

DEVELOPMENT CONTROL COMMITTEE

31 MARCH 2021

LATE MATERIAL

The following material has been received since the publication of the agenda for this meeting:

- Text missing from the report for the 20/02495/FUL planning application. Additional Text in **RED**.

Legal Agreements

273. Policy IMP3 of the Core Strategy 2012 states that the Council will use Planning Obligations to secure financial contributions to meet on and off site requirements which are required to support and mitigate the impacts of the development in accordance with the Council's Planning Obligations SPD March 2017.
274. As of the 1st November 2015 the Council commenced the operation of a Community Infrastructure Levy (CIL) as a means of collecting monies to provide local infrastructure to offset the impact of developments. This replaced the S106 mechanism for collecting contributions for local infrastructure e.g. education and health with the exception of affordable housing. For the avoidance of doubt S106 contributions can only be collected to resolve site specific issues as a result of the proposed development.
275. In the event that site-specific exclusions are identified, they would be subject to statutory tests set out under Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).
276. In relation to this application, the following site specific financial and infrastructure contributions are required to mitigate the adverse impacts of the development:
- Eden St public realm improvements
 - St James's Road footpath widening
 - Brook Street public realm improvements
 - Resurfacing of footpaths around site
 - Kingston Workplace brokerage (£232000)
 - Affordable Workspace (£250,000)
 - Employment and Skills Plan (£50,000)
 - Procurement / supply strategy to support local business
 - Relocation of bus driver welfare facilities
 - Off site highway works
 - Electric Vehicle Charging Points (20% active/ 80% passive)
 - Access to private rooftop car park gardens by invitation
 - Access to internal woodland walk during opening hours
 - District Heat Network connection
 - Carbon Offset payment
 - Exclusion from Controlled Parking Zone
 - Construction Environmental Management Plan
 - Servicing / Delivery plan
 - Workplace Travel Plan (to encourage a shift to sustainable modes of transport)
 - Car Park Management Plan
277. Subject to the completion of a Section 106 legal agreement to secure the obligations set out above the proposal is considered to comply with Policy IMP3 of the Core Strategy 2012.

Conclusion/Planning Balance

278. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
279. Officers conclude that the proposal would cause harm to the settings and therefore the significance of a series of designated heritage assets in Kingston town centre, the Market Place and the Kingston Old Town Conservation Area. For the reasons given above it is concluded that the harm to each would be less than substantial. Paragraph 194 of the Framework expects that any harm to the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 of the Framework requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal.
280. In terms of the weight to be given to the harm to designated heritage assets, the courts have confirmed that less than substantial harm does not equate to a less than substantial objection. Indeed, paragraph 193 of the Framework establishes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether the potential harm amounts to less than substantial harm. In this case, the significance of multiple heritage assets would be harmed. In the light of this, the statutory duty to have special regard to the desirability of preserving the setting of listed buildings and the contribution of the affected heritage assets to the quality and character of Kingston, Officers attach considerable importance and great weight to the harm to each designated heritage asset which would result.
281. With regard to the benefits, Officers attach significant weight to the provision of modern office space, a net increase in terms of office floorspace (sq.m) on site, and also a significant qualitative improvement on the existing office accommodation on site; significant weight to the increased direct and indirect employment opportunities the development would have the potential to create; significant weight to the public benefits which would flow out of the financial contributions to Kingston Workplace brokerage (£232000), Affordable Workspace (£250,000), Employment and Skills Plan (£50,000); and significant weight to the public realm improvements; Officers also acknowledge the limited benefits the public realm improvements would have to the settings of the Old Post Office and the United Reformed Church.
282. Officers consider that the combination of the public benefits that the application proposal would bring to the borough are sufficient to justify or outweigh the harm the proposed development would cause to the significance of multiple designated heritage assets.
283. The development would conflict with the London Plan Tall Buildings Policy, however, given the site's context, a brownfield site in a central location, next to permitted tall buildings, and given that the environmental considerations contained within the Policy have been addressed, Officers accord this conflict

minimal weight. The development would cause harm to surrounding existing / permitted dwellings in terms of daylight / sunlight impact, this harm would be tempered given the guidance to apply the daylight / sunlight standards/guidance flexibly given the central location of the site. Nonetheless this impact would weigh against the application. **The development would conflict with policy T6 of the London Plan specifically and more generally policies and guidance seeking to reduce car trips and encourage a shift towards sustainable modes of transport. However, factors such as, it would be a replacement car park with a reduced number of spaces; it would be a replacement car park contained in a building that could be repurposed in the future for a different use; it would be a replacement car park with 20% active electrical charging provision and 80% passive; and it would be a replacement car park available for public use at weekends; taken together would temper the adverse impact of providing car parking to such an extent that it would only be given great weight against the proposal.**

284. The proposed development would accord with the Framework in a number of respects, including increasing office and retail floorspace, enhancing the public realm, enhancing the vitality and viability of the town centre, contributing towards affordable workspace and skills/ employment contributions, low carbon development, flood risk management, and biodiversity.
285. Officers conclude that whilst the development would be contrary to London Plan D9 (Tall Buildings), and would conflict with Policy D6 (Housing and Quality Standards) of the London Plan and Policy DM 10 (Design Requirements for New Developments) of the RBK Core Strategy 2012, **and conflict with Policy T6 (Parking) of the London Plan**, overall the proposed development would accord with the development plan taken as a whole and that the relevant policies of the development plan are generally consistent with the Framework.

Recommendation:

Taking into account the Environmental Information contained within the Environmental Statement - Approve subject to completion of relevant 'Legal Agreement', as specified in the legal agreements section, and to delegate to the Assistant Director of Strategic Planning and Infrastructure any consequent changes to conditions and agreements to be agreed in consultation with the Chair of the Development Control Committee.
