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<th>REGISTER NO</th>
<th>ADDRESS</th>
<th>DESCRIPTION</th>
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<tr>
<td>A1</td>
<td>19/00504/FUL</td>
<td>Land At 27-29 Lovelace Gardens</td>
<td>Erection of 3x three bedroom houses with associated hard and soft landscaping, cycle and refuse stores and car parking</td>
<td>Granted</td>
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<td>Surbiton Surrey KT6 6RY</td>
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<td>A2</td>
<td>19/01690/FUL</td>
<td>18 Eversley Road Surbiton Surrey KT5 8BQ</td>
<td>Demolition of existing house and erection of new 3 storey residential building, housing 1 replacement dwelling and 5 new dwellings with associated parking, drop kerb, bins and cycle store</td>
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<td>A3</td>
<td>19/01980/FUL</td>
<td>18-20 &amp; 20A Corkran Road Surbiton KT6 6PN</td>
<td>Demolition of existing buildings and redevelopment of site to provide nine new dwellinghouses with associated boundary treatment, amenity space, refuse stores and cycle provisions along with associated parking</td>
<td>Granted</td>
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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.
A1  
Register No: 19/00504/FUL  
Address: Land at 27 - 29 Lovelace Gardens, Surbiton, KT6 6RY

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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: Surbiton Hill

Page 3
Description of Proposal: Construction of 3no. three-bedroom houses with associated hard and soft landscaping, cycle and refuse stores and car parking.

Plan Type: Full Application
Expiry Date: 01/05/2019

Planning Policy:
National Planning Policy Framework (NPPF) 2019
National Planning Practice Guidance (Web-based resource)

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

Supplementary Planning Documents: Residential Design Guidance (July 2013)
Sustainable Transport SPD (May 2013)

Policies:

LONDON PLAN MARCH 2016
(consolidated with alterations since 2011)
LP 1.1 Delivering the Strategic Vision and Objectives
LP 2.6 Outer London: Vision and Strategy
LP 3.5 Quality and Design of Housing Developments
LP 5.3 Sustainable Design and Construction
LP 7.4 Local Character
LP 7.6 Architecture

LDF CORE STRATEGY CORE POLICIES
CS 08 Character, Heritage and Design
CS 10 Housing Delivery

LDF CORE STRATEGY DEVELOPMENT MANAGEMENT
DM1 Sustainable Design and Construction Standards
DM3 Designing for Changing Climate
DM8 Sustainable Transport for New Development
DM10 Design Requirements for New Developments (including House Extensions)
DM11 Design Approach
DM13 Housing Quality and Mix

Previous Relevant History

No relevant planning history on this site
Consultations

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<td>Number of Objectors</td>
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<tr>
<td>Number of Supporters</td>
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89no. neighbouring properties have been consulted and 10no. Objections have been received, raising the following material considerations:

Comments summarised as follows:

- Overdevelopment of the site;
- Increased parking pressure on site;
- Loss of privacy to habitable rooms of neighbouring properties;
- Impact upon existing trees, landscaping and wildlife;
- Concerns regarding refuse provision;
- Construction impacts; noise, vibration, damage, dust, construction traffic and safety concerns; and
- Impact upon property values of neighbouring properties.

Officer’s Comments

Duly noted. Detailed assessment provided in the remainder of this report. In summary, the siting, design and scale of the proposed dwellings are considered to be appropriate to their context, are of a sufficient separation distance of at least 21m from neighbouring buildings to limit the degree of overlooking and loss of privacy and generally comply with local policy. The refuse and recycling provision and on-site car parking provision comply with London Plan standards. Construction works are prescribed by the Council and are set as an informative to this permission. Impact of development upon property values is not a material planning consideration to be taken into account in the assessment of a planning application.

Statutory, Non-Statutory and Internal Consultations

RBK Trees and Landscaping: No Objections subject to conditions.
RBK Neighbourhood Traffic Engineer: No comments received as of 30.10.2019. Await response - expected as late material.
RBK Waste and Recycling: No comments received - Await response - expected as late material.

SITE AND SURROUNDINGS

1.0 The application site comprises a partially undeveloped area of land immediately to the rear (north/north-west) of an existing three-storey residential building known as Leander Court, which fronts onto Lovelace Gardens to the south.

2.0 Leander Court was originally constructed in the late 1960s and comprises 21no. flats, with an area of hard surfacing used for car parking between the front (south-facing) elevation of Leander Court and Lovelace Gardens. A
vehicular access runs north-westwards from Lovelace Gardens, parallel with the south-west facing Leander Court, before turning west and providing access to a row of single-storey garages to the rear of Clinton House.

3.0 The built environment of the immediate locality to the north of Lovelace Gardens is characterised by similarly-scaled and designed flatted developments as Leander Court, typically of either 3-storey L-shaped or inverted T-shaped buildings, with open parking either to the front or to the rear, or, where there is no open parking to the rear, single-storey blocks of garages accessed from vehicular accesses running parallel to the buildings and joining Lovelace Gardens.

4.0 The site is bordered to the north by an overgrown railway embankment leading to railway lines. The site itself comprises of an area of vacant land adjacent to the vehicular access from Lovelace Gardens and an undeveloped vegetated area (which is separate to the communal gardens utilised by those occupiers of the existing properties within Leander Court).

5.0 The application site is not located within a designated Conservation Area. The application site is not within close proximity to a designated Listed Building.

6.0 The application site has a Public Transport Accessibility Level (PTAL) of 3 (on a scale of 1 being the lowest and 6b being the highest), considered to represent a ‘moderate’ level of public transport accessibility. The site is situated approximately 900m (or 11 minutes walk) from Surbiton railway station, which is served by regular and fast rail services both into Central London via Waterloo and outwards towards destinations in the south-west of the country. There are also numerous local bus services (K1, K3, K4, 71 and 465) accessed in both directions from bus stops between approximately 4 and 8 minutes walk from the site.

1. PROPOSAL

7.0 The application seeks planning permission for the construction of 3no. terraced 3-bedroom, 5-person townhouses arranged over three-storeys.

8.0 The dwellings will be sited to the north-east of the northern-most part of the existing L-shaped three-storey residential flatted block (Leander Court). Each dwelling is to be afforded private rear gardens, front gardens, as well as private roof terraces.

9.0 The terrace of properties would extend to a depth of approximately 10m, a width of approximately 16m and a total height of approximately 9.8m to the pitch of the roof. The external finish will be buff stock facing brick, contrasting coloured (grey) brick detailing, vertical bays and vertical brick cross-wall parapets dividing the dwellings, tile-pitched roofs, grey metal guttering and grey composite metal casements.

10.0 In terms of layout, all of the proposed dwellinghouses will benefit from dual-aspect, with the fenestration to all rooms either north-east or south-west facing. The accommodation is arranged to be identical in all three properties
with kitchen, wc and open-plan living and dining room to the ground floor, two bedrooms and a bathroom on the first floor and a further bedroom and en-suite to the second floor, with access to an external roof terrace measuring approximately 15sqm.

11.0 Car parking for 5no. vehicles will be provided to the northernmost part of the application site. Secure cycle lockers are to be provided with 2no. bikes per unit within the curtilage of each residential property.

2. ASSESSMENT

12.0 The application has been assessed against the policies of the National Planning Policy Framework (NPPF) and the current Development Plan which consists of the London Plan and the Council’s adopted LDF Core Strategy.

13.0 The key planning considerations relevant in the assessment of this application are set out under the headings below:

Principle of Development:

14.0 The National Planning Policy Framework (NPPF) has an underlying presumption in favour of sustainable development which is carried through to the Local Development Plan. More specifically, paragraph 11 of the NPPF states development proposals which accord with an up-to-date development plan should be approved without delay.

15.0 Paragraph 118 of the NPPF directs that planning policies and decisions should “promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively”.

16.0 Annexe 2 of the NPPF clearly states that land in built-up areas such as residential gardens is excluded from the definition of ‘previously developed land’.

17.0 At a regional level, Policies 3.3 and 3.4 of the London Plan emphasises that the Mayor recognises the pressing need for more homes in London and will work with relevant partners to ensure that housing need is met. This is supported by the LDF Policy CS 10 of the Core Strategy which sets out the Borough’s housing targets, as defined by the London Plan.

18.0 It should be noted that currently the Council is unable to demonstrate a five year supply of deliverable housing sites. As such, paragraph 11 of the NPPF stipulates that planning permission should be granted unless (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole.

19.0 Whilst it is recognised that the Council does not have an up-to-date supply of housing sites, the benefits of the proposed development would need
to be weighed against any significant adverse impact, as required by paragraph 11 of the NPPF. Please refer to the final section of this report for the planning balance assessment.

