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Dear Barry

THE BARGE DOCK, KINGSTON

We have read your report to the Neighbourhood Committee on Wednesday and would like to respond to some of your comments. We will also circulate this to members of the committee and Cllr Green who we met last summer with you and Cllr Kerr.

Fall-back position

Towards the end of your report you deal with 'Other material considerations' and importantly the matter of the 'fall-back' position. As you correctly say elsewhere in your report, there is an extant consent on the site for a very similar physical form of development to that now proposed and which would accommodate a restaurant. Our client has, as you mention, put this to the market and there has been little interest to date in securing a suitable tenant. But we have also told you that, if the alternative residential development isn't achieved on this town centre, riverside site, my client will continue to seek a tenant for the restaurant and they are in no doubt that eventually the development will be completed. As such, the 'fall-back' position should, in our view, be given significant weight rather than the 'moderate' weight which you attribute to it.

Metropolitan Open Land (MOL)

Impact on the MOL, if any, will not be materially different from the extant scheme for a restaurant. You will recall from our meeting with Cllr Green that she concurred with this view (in fact she preferred the appearance of the new residential scheme with its minor amendments and favoured the introduction of dormers). A residential development for 9 flats is actually likely to have less impact than a 150 cover restaurant. The existing appearance of this brownfield site, with the plant room, concrete apron and palisade fencing is harmful, as you acknowledge and the site/area would benefit from a completed development as proposed.

With the acknowledged shortage of housing in the Borough (the Council, as you state in your report, cannot meet its current five year housing supply), the residential re-use of the site would be beneficial, as you confirm in your last

paragraph. We would now also propose, in response to your comments, to offer the sum of £100,000 towards affordable housing in the Borough (see below). Having regard to these factors, and the 'fall-back' position explained above, we are of the view that there are Very Special Circumstances (VSC), if required, such as to outweigh any perceived harm to the MOL (as you know we are of the view that the development is appropriate development due to the existing development on the site and the extant consent although I note that you disagree with this approach and hence our case in the alternative ie there are VSC). The continued and extended provision for a mooring for the Thames Venturer (RTBP) should, as you note earlier in your report, be given positive weight in the balance and a VSC in its own right. It is pertinent to mention that the Venturer has previously been given a free mooring by our client, plus drainage and water supply at no cost, over the last 20 years.

Affordable housing

We do not accept that the site is capable of accommodating more than 9 flats. You have noted that there aren't any three bedroom flats in the scheme – this is because, in this town centre location, we feel it is appropriate to provide one and two bedroom apartments and maximise the potential of the site to deliver housing. Some of the two bedroom flats are designed for four persons and can clearly accommodate families. In any event, as the draft London Plan refers, such accommodation can cater for downsizers in the area, thus freeing up family sized housing.

If three bedroom flats are provided the number of flats will decrease. The flats proposed are not over-sized – simply that they exceed the minimum space standards which we believe to be a positive in order to provide a good level of amenity. This scheme is design led having regard to the extant consent and the number of flats derives from this approach. As you know, there is no policy requirement to provide affordable housing in these circumstances but our client is, nevertheless, willing to amend the s106 Undertaking before the Council and contribute £100,000 towards the provision of affordable housing in the Borough.

With this contribution, NPPF para 145 (g) bullet 2 is engaged and which the development will comply with. Having regard to the extant consent ie the fall-back position, the development 'will not cause substantial harm to the openness of the MOL, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the local planning authority'. There doesn't need to be any reliance on para 145 (g) bullet 1.

Conservation area

The proposed development will have no greater effect on the Conservation Area than the extant scheme. Indeed, as noted above, Cllr Green expressed the view that it is, in her opinion, a preferable design. We have attached CGIs showing the extant restaurant scheme compared to the residential proposal. As noted above, a residential use as proposed will, in our view, have less impact on the Conservation Area than the extant restaurant use already consented. It is also worth noting that

the Council's Conservation Area Advisory Committee raised no objection to the application.

Flood risk

The extant consent needs to be factored in correctly as the physical form will not lead to an extra risk of flooding. We have demonstrated that there will be no harm to existing or future residents in the area or the site as the living accommodation will be significantly (a whole storey) above the worst case flood scenario and for which there will be at least 48 hours notice. This will either allow safe evacuation or for residents to stay safely until the water subsides. Dry access will be provided very close to the site in any event. In these particular circumstances, there will be no harm.

In the situation faced by the Council, where it cannot meet its 5 year housing requirement, a brownfield site such as this, with an extant consent for a restaurant, should be considered appropriate for housing provided safety is ensured (which it is) and there is no 'knock on' effect for other areas liable for flooding (which there won't be).

Other matters

We are surprised that you have raised inconsistencies in the drawings as the application has been with you since last July. These are minor drafting errors and do not undermine the design approach or cause the proposal to be considered of poor quality. The submitted drawings clearly show the proposed design approach and aesthetic. Any minor discrepancies can and will be easily corrected and amended drawings will be provided.

We do note that you have incorrectly referred twice to a restaurant use as part of the proposal – see first para under impact on amenity where you state 'there would be increased activities owing to the presence of the restaurant' and also under Design and Heritage where you refer to 'back of house' serving areas. This suggests a lack of understanding of the scheme and/or lack of rigour in the drafting/checking of the report. We trust this will be corrected and brought to members attention.

Conclusion

In conclusion, this a significantly beneficial scheme which should be supported by officers and the Council.

Yours sincerely



Philip Villars

Enc: CGIs as noted
cc: Members of the Neighbourhood Committee and Cllr Green