbon Network is multi-functional. It provides *inter alia* a transport corridor, drainage and flood management, a series of diverse and important habitats, green infrastructure, heritage value, recreational opportunities and important landscapes and views.

Regional planning policy in the London Plan directs that the starting point for consideration of development and use of the Blue Ribbon Network and land alongside it must be the water. The water is the unique aspect and consideration must initially be given as to how it can be used, maintained and improved.

Regional and local planning policies direct that proposal should seek to increase the use of the Blue Ribbon Network for passenger and tourist river services and should protect existing facilities for waterborne passenger and tourist traffic. Applications which remove existing facilities should be refused unless suitable replacement facilities are provided. Moreover, Council's should protect and

improve existing access points to (including from land into water such as slipways and steps) or alongside the Blue Ribbon Network (including paths).

Given that the development now seeks to retain the RTBP mooring there is no conflict with Blue Ribbon Network policies.

Design and Heritage

The application site sits on a prominent historic site located at the southern end of the linear Riverside North Conservation Area which stretches from Kingston railway bridge to the northern end of the barge path reaching the borough boundary with Richmond upon Thames.

The conservation area is focused on high quality public realm and historic importance of Canbury Gardens and its history as a Victorian pleasure Garden. It is a purposeful landscape with a clear design intent. The Council sees Canbury Gardens, and its contribution to the part of North Kingston and the wider Arcadian Thames, as the defining positive characteristics of the area. The site's main relationship is with the park and river.

Section 72 of the Planning Listed Buildings and Conservation Areas Act 1990 provides that in the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The site is visually prominent by nature of its location at the junction of a number of important views. K+20 identifies two Secondary Views which converge at/on the site; in addition the area is identified as a secondary gateway (associated with the crossing of the railway bridge), and the location of an envisaged improved riverside public space (K+20 Policy K10). The Council secured funding to improve the link to the Thames from the station which sees Down Hall Road as the main route for pedestrians and cyclists. This brings about a significant improvement to the street and spaces in the area. This places an even greater prominence on the views along Down Hall Road to the river, the end of which the site will be visible. These views and relationships need to be understood and carefully considered in any proposal.

The site is predominantly undeveloped. Openness is key characteristic of this location at the junction of Canbury Gardens and Thames Side, a point at which the landscape setting of the Thames and old Barge walk can be understood and appreciated.

The area suffers from a number of negative influences. The quality of the landscape and boundaries associated with the entrance to the Gardens and the Barge Dock site are key amongst them. Palisade fencing is a significant negative contributing factor in the way that it creates physical, visual and notional barriers to the Thames and its appreciation. While the removal of this barrier could be seen as a positive, the true value of this positive move will only be felt if it is not replaced by further layers of barriers (again physical, visual or notional). The power plant building is another negative influence on the area today. This is mitigated by the size of the structure (which is not excessive) and its use/function

which has a purpose associated with the river which establishes a notional connection to the Thames and the dock itself, allowing an appreciation of the current and historic marine use of the site.

The site is unique in that it must be one of a very (very) small number of buildings which are proposed to be built over the open water of the Thames. The context in its own right establishes a very high bar for any proposed building, this additional demand elevates the scrutiny which any proposal will be under and requires the highest quality design approach in response.

National, regional and local planning policies require any development to follow a clear design approach driven by an in depth understanding of the demands of the site, its urban/architectural/historic/landscape context, the character of the area, the opportunities presented by the site and its emerging context. This should be used to generate a holistic urban design/architectural/landscape led concept, to which the development proposal (from strategy to detail) should respond. This should be evidenced in writing and drawing to support of any proposal. This is especially the case on sites such as this where the urban/landscape is of very high sensitivity, subject to high and increasing visual presence and prominence.

In concept the design approach to the building is consistent with the previously approved development on this site, in that it seeks to develop a new building in a traditional boathouse idiom. If this approach is to be successful it needs to be followed through with a rigorous attention to materials, details and proportions. The limited and seemingly inaccurate drawings supplied at this stage do not give confidence in the rigorosity of the approach, nor that it will be carried through to successful execution.

As seen below there are a significant number of areas of concern within the detailed design of the building which undermines the proposed design approach, and constitutes a poor quality building in design and detail. The building will be highly visible and, as a standalone building in a very prominent position, will be subject to significant scrutiny. Joined to this is the fact that the building will be seen from all directions, not least because this is one of the busiest stretches of the Thames for craft, meaning the river elevation will also be highly visible.