20.0 With the potential exception of the part of the application site nearest to the existing vehicular access, it is acknowledged that the specific area of the curtilage of Leander Court which comprises the application site is not ‘previously developed land’, as defined within Annex 2 (Glossary) of the NPPF. Core Strategy Policy CS 10 advises that ‘in principle, the Council has not identified a need to develop new housing on residential garden land’. However, whilst the application may not comprise, in its entirety, ‘previously developed land’, nor does it comprise ‘residential garden land’, as the site does not form part of a residential garden. Overall, the scale of the development proposed is considered to be appropriate for such a site, generally commensurate in built form with the scale of the existing built form on the site.

21.0 Sustainable development underpins planning policy from a local to national level, which includes the provision of additional housing stock and encourage development proposals to achieve the maximum intensity of use compatible with local setting. It is in this context that the proposed development would support these policy objectives and is found to be acceptable.

Impact on the Character and Appearance of the Site and Surrounding Area:

22.0 The 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.

23.0 Policy CS8 of the Core Strategy states that the Council “will ensure that development in Kingston recognises ‘distinctive local features and character’. 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 elevation.

24.0 The proposed siting, orientation and overall footprints of the proposed terrace is considered to relate well to the existing built form surrounding the
specifically, the proposed width (approx 16m) and height (approx 9.8m) of the terrace of three dwellings would generally reflect that of the adjacent three-storey flatted development of Leander Court. Given the setback of the building line to the proposed terrace, the dwellings would not be visible from the streescene via the accessway at Lovelace Gardens.

25.0 The proposed materials and finishes to include facing brick, buff stock facing brick, contrasting coloured (grey) brick detailing, vertical bays and brick cross-wall parapets dividing the dwellings, tile-pitched roofs, grey metal guttering and grey composite metal casements are considered to be acceptable and are, on the whole, complementary to the application site’s context.

26.0 The overall design approach of a contemporary townhouse inspired development is considered to be acceptable. The slightly projecting two storey bays to the front in contrasting brick decorative bays and proposed materials palette are considered to create a well-articulated and well-proportioned development proposal.

27.0 Overall, it is considered that the proposed development would be of a high-quality architectural style, sympathetic to its surroundings and would be of a height and massing proportionate to the plot size and its surroundings. It is considered that the proposed development would not detract from the character and appearance of the surrounding area. As a result, the proposed development would generally be in accordance with Policies CS8 and DM10 of the Council’s adopted LFD Core Strategy April 2012.

Housing Mix:

28.0 Policy DM13 has regard to ensuring that the housing delivered is of high-quality and the most appropriate type. Policy DM13 states that housing development should incorporate a mix of unit sizes and provide a minimum of 30% of dwellings as 3 or more bedroom units, unless it can be robustly demonstrated that this would be unsuitable or unviable.

29.0 Each of the three proposed dwellings would have three-bedrooms. As such, the proposal is in accordance with Policy DM13 of the Core Strategy, providing for family-sized accommodation.

Impact on the Residential Amenities of the Neighbouring Occupiers:

30.0 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.

31.0 Design guidance states care should be taken to ensure that there is no significant loss of daylight or sunlight to neighbouring properties or gardens in accordance with the 45 and 25 degree rules.

32.0 The proposed buildings, at their closest points, are positioned 21 metres from the nearest elevation of properties within Mulberry Court and approx 24 metres from the nearest elevation of properties within Leander Court. Given
these separation distances, it is considered that the roof terraces proposed at second floor level to the rear (east) would not result in harmful overlooking or loss of privacy to those occupiers of the existing properties.

33.0 The fenestration within the proposed elevations is principally to the west-east axis of the general orientation of the three proposed dwellings and these have been designed to ensure that there is no outlook from any of the rooms within the proposed dwellings into the existing east facing elevation of the Leander Court building, having regard to the 45-degree rule. It is noted that one vertical window is proposed to the southern side flank elevation, closest to Leander Court, extending from first to second floors. However, this will serve the internal staircase to Plot 3 and is to be fitted with obscure-glazing. A condition has been attached to ensure this window is obscure-glazed prior to occupation and retained as such, so as to avoid any overlooking or loss of privacy to the residents of Leander Court.

34.0 As a result, the proposed development by virtue of its size, siting and design in relation to the neighbouring properties would not cause any significant harm to the outlook, privacy or daylight/sunlight provision of the neighbouring occupiers and would comply with Policies CS8 and DM10 of the Council’s adopted LDF Core Strategy April 2012.

Quality of the Proposed Accommodation for Future Occupiers:

35.0 Policy 3.5 of the London Plan sets out minimum space standards for new dwellings with the Mayor of London’s Housing SPG providing additional guidance in terms of quality and design. Standard 26 of the Mayor’s Housing SPG, and Policy Guidance 13 of the Residential Design SPD set out the minimum requirements for private outdoor amenity space for proposed dwellings.

36.0 The minimum gross internal area (GIA) of a three-storey dwellinghouse comprising of 3-bedrooms (5-persons) is 99sqm, with 2.5sqm of built-in storage capacity. The proposed dwellinghouses would each measure to a GIA of 112sqm (including built-in storage) and would, therefore, be compliant with Policy 3.5 of the London Plan in terms of overall GIA. The size of the bedrooms would meet the minimum technical floorspace requirements set out in parts (c), (d) and (e) of the Technical Housing Standards - Nationally Described Space Standards.

37.0 Across all three proposed dwellings, the principal living spaces (i.e. kitchen/dining/living rooms) are positioned on the ground floor allow for ingress of natural daylight/sunlight by virtue of windows to the west (front) and east (rear) elevations, with bedrooms positioned to the first and second floors.

38.0 The proposed dwellinghouses would all be dual-aspect, with the fenestration to all of the rooms either north-east or south-west facing away from existing properties, and reflecting regional guidance as set out in the GLA Housing SPG (March 2016) which encourages new residential units to be dual-aspect wherever possible. The orientation of the proposed dwellings would follow that of Leander Court with the principal outlook on an east-west axis, with a centralised amenity space/courtyard/parking area to the front.
39.0 Policy Guidance 13 of the Council’s Residential Design SPD requires 50sqm of private garden per family house (+ 5sqm per extra bedroom over three) where the prevailing character of the area allows. In this case, the proposal would provide outdoor amenity space to the proposed dwellings in the form of well-proportioned rear gardens (Plot 1 provided with approx 40sqm of garden, Plot 2 provided with approx 33sqm and Plot 3 provided with approx 56sqm of garden), a second-storey rear (east) facing roof terrace extending to approx 15sqm, and smaller front gardens facing out towards the communal parking and circulation area. The combined amenity area for the proposed dwellings ranges from 54 - 71sqm, meeting the standards. It is considered that the proposed combination of rear garden space and upper floor terrace areas is an acceptable method of achieving a sufficient quantum of outdoor amenity space for future occupiers. Plots 1 and 3 would each benefit from separate side-access to the rear garden space. Front boundary treatment in the form of low-level hedging is proposed and the rear garden areas would be appropriately enclosed by way of close-boarded 2m-high timber fencing.

40.0 It is also noted that the site is within approx 200m walking distance of Victoria Recreation Ground which provides areas for additional informal recreation (and which are currently the subject of improvement works including replacement play equipment and planting).

**Highway Safety, Parking & Servicing:**

41.0 Policies DM9 and DM10 of the Council’s LDF Core Strategy seeks to ensure that new development has regard to local traffic conditions, and does not contribute to congestion or compromise highway safety. Policy 6.13 of the London Plan further provides car parking standards requiring development to provide a maximum of 2no. spaces for the proposed dwellings.

42.0 The application site is located in an area of good public transport accessibility (PTAL rating of 3).

43.0 A total of 5no. onsite car parking spaces are proposed as part of the development, which will be positioned within a private courtyard to the front of the dwellings served by the existing access road. The number of car parking spaces follows guidance outlined within the London Plan (2016) in recognition of the site’s PTAL rating, with a provision of 1.5no. spaces per unit or 5no. spaces in total, of which 2no. would be allocated for visitors parking. These parking spaces would be passively overlooked by the proposed dwellings.

44.0 Electric charging will be provided for the new car parking spaces based upon 20% active spaces and 20% passive, as set out in Table 5, Sustainable Transport SPD. Therefore, 1no. space will be active and 1no. space will be passive.

45.0 The site is located within the Oakhill (Zone T) Controlled Parking Zone (CPZ), the operational hours of which are Mondays to Saturdays from 08.00 to 18.30. Therefore, a legal agreement preventing any future occupants from obtaining parking permits is considered relevant to ensure that parking stress in the vicinity of the site would not be exacerbated by the scheme. To confirm,
the applicant has agreed to such a legal agreement.

46.0 In accordance with Policy 6.9 of the London Plan (2016), provides that developments should provide secure, integrated and accessible cycle parking facilities in line with the minimum standards set out in Table 6.3 of the London Plan. Table 6.3 of the London Plan (2016) provides that 1no. cycle space should be provided for every studio or 1-bed unit and 2no. cycle parking spaces should be provided for every 2 or more bed unit.

47.0 The proposal would, therefore, have a total requirement of 6no. cycle parking spaces for the three proposed dwellings. The proposed development provides for a total of 6no. cycle parking spaces within secure enclosures. Each individual dwelling will be supplied with secure, covered bike lockers with the capacity for 2no. cycles within their residential curtilages. This would meet the requirements for cycle storage provision and is considered acceptable. Notwithstanding, a condition is recommended to any grant of planning permission to ensure 6no. cycle spaces are provided prior to occupation.

48.0 London Plan policy 5.17 ‘Waste Capacity’ requires the provision of suitable waste and recycling storage facilities in all new developments.

49.0 The proposals includes individual bin and recycling stores, which are to be located off the parking courtyard, well within the 30m maximum specified travel distance to dwellings. The bin stores would be sited opposite the existing bin stores for Leander Court, positioned to the end of the row of car parking spaces designated for the proposed three dwellings and so, therefore, the refuse pick-up and travel distances would be the same as the current collection scenario for Leander Court. As part of the proposals, the existing bin enclosure to Leander Court (low level brick wall) is to be given a timber pergola with PPC metal canopy and timber panel gates.

50.0 In terms of the capacity per individual bin enclosure, this is bulleted as follows:

- Landfill: 1 x 240 Litre wheelie bin (x 3 = 720 litres total)
- Recycling: 1 x 55 Litre box (x 3 = 165 Litres total)
- Food waste: 1 x 23 Litre caddy (x 3 = 69 Litres total)

This is considered to represent a sufficient provision of refuse/recycling storage.

51.0 Waste provision would need to be in accordance with Appendix 2 (Waste Management) of the Council’s Residential Design SPD. A Working Scheme and Construction Management Plan would be required as conditions to any grant of planning permission.

52.0 For the reasons set out above, and subject to the imposition of planning conditions, it is considered that the proposal would not have a detrimental impact upon the highway and would be in accordance with Policy 6.13 of the London Plan (2016) and Policies DM9 and DM10 of the Council’s LDF Core Strategy.
Sustainability:

53.0 Policy 5.2 of the London Plan and Policy DM1 of the LDF Core Strategy states that new residential development would be expected to achieve the equivalent of Code for Sustainable Homes Level 4.

54.0 A sustainability statement has been provided with the application demonstrating the applicant’s commitment to achieving a number of sustainable criteria, including minimum reduction in carbon dioxide emissions of 19% over Building Regulations Approved Document LIA 2013 edition and a maximum water consumption of 105 litres per person, per day. It is noted that the proposals include the provision of 3no. 330kWp PV panels to the west-facing roofs. Notwithstanding, it is recommended that a planning condition is imposed requiring evidence be supplied to the Local 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.

Community Infrastructure Levy:

55.0 The application would be liable to pay Kingston CIL which is presently set at £130/sqm of development, as per Charging Zone 2, in this location.

56.0 The application would also be liable to pay Mayoral CIL which is presently set at £60/sqm of development.

Legal Agreement:

57.0 The applicant has agreed to enter into a legal agreement to preclude future occupants from obtaining on-street car parking permits and inform potential buyers/tenants of the development of the exclusion and to publicise the lack of parking provision in sales brochures should the Committee resolve to grant planning permission.

58.0 Subject to the signing of this legal agreement the proposal would comply with policies DM9 and DM10 of the LDF Core Strategy, 2012.

3. CONCLUSION

59.0 Part (d) of Paragraph 11 of the NPPF states where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, the Council should grant planning permission unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or;
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

60.0 In this case, the Council cannot identify a 5-year housing land supply
and so this application for residential development will be subject to paragraph (d). As such, the development should be permitted unless the adverse impacts significantly and demonstrably outweigh the benefits.

61.0 It is acknowledged that the proposed development would make a contribution towards the Borough’s housing supply. Given that three family-sized dwellings (i.e. 3-bed) are proposed which would contribute to the provision of good-quality family-sized accommodation within an established residential area and within a sustainable location, that the principle is acceptable.

62.0 It is considered that the proposal is of a suitable layout, height, scale and design and incorporates a good level of soft landscaping to the site. As such, it is considered that the development would not have a detrimental impact on the amenity of neighbouring properties or the character and appearance of the area or highway safety.

63.0 The development presents a high-quality, contemporary design which relates well to the constraints of the site and integrates with the surrounding development. It is therefore considered that the proposal is acceptable and is in accordance with the relevant adopted LDF Core Strategy policies and government guidelines, which encourage development within existing urban areas and efficient use of land. The application is, therefore, recommended for approval, subject to the imposition of a S106 legal agreement and subject to appropriate conditions.

Recommendation

APPROVAL

Subject to the completion of an agreement, and the following condition(s) and to delegate to the Head of Planning any consequent changes to conditions (including to comply with the legal agreement capping car parking permits).

Grant, with 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 shall conform in all material aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision:

   LC-04 (Floorplans, Section and Bin/Cycle Store) Received 6th March 2019
Reason: For the avoidance of doubt and in the interests of proper planning.

3. Development shall be carried out in accordance with details and samples for all facing materials which shall be submitted to and approved in writing by the Local Planning authority before any works above ground level are commenced. The development shall then be built in accordance with these approved samples and completed prior to occupation.

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. Refuse and recycling storage areas as indicated on drawing references LC-02 and LC-04 shall be provided and brought into use prior to the first occupation of the development permitted and retained thereafter.

Reason: To protect the living conditions of occupiers of the area and in the interests of the future occupants of the development in accordance with policies with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012 and London Plan (2016) Policy 5.16.

5. A total of 6no. cycle spaces shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be permanently retained.

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.

6. The car parking shown upon the approved drawings shall be provided with a hard-bound dust free surface, adequately drained before the development to which it relates is occupied and, thereafter, it shall be kept free from obstruction at all times for use by the occupier of the development and shall not thereafter be used for any purposes other than the parking of vehicles for the occupiers of the development and visitors to it.
Reason: To ensure the provision of adequate off-street parking accommodation and to avoid the congestion of surrounding roads by parked vehicles in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

7. All works on site shall take place in accordance with the following details which shall have previously been submitted to in the form of a Construction Management Plan and approved in writing by the Local Planning Authority prior to the commencement of work:

   a) Statement on how the proposed development will be built, with method statements to outline how major elements of the works would be undertaken;
   b) Proposals for loading/unloading materials, site storage etc;
   c) The route to and away from site for muck away and vehicles with materials;
   d) Deliveries/collections to and from the site should use a route that is agreed with NRSWA team. The agreed route should be signed accordingly.
   e) Protocol for managing deliveries to one vehicle at a time on sites with restricted access or space;
   f) Protocol for managing vehicles that need to wait for access to the site; and
   g) Whether any reversing manoeuvres are required onto or off the public highway into the site, and whether a banksman will be provided;
   h) Temporary site access;
   i) Signing system for works traffic;
   j) Site access warning signs will be required in adjacent roads.
   k) Whether it is anticipated that statutory undertaker connections will be required into the site.
   l) Storage of plant, materials and operatives vehicles;
   m) Measures for the laying of dust, suppression of noise and abatement of other nuisance arising from development works;
   n) Location of all ancillary site buildings;
   o) Means of enclosure of the site; and
   p) Wheel washing equipment.
   q) The parking of vehicles of site operatives and visitors.

Reason: These details are required prior to commencement of development because the relevant works would take place at the beginning of the construction phase and in order to safeguard the amenities of the surrounding residential occupiers and to safeguard highway safety and the free flow of traffic in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

8. Within 3 months of first occupation, evidence must be submitted to the Council 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.

9. No development shall commence until 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 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.

10. The design of the dwellings shall comply with the aims and objectives of the Secured By Design standards before the first occupation of the development, and shall be permanently retained.

Reason: To ensure that the development incorporates crime prevention measures to help prevent crime and disorder and to improve pedestrian accessibility in accordance with Policy 7.3 of the London Plan (2016) and Policy DM22 (Design for Safety) of the LDF Core Strategy Adopted April 2012.

11. All external lighting shall comply with the recommendations of the Institution of Lighting Engineers’ Guidance Notes for the Reduction of Light Pollution’ and the provisions of BS 5489 Part 9. The lighting shall be installed prior to first use of the buildings and be maintained in accordance with these standards thereafter.

Reason: To protect the living conditions of occupiers in the area, in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions) of the LDF Core Strategy Adopted April 2012.

12. Before the beneficial occupation of the development hereby permitted,
the window to the south facing flank elevation 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 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 shall be replaced immediately 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 residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of the council.

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

14. The development hereby approved shall not commence until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SUDs methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the first occupation of the development and maintained thereafter for the lifetime of the development.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build of the proposed development, in accordance with Policies 5.2 (Minimising Carbon Dioxide Emissions) and 5.3 (Sustainable Design & Construction) of the London Plan (July 2011) and Policy DM1 (Sustainable Design and Construction Standards) of the LDF Core Strategy Adopted April 2012.