- Due to internal planning the first floor East elevation does not relate to the colonnade. This disrupts the composition of the facade, working against the logic of the architecture.
- On the north elevations the third northernmost column on the west side of the dock, is seen to be the launching point of the arched lintel. This appears to be inaccurately drawn (as this column sits well behind the northern facade), meaning that when this is rectified, and seen from the north, the launching point of the arched lintel will not be visually supported by the nearest column (about 1m away).
- The larger gable/dormers (furthest north and south on the west elevation) have an awkward relationship with the main north/south elevations in that the fascia boards of the two run into each other. This is a particular concern on the south side where the change in planes (or kink in the plan) creates very awkward geometry.

- Below these larger dormers, the span of the columns necessitates the arched lintel to run higher than the first floor level, thereby exposing the internal floorplate.
- There is no step in plan between the entrance building and the main building on the southern elevation. This creates a very awkward junction between the two 'buildings' and compromises the logic of the design concept. In addition meaning that no room is left for the quoin applied at this corner.
- The columns proposed on the south facade do not appear in plan
- The discrepancy between the floorplan and the elevations has led to visual inconsistencies including the need for the external partition at first floor between F4 and F5 should be removed; at first floor this should be reduced to a (visually) lightweight separation (details to be provided). Terraces to F6-8 should be pulled back into line with the eaves, as indicated in the South elevation.
- The exposed side elevation to the main building on the south of the east elevation appears to be hatched as brick. This is inconsistent with the timber boarding on the rest of the main block.
- The timber boarding should be continuous and the undefined banding which appears on the elevations (in line with the balconies) is incongruous and should be removed

The location of bins and bikes store at the edge of Canbury Gardens does little to support or improve the site's relationship with the public realm. This is a significant negative impact on the gardens, with blank facades and 'back of house' serving areas being to the forefront of the scheme and only point of contact at ground floor between the building and the gardens (the bin store appears to be missing in the north elevation). The location of and access arrangement to the bin store should be conditioned to ensure that this (the access route) does not have a negative impact on the current or future operation of this part of the gardens, including appropriate access for refuse vehicles.

A landscape plan is needed to evidence the interface with the park and areas surrounding the proposed building. With the on-going and planned improvements to Thames Side and Canbury Gardens the role of this building and its landscape in supporting the wider improvement to the area is vital, including the way that boundary treatments outside the site interface with the proposed, including the current palisade fences on the southern and northern boundaries.

Seemingly no information has been provided on the material choice, their relationships and application within the design.

As highlighted above is no evidence to demonstrate that the applicant understands the context of the site in terms of its key characteristics in relation to the conservation area and the buildings and space which constitute the setting of the site, including views along Down Hall Road, Canbury Gardens and the wider riverside. Moreover, there are a significant number of areas of concern within the detailed design of the building which undermines the proposed design approach, and constitutes a poor quality building in design and detail.

Officers conclude that the proposed development, owing to lack of detail, errors in the drawings, and little information to demonstrate the building could or would be

executed so as to secure a high quality form of development in this highly visible and prominent location, would not represent a good design, would harm the character and appearance of the area and would harm the designated heritage asset. Officers acknowledge that this harm would be less than substantial, however, it would not be outweighed by the public benefits associated with the development – the delivery of market homes.

Impact on Residential amenity

The nearest residential units to the application site are 2 houseboats moored on the western side of Thames Side car park. There would be some overlooking from the upper floor flats of the proposed development, however this would not be so significant so as to be detrimental to the residential amenities of the occupants of the houseboats. With regards to noise, there would be increased activities owing to the presence of the restaurant, however given the town centre location some evening activity should be expected.

The application site is located approximately 25 metres from the next nearest residential units, beyond a line of mature trees. The next nearest residential units are contained within the Kingston Heights development, a development which towers over the application site.

National, regional, and local policies state that planning should always seek to secure high a good standard of amenity for all existing and future occupants of land and buildings.

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

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.

Given the separation distance, and height differential, between the proposed development and Kingston Heights, there would be no material impact on the residential amenities of those properties.

A number of residents have raised concerns with the proposed development blocking their personal view over the river. The loss to a personal view is something which would not be deemed to be a material consideration in the determination of the application, however the closing down of public views and the resultant impact on character and appearance of the area is a consideration and has been discussed elsewhere in the report.

Highways Impact

The proposed development would provide 24 bicycle spaces, this would be in accordance with London Plan requirements.

No car parking is proposed for the development, however, in an area with good access to the Town Centre car parks and public transport, a car-free (car capped) development would be acceptable.

Biodiversity

The site is located in a Green Chain, Green Corridor, and Site of Importance for Nature Conservation, The River Thames and Tidal Tributaries.

In earlier consultations the Environment Agency (EA) objected to the proposed development citing the failure of the developer to demonstrate that the proposed development would not have a detrimental effect on the biodiversity and natural habitat of the local area. However, further information has been provided and the EA have removed their objection subject to the imposition of suitable planning conditions.