15. The residential units hereby approved shall not be occupied until the development has been built in accordance with the requirements of Category 2 of the Building Regulations document titled ‘Approved Document M - Access to and use of buildings’

Reason: In the interest of inclusive design and accessibility in accordance with Policy 3.8 of the London Plan.
INFORMATIVES:-

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

2. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.

3. 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.

4. The applicant is advised that should protected species be found as a result of future development he/she must fulfil his/her duties under the Wildlife and Countryside Act, 1981 (as amended) and the Conservation of Habitats and Species Regulations, 2010.

5. There is a requirement to make alterations to vehicular access(s). Applicants should note the provisions of section 184 of the Highways Act 1980. The works should be to the specification and constructed to the satisfaction of The Council, and you will be required to pay fees to cover the Councils costs in undertaking the approval and inspection of the works.

6. Should the access into the site during construction not be paved, spoil could be carried from the site onto the public highway. The access into the site should be paved to minimise the carryover of spoil onto adjacent roads.
We would also require the applicant to sweep and wash down the adjacent roads to ensure that the public highway is kept clear of debris. This is to ensure a satisfactory road surface for road safety reasons at all times.

7. It is highlighted that any proposed works will result in substantial movement of heavy vehicles on the highways, and therefore the Council will require the applicant to undertake a road and footway condition survey before construction begins. This will take the form of a joint inspection with a member of the Street Scene Team and will involve a photographic record and visual observation of the roads, verges and margins.

8. Reasonable efforts have been made to check that the plans submitted for the purposes of this planning application are consistent from one to the next, and that the development hereby approved can be implemented in accordance with all of the plans submitted. Should it transpire that this is not possible and that your plans are flawed, please be clear that it may be impossible to implement this permission, and that any development undertaken which relies on this permission may be unauthorised and subject to enforcement action.

9. Your attention is drawn to the fact that planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

10. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

11. The development approved by this planning permission will be liable to pay the Mayor of London’s Community Infrastructure Levy (MCIL). Payment will be due once the owner/developer serves a development Commencement Notice on the Council, and a payment Demand Notice has been received by the owner. Failure to submit a Commencement Notice will incur a surcharge of 20% of the chargeable amount or £2,500, whichever is the lower amount.
When you have [delete as appropriate] received approval of all reserved matters / discharged all pre-commencement conditions the Council will issue a Liability Notice to the owner setting out the MCIL calculation. Accompanying the Liability Notice will be a blank Commencement Notice and if necessary a blank Assumption of Liability form, both of which need to be completed and returned to the Council prior to development commencing. A failure to do so will incur a surcharge. Should you have any questions in respect of the contents of this letter or the MCIL more generally, please contact the Council's Contact Centre by email mcil@rbk.kingston.gov.uk <mailto:mcil@rbk.kingston.gov.uk> or phone 0208 547 5002
Register No: 19/01690/FUL
Address: 18 EVERSLEY ROAD, SURBITON, KT5 8BQ

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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.]
Description of Proposal: Demolition of existing house and erection of new 3 storey residential building, housing 1 replacement dwelling and 5 new dwellings with associated parking, drop kerb, bins and cycle store

Ward: St Marks

Plan Type: Full Application

Expiry Date: 26/08/2019 (extension of time agreed until 11/10/2019)

Case Officer: Nesha Burnham

Planning Policy and Guidance

National Planning Practice Guidance (2016)
London Plan (2016)
LDF Core Strategy (2012)

London Plan (2016):
L.P. 3.3 Increasing Housing Supply
L.P 3.4 Optimising Housing Potential
L.P 3.5 Quality and Design of Housing Development
L.P 3.8 Housing Choice
L.P 5.2 Minimising Carbon Dioxide Emissions
L.P 5.3 Sustainable Design and Construction
L.P 5.12 Flood Risk Management
L.P 6.9 Cycling
L.P 6.13 Parking
L.P 7.4 Local Character
L.P 7.5 Public Realm
L.P 7.6 Architecture

CS 1 Climate Change Mitigation
CS 5 Reducing the Need to Travel
CS 6 Sustainable Travel
CS 7 Managing Vehicle Use
CS 8 Character, Heritage and Design
CS 9 Waste Reduction and Management
CS10 Housing Delivery
CS11 Economy and Employment

DM 1 Sustainable Design and Construction Standards
DM4 Water Management and Flood Risk
DM 8 Sustainable Transport for New Development
Kingston Council Residential Design SPD

Previous Relevant History

18/16776/FUL  Demolition of existing dwelling and erection of a three storey residential building providing 2x three bedroom flats, 2x one bedroom flats and 2x studio flats with associated parking, drop kerb, bins and cycle store

Refused on 29/01/2019
Appeal dismissed on 28/06/2019

19/00530/FUL  Demolition of existing house and erection of new 3 storey residential building, housing 1 replacement dwelling and 5 new dwellings with associated parking, drop kerb, bins and cycle store

Non-determination appeal
Appeal dismissed on 29/10/2019

Consultations

1. Neighbouring Occupiers: Notification letters were sent to 34 neighbouring properties on 29th July 2019. Objections have been received from 10 residents from separate addresses on the following grounds:

   - Access or traffic problems
   - Significant car parking issues and highway safety
   - Excessive height or bulk of buildings
   - Loss of privacy and light/sunlight
   - Concerns about access during the construction period
   - Not in keeping with the local area
   - Detrimental impact on the local area/community
   - Will create a precedent for the area
   - Air and noise pollution
   - Unacceptable/Incompatible use
   - Congestion caused by management of refuse/recycling bins
   - Insufficient capacity in schools and doctor surgeries to accommodate additional residents

2. Neighbourhood Traffic Engineer: No comments received.

3. Tree and Landscape Officer: No objection, subject to a condition requiring the development to be carried out in accordance with the submitted landscape plan.
Site and Surroundings

4. The application site is located on the junction of Eversley Road and Cheyne Hill. The site is currently occupied by a bungalow, which has a dormer roof extension. The surrounding area is characterised by traditional two storey semi-detached and terraced housing. The adjoining terrace of four x three storey houses dates from late 1970's.

5. The site does not contain any listed buildings and is not within a conservation area.

Proposal

6. Planning permission is sought for the demolition of the existing bungalow and redevelopment of the site to provide a three storey residential building providing 2 x three bedroom flats, 2 x one bedroom flats and 2 x studio flats.

7. The proposed layout comprises:

**Ground floor:**
- 1 x three bedroom (4 person) flat of 74 sqm
- 1 studio (1 person) of 39 sqm

**First floor:**
- 1 x three bedroom (4 person) flat of 74 sqm
- 1 x studio (1 person) of 39 sqm

**Second floor:**
- 1 x one bedroom (2 person) flat of 57 sqm
- 1 x one bedroom (2 person) flat of 52 sqm

8. The proposed three storey building would be 10.2 metres in width, with a maximum depth of 15.2 metres.

9. The proposed second floor would be within a mansard roof form, with a shear side wall. The building would be constructed of brickwork, with a rendered ground floor and cement slate roof tiles.

10. The proposed development would be sited 900mm-1000mm from the edge of the footway on Cheyne Hill and between 3.8 and 5.7 metres from the edge of the footway on Eversley Road.

11. There would be a 300mm separation from the neighbouring building at 16a Eversley Road.

12. One car parking space is proposed, a cycle store for 8 cycles, and a communal garden area.

Principle of Proposed Development

13. The revised National Planning Policy Framework (NPPF) advises that housing applications should be considered in the context of the presumption in favour of sustainable development.
14. Policy CS10 of the Core Strategy states that the Council will take full advantage of opportunities to deliver new housing and in particular maximise the delivery of affordable housing. New housing should be delivered in the most sustainable locations, and with associated infrastructure necessary to support it. The Council will seek to ensure that a broad mix of accommodation options are available to residents and that a range of local housing needs are met.

15. The proposal would provide 6 flats, which subject to compliance with other detailed policy requirements would be acceptable in principal in this location. It is also noted that no objection was raised in regards to the principle of development under refused planning application 18/16776/FUL.

Size and Quality of Accommodation

16. One of the Core Principles of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

17. Policy DM10 of the Core Strategy advises that development proposals should have regard to the amenities of future occupiers in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion, noise and disturbance and to ensure that adequate private and/or communal amenity space is provided. Policy DM13 seeks to ensure that housing is delivered to a high quality, and designed to provide adequate internal space standards.

18. Policy 3.5 of the London Plan requires housing developments to be of the highest quality internally, externally and in relation to their context and to the wider environment. It also states that "The design of all new dwellings should also take account of factors relating to 'arrival' at the building and the 'home as a place of retreat'. New homes should have adequately sized rooms and convenient and efficient room layouts which are functional and fit for purpose, meet the changing needs of Londoners over their lifetimes, address climate change adaptation and mitigation and social inclusion objectives and should be conceived and developed through an effective design process".

19. Within this context, it is noted that the proposed units are smaller than surrounding units, but comply with minimum space standards in relation to occupancy, in line with Policy 3.5 of the London Plan. It is recognised that the level of privacy for the second bedroom window within flat 1 would not be the most ideal situation, given its proximity to the public footway along Cheyne Hill. However, soft landscaping and boundary treatment are being proposed to provide defensible space in front of this window.

20. There are habitable room windows serving flat 1 which would face the communal rear garden. It is noted that no objection was raised under the previous application under reference number 18/16776/FUL, in regards to privacy and overlooking. To help improve this relationship, the applicant has submitted revised drawings showing a 0.9 metre high picket fence and soft landscaping in front of the rear elevation windows, thereby creating a degree of defensible space between the habitable rooms windows and the communal garden.

21. Given the aforementioned factors, it is considered, on balance, that the overall quality of internal accommodation for the future occupants of flat 1 would be satisfactory.

22. All of the proposed flats would be dual aspect and benefit from primary outlook facing the street frontage along Eversley Road, or the communal garden to the rear of the site. Taking this into account, combined with the compliance with the minimum space...
standards set out in Policy 3.5 of the London Plan, it is considered that the standard of internal living accommodation for prospective occupants would be acceptable.

23. Policy DM10 (h) and DM13a requires new development to provide adequate amenity space. Further guidance in this respect is provided in Policy Guidance 13 and 14 of the Council’s Residential Design SPD.

24. The proposal would provide 134 square metres of communal garden area, and no private amenity space. This provision would be the same as the previous application under reference number 18/16776/FUL. The Officer’s Report relating to 18/16776/FUL considered that high level private terraces would not be characteristic of the area, and could give rise to overlooking. It was also deemed in the previous Officer’s Report that the amount of communal garden space being provided would be satisfactory.

25. Given that the number of units and number of occupants, has not changed since the previous planning application number under reference number 18/16772/FUL, there is no objection to the proposed external amenity space provision.

Accessibility and Inclusive Design

26. Policy 3.8 of the London Plan stipulates that 90% of new housing should be built to Category 2 (Accessible and Adaptable Dwellings, similar to Lifetime Homes) and 10% to Category 3 (Wheelchair Accessible dwellings). The higher of these standards can only be imposed subject to planning conditions and policy justification.

27. In the event of an approval, a condition would be secured to ensure that the proposed dwellings meet the Category 2 requirement within Part M of the Building Regulations.

Mix of Units

28. Policy DM13 of the Core Strategy requires development proposals to comprise a mix of unit sizes, of which 30% should be 3 bedroom or more units. The proposal provides 2 x 3-bedroom 4 person units, together with 2 x 1-bedroom 2 person units and 2 x 1-person studio units. The proposal provides an appropriate mix of units, with a sufficient number of family sized units (defined as 3 or more bedrooms). The proposal is therefore compliant with Policy DM13 of the Core Strategy.

Density of Development

29. Policy 3.4 of the London Plan, taking into account local context and character and public transport capacity, seeks to optimise housing output for different types of location within the relevant density range. The site has a Public Transport Accessibility Level of 1b (poor) and is in a suburban location. The London Plan's density range for a site with these characteristics is 150-200 habitable rooms per hectare and 35-75 units per hectare. The Borough Character Study notes within the St Marks Study Area states that the Cheyne Hill area, in which the site is located, has a density of 28 dwellings per hectare (dph). The proposal would equate to 159 dwellings per hectare based on a site area of 378sqm.

30. Whilst it is accepted that the proposed development would be well above the range identified in the London Plan density guidelines, the London Plan does stipulate that the density ranges should not be applied mechanistically. The London Plan goes on to state that density ranges should be taken into account with other factors including local
context, design and transport capacity.

Character and Appearance

31. Paragraph 127 of the NPPF requires that planning decisions add to the overall quality of the area, are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment, whilst not preventing or discouraging appropriate innovation and change, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development.

32. Policy DM10 of the Core Strategy requires development proposals to incorporate principles of good design. The most essential elements identified as contributing to the character and local distinctiveness of an area should be respected, maintained or enhanced include the following: "(c) scale, layout, height, form (including roof forms), massing; (d) landscape setting and features; (g) typical details and key features such as roof forms, window format, building materials and design detailing of elevations…"

33. The Borough Character Study notes that the Cheyne Hill area is classified as inner suburban, and is an area of established high quality. It notes that “The areas around Eversley Road, Burney Avenue, Ferguson Avenue, Hill Crescent and Chumleigh Walk were laid out around the 1920's/30's as areas of formal, planned development. Wide grass verges, on plot parking and green open space at Ferguson Avenue give the area a spacious character.” The Borough Character Study identifies issues affecting the area as “piecemeal alterations eroding character”.

34. The proposed building block would be designed to appear as two x three storey town houses, with a mansard flat roof. The height of the building would be approximately in line with the ridge height of 16a Eversley Road.

35. It is noted that the siting, design and dimensions of the proposed building block would be similar, to a large degree, to the scheme refused under planning application number 18/16776/FUL. One of the grounds for refusal for 18/16776/FUL related to harm to the character and appearance of the area. However, this ground for refusal was not supported by the Planning Inspector as highlighted in the following extract from the appeal decision notice.

“The proposed development would be seen within the context of the adjoining terrace. Significantly, this also has a flat roof, of a comparable height and with sloping areas of roof to the front and rear. The adjoining terrace also has entrance doors, unusually located, significantly above pavement level.

The building line of appeal development would sit forward of the adjoining house on Eversley Road but the terrace which it forms part of is staggered along the street. The siting of the appeal development would retain a large back garden, an area of off-street parking to the front and would remain set back from the footway at the side, allowing space for soft landscaping. This side elevation would be relieved by windows and the entrance to the building.

Considering all of the above points, in this context the appeal development would not look out of character, cramped, bulky or incongruous, despite being prominently located on a corner. The density of the appeal development is above the range set out as appropriate in the London Plan. But density considerations are only the start of planning housing development and account should be taken of other factors including local context. Given the varied development typology seen in this area, described above, the
appeal development would not appear out of place."

(Appeal reference: APP/Z5630/W/19/3221757)

36. Taking the above appeal decision into account, it is considered that the proposed development, noting its similarities with application number 18/16776/FUL, would not cause harm to the character and appearance of the area, and that refusal on these grounds would be unjustifiable.

Trees and Landscaping

37. There are three trees located to the rear of the site, none of which are subject to a Tree Preservation Order. These trees would be retained as part of the proposal, and are unlikely to be impacted by the development due to the separation distance. During the course of this application a revised Landscape Plan was received showing the species and density of the proposed soft landscaping.

38. The Council’s Tree Officer has raised no objection, subject to a condition requiring the development to be carried out in accordance with the submitted Landscape Plan.

Residential Amenity

39. Policy DM10 (k) of the Core Strategy states that development proposals should have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbance.

40. A Daylight and Sunlight report has been submitted with this proposal, which indicates that the impact on neighbouring properties and their gardens would be within the BRE guidelines. The concerns raised in this respect would not therefore substantiate grounds for refusal.

41. The proposed building would be sited approximately 17 metre from the neighbouring property at 73 Cheyne Hill, and as such is compliant with Policy Guidance 16 of the Council’s Residential Design Guide (SPD), which requires a minimum separation of 15 metres between the rear wall and flank wall of a neighbouring property. Given the separation distance, it is not considered that the proposed windows in the rear elevation would result in a degree of overlooking that could substantiate grounds for refusal. It is also not considered that the proposal would result in any unreasonable degree of overlooking of neighbouring properties or their gardens.

42. The objections received from neighbours has been duly noted. However, it is considered that the proposal would not cause undue harm upon the amenity of neighbouring residential occupiers in line with Policy DM10 of the Core Strategy.

Highways and Parking

43. The site is located within a Public Transport Accessibility Level of 1b (very poor). In accordance with the London Plan standards, the proposed 6 flats would require a maximum of 7 parking spaces. The proposal includes one car parking space, which is the same level of provision considered by the Inspector during the appeal relating to application number 18/16776/FUL.

44. The following extracts are from the appeal decision:

"The evidence indicates the Controlled Parking Zone (CPZ) in which the appeal site is
situates is heavily subscribed and this reflects my observations at my site visit. Moreover, at my site visit, I saw roads surrounding the appeal site were lined with double yellow lines and pavement crossovers. As such opportunities for parking cars on-street are limited.

Policy DM9 of the Core Strategy and the Sustainable Transport Supplementary Planning Document (SPD) seek to restrict eligibility for on-street parking permits for residents of new development located in CPZs. The evidence indicates this would be done by means of a legal agreement and as such, it is common ground between the main parties that car free housing is necessary in this case.

Despite the appellant’s willingness in this regard no completed legal agreement to prevent occupiers obtaining permits has been provided to me. As a result, in my judgement, cars associated with the appeal development would be likely to park on-street and given the limited supply of on-street spaces in the area, this would be likely to result in increased instances of dangerous and obstructive parking, such as on yellow lines, at road junctions, on footways or across driveways.”