Other material consideration

In 2012 the Council approved a planning application for the erection of boathouse building over the Barge Dock for use as a restaurant / cafe on first floor with ground floor reception, plant room and alterations to mooring facilities.

The applicant submits that the development has commenced, however, the applicant further submits that this application has been put to the market place and there has been little interest in securing a tenant for the development. As such no evidence has been provided to demonstrate that the approved scheme will ever be developed.

As such, to attribute significant weight to the 'fall-back' position in the determination of this application would be incorrect.

Very Special Circumstances

As discussed above, the proposed development would be inappropriate development in MOL. As such the development would by definition be harmful, and should only be allowed in very special circumstances. Very special circumstances will not exist unless the harm to the MOL and any other harm, is clearly outweighed by other considerations.

Officers acknowledge that the delivery 9 market units would have both social and economic benefits both of which carry significant weight, Officers also attribute moderate weight to the 'fall-back' position. However, when balanced against the dis-benefits of the development, namely the poor design of the proposal and the resultant negative impact on the wider character appearance of the area, the unjustified harm to the conservation area, the failure (notwithstanding in principle objections) to optimise the site for housing including affordable housing and family housing, as well as the harm associated with flooding, Officers conclude that there are no considerations which either individually or cumulatively would amount to very special circumstances to support the development.

RECOMMENDATION

Refuse for the following reason(s):

1. The proposed development by reason of lack of detail, errors in the drawings, and the little information submitted to demonstrate that the building could or would be executed so as to secure a high quality form of development in this highly visible and prominent location, would not represent a good design, would harm the character and appearance of the area. The proposal is therefore contrary to Policies 7.4 and 7.5 of the London Plan 2016, and Policies KT1, CS8, DM7 and DM10 of the Core Strategy 2012 and Policy K13 of the Kingston Town Centre Area Action Plan 2008 and national policy contained within the National Planning Policy Framework 2019.
2. The proposed development is located within land designated as flood zone 3B, within which development should be resisted. The proposal is therefore contrary to Policies CS1, CS2, KT1, DM3, DM4, and Policy K24 of the Kingston Town Centre Area Action Plan 2008, Policy 5.12 in the London Plan, and national policy contained within the National Planning Policy Framework 2019.
3. Notwithstanding reason for refusal 2 the applicant has failed to demonstrate that a sustainable drainage system could not be incorporated into the development contrary to paragraph 163 of the National Planning Policy Framework, Policy 5.13 of the London Plan and policies CS1, CS2, KT1, DM3, DM4, and policy K24 of the Kingston Town Centre Area Action Plan 2008.
4. The proposed development by reason of lack of detail, errors in the drawings, and little information submitted to demonstrate the building could or would be executed so as to secure a high quality form of development in this highly visible and prominent location, would not represent a good design, and would therefore fail to preserve or enhance the character and appearance of the Riverside North Conservation Area. The harm, albeit less than substantial, is not outweighed by any public benefits. The proposal is therefore contrary to Policies 7.4 and 7.8 of the London Plan 2016, Policies KT1, CS8, DM7, DM10 and DM12 of the Core Strategy 2012 and Policy K13 of the Kingston Town Centre Area Action Plan 2008, and national policy contained within the National Planning Policy Framework 2019.
5. Notwithstanding the other reasons for refusal, the development would not provide 30% of the units as family units (units with 3 bedrooms or more). It has not been robustly demonstrated that the delivery of 30% of the units as family units would be unsuitable or unviable. As such the proposal is contrary to Policy CS10 or DM13 of the Core Strategy or Policy 3.8 of the London Plan.

6. The proposed would fall below the density range in Policy 3.4 of the London Plan. Moreover, it is noted that each flat (with the exception of Flat 3) would exceed the internal space standards as set out in regional policy. This over-provision of internal space equals approx. 80sqm of accommodation. It is considered that this over provision results in the development not making the optimal use of this brownfield site, moreover, a distribution of internal space in line with policy could result in the delivery of affordable homes. As such, notwithstanding other reasons for refusal the applicant has failed to demonstrate that the application would make the efficient use of land and could not make a reasonable contribution to affordable housing provision, contrary to paragraph 123 of the National Planning Policy Framework 2019, Policy 3.4 of the London Plan, Policy 3.9 of London Plan, and Policy CS10 and DM 15 of the Core Strategy.
7. The proposed development would be inappropriate development within Metropolitan Open Land and would have a significant adverse impact on openness. The applicant has not put forward any considerations which would clearly outweigh the harm to the Metropolitan Open Land and the other harm outlined above so as to amount to very special circumstances. The proposal is therefore contrary to Policy 7.17 of the London Plan 2016, Policies CS3 and DM5 of the Core Strategy, and national policy contained within the National Planning Policy Framework 2019.

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. We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.