(Appeal reference: APP/Z5630/W/19/3221757)

45. Under this current application, the applicant has agreed to enter into a legal agreement to preclude future occupants from obtaining on-street car parking permits and to inform potential buyers/tenants of the above exclusion, as well as publicise the lack of parking provision in marketing brochures.

46. Subject to the signing of this legal agreement, and giving weight to the appeal decision, it is considered that the proposed development would not significantly exacerbate the demand for on-street parking spaces within the surrounding streets.

Refuse and Recycling Storage

47. The submitted drawings shows 1 x 1100 litre refuse bin and 1 x 1100 litre recycling bin would provided towards the rear of the site. Access to the bins would be from a side gate along the western site boundary, adjacent to Cheyne Hill. It is considered that the bin size capacity would be acceptable for the number of residential units being proposed, and its location would be convenient for the Council’s refuse vehicles on collection day.

Sustainability

48. A Sustainability and Energy Assessment was not accompanied with this application. If this application is approved, a condition would be secured requiring the proposed dwellings to achieve an energy efficiency standard of 19% CO2 improvement over Building Regulations requirement Part L. Additionally, a condition would be secured to ensure that the proposed dwellings achieves as a minimum, a water efficiency standard of no more than 110 litres per day.

Flood Risk and Drainage

49. The application site is located in Flood Zone 1 where the risk of flooding from rivers or seas is low, and as such, all forms of development, including ‘more vulnerable’ uses, are acceptable.
50. In the event of an approval, a Sustainable Drainage Strategy and associated detailed design, management and a maintenance plan for surface water drainage for the site using SUDs method would be secured by way of a condition.

51. There is no objection with regards to flooding and drainage, subject to the recommended drainage condition outlined above. The proposal would therefore be in accordance with Section 14 of the NPPF, Policies 5.12 and 5.13 of the London Plan and Policy DM 4 of the Core Strategy.

**Equalities Duties Implications**

52. In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. The key equality protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation.

53. The equalities duty is not a duty to achieve a particular result. Some equalities considerations are covered under other legislation such as building control matters. Officers have in considering this application and preparing this report had regard to the public sector equality duty, and have concluded that due regard has been given to the Council’s duty in respect of its equalities duties, and that if approving or refusing this proposal the Council will be acting in compliance with its duties.

**Community Infrastructure Levy**

54. The application would be liable to pay Kingston CIL which is presently set at £130/sqm of development, as per charging zone 2, in this location.

55. The application would also be liable to pay Mayoral CIL which is presently set at £60/sqm of development.

**Other Material Considerations**

**Protected species**

56. An ecological assessment would be required on major development, or where a site contains or is next to a significant area of habitat or wildlife potential. In this case, the development is not a major development and, whilst the existing bungalow is approximately 90 years old and exhibits some features with bat roosting potential, the roof storey is occupied and the site is within a densely occupied urban area, and not in close vicinity to old and veteran trees or streams. It is therefore considered that the potential for a bat roosting on the site is low.

57. However, in the event of approval, an informative could be secured to state that should evidence of any protected species be found on site as a result of future development the applicant must fulfil his/her duties under the Wildlife and Countryside Act, 1981 (as amended) and the Conservation of Habitats and Species Regulations, 2010.

**Land Contamination**

58. If this application is approved, a condition would be secured requiring the submission of investigation and remediation reports to be submitted to the Council in the event that
Planning Balance/ Conclusion

59. Paragraph 11 of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, the Council should grant planning permission unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or;

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

60. As previously mentioned, the design, siting and dimension of the proposed development would be similar, to a large degree, to the previous planning application under 18/16776/FUL. The appeal decision for this previous application concluded that the development would not harm the character and appearance of the area. It is therefore considered that it would be unjustifiable to refuse the current application on this ground.

61. The applicant has agreed to enter into a Section 106 agreement to preclude future occupants from obtaining on-street car parking permits. As such, the second ground for refusal under 18/16776/FUL has also been addressed.

62. It is noted that the Council does not have a 5 year housing land supply. The proposed development would provide 6 additional market housing units, and 2 of these would be family sized units (3 bedrooms or more). The proposal would therefore make a positive contribution towards boosting housing land supply within the Borough. The proposal would generally accord with the Council’s Development Plan, and in addition there would be no conflict with guidance set out in the NPPF. Consequently, the proposed development would constitute as a sustainable form of development.

63. It is therefore recommended that the application be approved.

Recommendation

APPROVAL

64. Subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), and the following condition(s) and to delegate to the Head of Planning any consequent changes to conditions (including to comply with the Section 106 agreement).

REFUSAL

65. If within 6 months of the resolution to grant permission the applicant has not entered into a fully enforceable legal agreement to prevent future occupants of the development from applying for parking permits the development shall be refused for the following reasons.

66. Vehicles associated with the proposed development would be likely to park on-street and given the limited supply of on-street spaces in the area, this would be likely to result in increased instances of dangerous and obstructive parking, such as on yellow lines, at road junctions, on footways or across driveways. This would contribute to highway congestion and as a result would compromise highway safety contrary to the NPPF, Policy 6.13 of the London Plan and Policies DM9 and DM10 of the Core Strategy.

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

Reason: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

10818- Site Survey, ER18-03-1001, ER18-03-1002, ER18-01-1003, ER18-01-1004A, ER18-01-1005, ER18-01-1006, ER18-01-1007 and ER18-01-1008A all received by the local planning authority on 22nd October 2019.

Planning, Design and Access Statement (dated June 2019) and a Daylight and Sunlight Assessment (dated January 2019) all received by the local planning authority on 1st July 2019.

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

3. The development shall be completed in accordance with samples for all facing materials including fenestration, which shall be submitted to and approved in writing by the Local Planning Authority before any works on site above damp proof course level. The development shall then be built in accordance with these approved samples and completed prior to occupation.

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 a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

4. No development shall take place including any works of demolition until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

(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.

(j) The parking of vehicles of the site operatives and visitors

(k) The erection and maintenance of security hoarding.

The demolition and construction of the development shall be carried out in accordance with the construction method statement so agreed.

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.

5. The development hereby approved shall not commence until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using Suds method has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the first occupation of the development and maintained thereafter for the lifetime of the development.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build of the proposed development, in accordance with Policies 5.2 (Minimising Carbon Dioxide Emissions) and 5.3 (Sustainable Design & Construction) of the London Plan (July 2011) and Policy DM1 (Sustainable Design and Construction Standards) of the LDF Core Strategy Adopted April 2012.

6. If during development contamination not previously identified is found to be present at the site, no further development shall be carried out until an investigation strategy and risk assessment, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination will be dealt with has been submitted to and approved in writing by the local planning authority. No part of the development shall be occupied until the measures identified in the approved remediation strategy and verification plan has been completed and a verification report demonstrating completion of the approved remediation works and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.
7. No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and at no time on Sundays or Bank or National Holidays.

Reason: To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period, in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

8. The vehicle parking space shown on the approved plans shall be fully implemented and made available for use prior to the first occupation of development and shall thereafter be retained for this use at all times.

Reason: To ensure adequate on-site parking provision in the interests of highway safety, convenience and amenity, in accordance with CS 7 (Managing Vehicle Use) of the LDF Core Strategy Adopted April 2012.

9. The secure cycle parking facilities shown on the approved plans shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for this use at all times.

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

10. The bin storage facilities shown on the approved plans shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for this use at all times.

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

11. The residential units hereby approved shall not be occupied until the development has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

Reason: In the interests of Sustainability and Energy Conservation in accordance with Policies 5.2 (Minimising Carbon Dioxide Emissions) and 5.3 (Sustainable Design &
12. The residential units hereby approved shall not be occupied until the development has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum water consumption in accordance with the requirements defined within Approved Document G of the Building Regulations.

Reason: In the interests of Sustainability and Energy Conservation in accordance with Policies 5.2 (Minimising Carbon Dioxide Emissions) and 5.3 (Sustainable Design & Construction) of the London Plan (2016) and Policy DM1 (Sustainable Design and Construction Standards) of the LDF Core Strategy Adopted April 2012.

13. The residentials units hereby approved shall not be occupied until the development has been built in accordance with the requirements of Category 2 of the Building Regulations document titled ‘Approved Document M - Access to and use of buildings’

Reason: In the interest of inclusive design and accessibility in accordance with Policy 3.8 of the London Plan.

14. The landscape scheme as shown approved drawing number ER18-03-1004A 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 areas shown to be landscaped shall be permanently retained for that purpose. Alterations that affect these approved landscape details must be previously agreed to in writing by the local planning authority.

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.

15. Unless otherwise agreed in writing by the Local Local Planning Authority, any means of enclosure, fences, gates and walls shall be carried out in accordance with approved drawings numbered ER18-03-1004A and ER18-03-1008A and shall be retained as such for the lifetime of the development.

Reason: In the interests of the 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.

Informative(s)

1. The applicant is advised that should protected species be found as a result of future development he/she must fulfil his/her duties under the Wildlife and Countryside Act, 1981 (as amended) and the Conservation of Habitats and Species Regulations, 2010.
2. When undertaking demolition and/or noisy building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays.

3. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation, and that any works undertaken which impact unreasonably upon the surrounding area may be subject to action by the Council's Environmental Health Department.

4. 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.

5. 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 within 6 metres of an adjoining building.

6. 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".

7. The development approved by this planning permission will be liable to pay Kingston CIL which is presently set at £130/sqm of development; and the Mayoral of London’s CIL (MCIL) which is presently set at £60/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 or phone 0208 547 5002.

8. 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.
Surbiton Neighbourhood Committee
Date of Meeting: 07/11/2019

A3 Register No: 19/01980/FUL
Address: 18 -20 AND 20A CORKRAN ROAD SURBITON

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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: Surbiton Hill

Description of Proposal: Demolition of existing buildings and redevelopment of site to provide nine new dwelling houses with associated boundary treatment, amenity space, refuse stores and cycle provisions along with associated parking

Plan Type: Full Application

Expiry Date: 02/10/2019

National Planning Policy Framework (NPPF) 2019
Planning Practice Guidance (web based resource)

Development Plan
London Plan 2016
LDF Core Strategy April 2012

Policies

LONDON PLAN JULY 2012
LP 3.3 Increasing housing supply
LP 3.4 Optimising housing potential
LP 3.5 Quality and design of housing development
LP 6.13 Parking
LP 7.4 Local character
LP 7.6 Architecture

LDF CORE STRATEGY CORE POLICIES
CS 01 Climate Change Mitigation
CS 08 Character, Heritage and Design
CS 10 Housing Delivery

LDF CORE STRATEGY DEVELOPMENT MANAGEMENT
DM01 Sustainable Design and Construction Stan
DM10 Design Requirements for New Developments
DM12 Development in Conservation Areas and Affecting Heritage Assets
DM13 Housing Quality and Mix

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Consultations

1. Neighbour notifications: 16 addresses have been notified of the proposed development and a site and press notice published. 14 objections have been received. The objections are summarised as follows:
   - Out of keeping with the area
   - Harm to conservation area
   - Design and Layout
   - Density/overdevelopment
   - Loss of privacy
   - Loss of sunlight/daylight
   - Impact on trees and vegetation
   - Car parking/access issues
   - Noise and disturbance during construction

2. Surbiton Conservation Area Advisory Committee (SCAAC): Object on grounds that proposed development is not in keeping with the character and appearance of the Conservation Area and raise concerns regards loss of vegetation and access arrangements.

Site and Surroundings

3. The application site is located on the south side of Corkran Road. The site is occupied by a derelict two storey fire damaged residential building a bungalow and a collection of outbuildings and gatehouse.

4. The surrounding area is predominantly residential in character and appearance and sits within the Southborough Conservation Area. The site has a Public Transport Accessibility Level (PTAL) of 2 (poor) and does sit within an area of parking control. There are individual trees protected by Tree Preservation Orders on the site, and all trees are protected by virtue of it lying within the Conservation Area. The property 22 Corkran Road immediately east of the site is designated Locally Listed Building of Townscape Merit.

Proposal

5. Planning permission is sought for the demolition of existing buildings and redevelopment of site to provide nine new dwelling houses with associated boundary treatment, amenity space, refuse stores and cycle provisions along with associated parking

Assessment

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

6. The proposed development seeks to intensify the provision of residential units on the application site that is located on existing residential land in a residential area. It is considered that the proposed development would be compatible with and would not change the existing primary residential use of the site. It is considered that subject to the detailed consideration of all other matters the principle of the development would be acceptable.

7. Policy CS10 (Housing Delivery) of the Council's LDF Core Strategy (2012) states that the Council will take every opportunity to deliver new housing.

8. 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.

9. 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).

10. 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.

Quality and mix of accommodation

11. The proposed accommodation of the new dwelling houses would
comply with the existing internal space standards set out in the London Plan Policy 3.5 table 3.3. The proposed dwelling houses would have a practical layout and an acceptable level of amenity space proportionate to the size of dwelling houses proposed. The dwelling houses would be served by adequate off-street parking provision and adequate space for refuse and recycling facilities and cycle parking. Overall it is considered that this is acceptable to provide adequate outlook for future occupants who would also have an acceptable level of privacy and provision of daylight and sunlight.

12. The mix of accommodation is considered appropriate for the proposed developments location and would comply with Policy DM13 which seeks to have at least 30% of new dwellings having 3 or more bedrooms.

Impact on Character of Area

13. 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.

14. 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.

15. The site lies within the Southborough Conservation Area. Section 72 of the Planning Listed Building and Conservation Areas Act 1990 directs that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area. This direction is carried through into the Council's Core Strategy.

16. The Southborough Conservation Area was designated in January 1979 and extended in January 1989 and September 1991. The special architectural and historic interest of this area can be summarised as: An area of large detached houses dating from the 1860s - 1930s surrounding Southborough House, an 1808 Grade II listed building by the architect John Nash.

17. Southborough conservation area originally formed part of the grounds of Southborough Estate, which centred on Southborough House. Thomas and Sarah Langley commissioned the famous Regency architect, John Nash, to build Southborough House on the former Kingston Common in 1808. The main house (14 Ashcombe Avenue), the garden building to the west, and Southborough Lodge (16 Ashcombe Avenue) are Grade II listed buildings and the oldest buildings within the area. The Ordnance Survey dated 1868 shows Southborough House and Southborough Farm (now demolished) as
the only properties within the boundaries of Brighton Road, Ditton Road, and the Portsmouth to London Railway line.

18. Between 1880 and 1895 the south side of Langley Avenue and the east side of Corkran Road were sold off in large plots and developed forming part of the wider suburbanisation of Kingston. A comparison between the 1895 and 2008 Ordnance Survey shows that 2, 4, 6, 10, 12, 16, 18, 20, 22, 24, 28, 30 Langley Avenue and 17, 31, 33 Corkran Avenue have survived to date. Southborough House was purchased by James Cundy in 1885. It retained a generous plot and gained a gardener’s lodge at the entrance in Langley Avenue in 1884, and a coachman’s lodge adjacent to the gateway to Carriage Drive in 1891. Both lodges still remain in their original form at 25 Langley Avenue and 22 Corkran Road.

19. The National Planning Policy Framework 2019 sets out National Planning Policy with regard to dealing with Heritage Assets. The NPPF directs that in decision taking the council should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

20. Policy DM12 (Development in Conservation Areas and Affecting Heritage Assets) of the Core Strategy seeks to preserve or enhance existing heritage assets.

21. The existing site, following a fire, is of a tired appearance and in its current form it is considered that it currently detracts from the character and appearance of the Conservation Area.

22. The proposed development would result in the removal of the unsightly and dilapidated and vacant buildings on site and tidy up the unkempt and overgrown landscape of the site.

23. It is considered that the proposed development would be of an architectural style sympathetic to the surrounding area picking up on the general architectural cues of the neighbouring developments.

24. The proposed dwellings would be two/two and a half storey in height with pitched roof form served with front and rear landscaping/amenity space and off-street parking.

25. The dwellings would be a mixture of 4-5 bed dwellinghouses and would be a mixture of semi-detached and detached houses.

26. The area is characterised by residential cul-de-sac developments which the proposed development would be and examples of this are found opposite the site in Hailsham Close and The Drive.

27. It is considered that the proposal would be in keeping with the general pattern and form of development in the surrounding area.

28. The proposed development would be located adjacent 22 Corkran Road. It is considered that it would not have any material impacts or
cause harm to the setting of this locally listed building.

29. In general, subject to the use of high quality materials, it is considered that the development would not harm the character or appearance of the Conservation Area or the setting of the locally listed building 22 Corkran Road.

30. The proposed development therefore, would accord with Section 72 of the Planning Listed Building and Conservation Areas Act 1990, paragraphs 189 - 196 of the NPPF and policies CS8, DM10 and DM12 of the Council's adopted LDF Core Strategy April 2012.

31. Policy 3.4 of the London Plan, taking into account local context and character and public transport capacity, seeks to optimise housing output for different types of location within the relevant density range. The site has a Public Transport Accessibility Level of 2 (poor) and is in a suburban location. The London Plan's density range for a site with these characteristics is 150-250 habitable rooms per hectare and 35-95 units per hectare. The proposal would equate to 16 dwellings per hectare.

32. Whilst it is accepted that the proposed development would be well below the range identified in the London Plan density guidelines, the London Plan does stipulate that the density ranges should not be applied mechanistically. The London Plan goes on to state that density ranges should be taken into account with other factors including local context, design and transport capacity.

Impact on Neighbours' Residential Amenity

33. Paragraph 127 of the NPPF directs planning decisions should ensure that developments are visually attractive with a high standard of amenity for all existing and future users of land and buildings.

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

35. The proposed development by virtue of its size, siting and design in relation to the neighbouring properties would not cause any significant material harm to the outlook, daylight/sunlight provision or privacy of the neighbouring occupiers.


Highways & Parking

37. Paragraph 109 of the National Planning Policy Framework (NPPF) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network.
would be severe.

38. The site has a low PTAL rating of 2 (moderate to good). The London plan policy 6.13 would indicate for this development, a maximum of 2 vehicular parking spaces should be provided. 2 spaces per dwelling is shown in line with this policy.

39. As such it is considered that the proposed development would not increase demand for on street parking and it is considered that the proposed development would not have an unacceptable impact on highway safety, or result in severe residual cumulative impacts on the road network. A condition is suggested to secure appropriate cycle parking prior to occupation of the units.


Trees

41. The application is supported by an arboricultural report. It is proposed to remove some low value trees and vegetation. Of the 53 trees on site 22 are to be removed. All trees removed are to be replaced. The development has been assessed by the LPA's Tree and Landscape Officer and the findings and recommendations of the arboricultural report submitted by the applicant are found to be acceptable and it is considered that the proposal would not cause harm to the remaining trees on site and surrounding the site.

42. It is considered that the proposal would accord with policy DM10 of the Council's adopted LDF Core Strategy April 2012.

Legal Agreements

43. The application is not subject of any section 106 agreements.

CIL

44. The proposed development would be both MCIL and KCIL liable.

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
CoreStrategy (2012).

Other Matters

48. The application is accompanied by an ecology report prepared by AAe Environmental Consultants dated 23 July 2019. The report concludes

‘The redevelopment proposals are for the erection of 9 new dwellings, with associated hard and soft landscaping, requiring the demolition of the existing properties, associated outbuildings and clearance of some vegetation. The majority of the established boundary trees are scheduled to be retained.

There are no habitats of international, national, county or local importance that would be directly or indirectly affected by the proposals. The site is of overall low ecological value, with the species recorded described as common or abundant and are found in similar places across much of Britain, with no evidence of protected species.

Although there are considered to be no ecological constraints to the proposals, a series of specific and generic mitigation measures should be implemented to reduce any impact the development proposals may have on local wildlife. There is also an opportunity to implement some enhancement measures to increase the nature conservation value of the site in the long term in accordance with Government guidance as set out in National Planning Policy Framework (NPPF) 2019.’

49. Mitigation measures would include

· All site operatives will be given a toolbox talk on the possibility of encountering bats and the legal protection they and their roosts are afforded (copy of a toolbox talk has been attached for reference).

· Initial works will be carried out with great care, with the area of tile hanging removed by hand, lifting each tile clear with two hands rather than lifting the front and rolling the tile backwards which may crush any bats beneath.

· Tiles will also be checked underneath before being stacked or discarded as bats sometimes cling to the underside of tiles.

50. The report also states that in the unlikely event of any bats being encountered on the site, then works should stop immediately and Natural England or Me contacted so that appropriate advice can be provided.

51. The report also puts forward enhancement measures stating that the site could be further enhanced by providing roosting and nesting opportunities for bats and birds by installing a series of bat and bird boxes on suitable vegetation to be retained and/or in suitable locations
on the new builds. Any boxes installed will be positioned in accordance with good practice.

52. It is recommended that a suitable condition is imposed on any approval ensuring the proposed development is carried out in accordance with the mitigation and enhancement measures put forward by the report.

Conclusion

53. 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.

54. The Council are unable to demonstrate a 5 year supply of land for the delivery of housing. As such, the 'tilted balance' and Paragraph 11(d) of the NPPF (2019) is a material planning consideration.

55. The proposed development would be of a scale and design that would meet the quality required for a site in a conservation area and be in keeping with the surrounding area. and would see the delivery of 9 high quality residential dwellings with private amenity space which would outweigh any negative impacts of the development.

Recommendation:

Approve subject to the following conditions:

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

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

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

   - 19-J2774-LP01 LOCATION PLAN 07/08/2019
   - 19-J2774-114 EXISTING PLANS 07/08/2019
   - 19-J2774-113 ELEVATIONS 07/08/2019
   - 19-J2774-113 PLOT 9 GARAGE 07/08/2019
   - 19-J2774-112 PLOT 7 GARAGE 07/08/2019
   - 19-J2774-111 SITE SECTIONS 07/08/2019
   - 19-J2774-100 Existing site plan
   - 19-J2774-101 Existing site context 07/08/2019
   - 19-J2774-103 Proposed site plan 07/08/2019
Reason: For avoidance of doubt and in the interests of proper planning.

3 The car parking 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.

4 Full details of the materials, colour and texture of the external finish of the building shall be submitted to and approved in writing by the Local Planning Authority before development commences and the development shall be constructed in accordance with the approved finishes.

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.

5 Prior to the commencement of any above groundworks (excluding demolition) of the development hereby permitted and notwithstanding the details shown on the approved plans stated in condition 2 of this permission, the following details shall have been submitted (on plans at a scale of no less than 1:20 and 1:5) and approved by the Local Planning Authority.

- Window reveals, door reveals, overhangs, rainwater goods.
The development shall be carried out in accordance with the approved details.

Reason: It is necessary to provide these details as it is integral to the design and appearance of the building and therefore agreement of these details prior to commencement would 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.

6 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 trees, shrubbery and other landscape features to be retained on the site during the course of development.
(h) Means of enclosure of the site.
(i) Wheel washing equipment.
(j) The parking of vehicles of the site operatives and visitors
(k) The erection and maintenance of security hoarding.
(l) Hours of construction and deliveries

Reason: This information is required prior to the commencement of the development 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.

7 Prior to occupation of the development hereby permitted details of secure cycle parking facilities for the occupants of, and visitors to, shall have been submitted to and approved in writing by the Local Planning Authority and shall be fully implemented 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.

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

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

Within 3 months of first occupation, evidence must be submitted to the Council confirming that the development hereby approved has achieved not less than the CO2 reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes level 4. Evidence requirements are detailed in the "Schedule of evidence Required for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide. Evidence to demonstrate a 19% reduction compared to 2013 part L regulations and internal water usage rates of 105l/p/day must be submitted to and approved by the Local Planning Authority, unless otherwise agreed in writing.

Reason: In the interests of sustainability and energy conservation in accordance with Policies 5.2 (Minimising Carbon Dioxide Emissions) and 5.3 (Sustainable Design & Construction) of the London Plan (2016) and Policy DM1 (Sustainable Design and Construction Standards) of the LDF Core Strategy Adopted April 2012.

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

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

Fences, walls or other means of enclosure shall be erected along the boundaries of the site prior to the occupation of the dwellinghouses to which they relate, in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority and shall thereafter be permanently retained.
Reason: In order to ensure the privacy of adjoining occupiers and visual amenity of the area is retained in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no windows or other openings (other than those hereby approved) shall be formed in the elevations and roof above ground floor level of the building hereby approved without the prior written consent of the Local Planning Authority.

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

13 The development hereby permitted shall be carried out in accordance with the approved Ecological Report prepared by AAe Environmental Consultants dated 23 July 2019.

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

14 No demolition, site clearance or building operations shall be commenced until tree protection to the standards set out in BS5837: 2005 "Protection of Trees on Construction Sites" (figures 4 and 5) has been erected around the trees shown on the approved drawings as being retained on the site. The fencing is to be not less than 1.5 metres in height and shall enclose either:-

(a) the area described by the limit set out in Table 1 or
(b) a radius as set out in Figure 2 of BS 5837: 2005, or alternatively
(c) such an area as may have previously been approved in writing by the Local Planning Authority.

Such tree protection shall be maintained during the course of development, and no storage, site structures, parking or any other operation shall be permitted within the area thereby protected. Within the protected area:

(a) levels shall not be raised or lowered in relation to the existing ground level,
(b) no roots shall be cut, trenches dug, or soil removed or drains and services laid,
(c) no buildings, site huts, roads or other engineering operations shall be constructed or carried out,
(d) no vehicles shall be driven over the area,
(e) no materials or equipment shall be stored.

and the destruction by burning of any materials shall not take place on the site or adjoining land unless the fires are at a minimum distance from the protected area of 6.00 metres.

Reason: To prevent unnecessary damage occurring to the trees during building operations, thereby safeguarding the visual amenities of the site in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

15 Prior to occupation of the development a landscaping scheme including the detail of the removal of any 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 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.

Informative(s)

1 Street Naming and Numbering

Kingston Council has a statutory duty to officially name streets and number properties within streets. As your planning application is likely to require address changes, you are obliged to contact the Street naming and numbering team to request official registration in accordance with Part II of the London Buildings Act 1939. Failure to do this could result in delays/omissions by the post office, emergency services and other service providers. You can submit your application online via our website www.kingston.gov.uk or via email to snn@kingston.gov.uk. Alternatively, if you do not have internet access please call 020 8547 4606.

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

3 You have been granted planning permission to build a residential area. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.

4 The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

   - carry out work to an existing party wall;
   - build on the boundary with a neighbouring property;
   - in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in “The Party Walls etc. Act 1996 - Explanatory Booklet”.

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