

Old Post Office site, Ashdown Road, Kingston

in the Royal Borough of Kingston upon Thames

planning application no. 14/13247/FUL

Strategic planning application stage 2 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Demolition of all non-listed buildings and the retention, refurbishment, alteration and reconfiguration of two listed building (the Old Post Office and Telephone Exchange), together with the erection of new buildings between 4 and 16-storeys in height to provide 2,141 sq.m of retail/restaurant/cafe uses (Classes A1-A5), 931 sq.m of office (B1) and 638sq.m. of flexible floorspace to be used for either retail/cafe/restaurant (A1-A5) or office (B1) use and 253 sq.m of community/leisure uses (Classes D1/D2) and up to 319 residential units.

The main application is accompanied by two listed building consent applications for the detailed works to the two listed buildings.

The applicant

The applicant is **St. George West London Ltd** and the architect is **John Thompson and Partners**.

Strategic issues

The application complies with London Plan policies on land use principles, housing, urban design, heritage, inclusive access, sustainable development, flooding and transport and is strongly supported. The proposal will provide much needed housing, retail, office and community floorspace in the heart of the Kingston metropolitan centre. It will regenerate a run down and underused site which will revitalise this part of the centre. It will also secure the restoration of two Grade II Listed Buildings, both of which are in a poor state of repair and on the At Risk Register.

Kingston Council has secured S106 agreement clauses and decision notice conditions to ensure the proposal complies with London Plan policies on affordable housing, inclusive access, climate change and transport.

Recommendation

That Kingston Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

Context

1 On 31 December 2014 the Mayor of London received documents from Kingston Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. On 4 February 2016 the Mayor provided the Council with a statement (report and covering letter reference D& P/3431/01) which advised that the application broadly complies with the London Plan and that the proposal for a residential-led mixed use development on this site is supported but that further work regarding affordable housing, density, children's playspace, residential quality, inclusive access, energy and transport is required.

2 After which and following negotiations with the Council and GLA officers the proposal has undergone several design amendments. The amended schemes were considered by Kingston Council's planning committee's on 23 June 2015 and 5 November 2015. The final amendments to the proposal were submitted to the Council in January 2016. On 18 February 2016 the Mayor provided the Council with a statement (report and covering letter D&P/3431/02) which assessed the January 2016 scheme and advised that the provided the S106 agreement and decision notice conditions regarding affordable housing, inclusive access, climate change and transport are drafted in accordance with the advice in reports D&P/3431/01 and /02 the application complies with the London Plan.

3 Copies of the above-mentioned reports are attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.

4 On 25 February 2015 Kingston Council decided that it was minded to grant planning permission, and on 1 March 2016 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Council under Article 6 to refuse the application or issue a direction to Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 14 March 2016 to notify the Council of his decision and to issue any direction.

Update

Housing

5 On 18 February 2016 the Council was advised to include a review mechanism in the S106 agreement to put in place the opportunity to re-appraise the viability of the scheme. It should be designed so as to ensure an appropriate proportion of any financial surplus would be awarded to the Council, and ring-fenced for the delivery of additional affordable housing units. The Council was also advised to ensure the S106 agreement ensured the unsold equity of the discounted market sale units is retained by the Council to ensure these units are recycled in the affordable homes market by qualifying applicants.

6 The Heads of Terms included in the Council's committee report secures the provision of 19 affordable rent units, 30 discounted market sale units and a 50/50 split of financial profit between the developer and the Council. The Council is reminded to ensure the full S106 agreement secures the recycling of the discounted market sale units in the affordable homes market. As such the proposal complies with London Plan policies 3.11 and 3.12.

Residential quality and inclusive access

7 On 4 February 2015 the Council was advised to secure the minimum floor space, floor to ceiling height and life times homes standards by condition.

8 As of 1 October 2015 the Government's technical housing standards came into effect. Building Regulations M4 (2) replaces the old Lifetime Homes standards and require that 90% of homes to be built to meet building regulations M4 (2) 'accessible and adaptable dwellings' and 10% to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users to meet building regulation M4(3) 'wheelchair user dwellings'

9 Condition 49 and 50 of the draft decision notice secures compliance with the specifications in Building Regulation standards M4(2) and M4(3), policies 3.5 and 3.8 of the London Plan and MALP 2015 Housing standards.

Child play space

10 On 4 February 2016 the Council was advised to secure the provision of the 450 sq.m. of child play space by condition. This is secured through condition 13 of the draft decision notice. As such the proposal complies with policy 3.6 of the London Plan.

Flooding

11 The Council has secured through condition 37 of the draft decision notice the provisions suggested in Appendix C of Vol III of the ES: Technical Appendices Section 8.0 along with a flood emergency plan and subscription to the Environment Agency flood warning service. As such the proposal complies with London Plan 5.12.

Transport for London

12 As requested a Car Parking Management Plan has been secured through the legal agreement and includes the provision of electric vehicle charging points and Blue Badge parking spaces in accordance with the London Plan. A contribution of £1,500 is also secured to amend the traffic management order in relation to the Controlled Parking Zone and restricts residents from applying for parking permits. The legal agreement also includes £67,600 to provide two years free car club membership for each residential unit and the provision of one new car club space within the vicinity of the site.

13 A 4 metre strip of land along the southern boundary adjacent to Wheatfield Way has been secured to widen the footpath and provide the planned cycle improvements in the area. Cycle parking for the site has been secured by condition. As requested, a Construction Logistics Plan, Delivery and Servicing Plan and Travel Plan have all been secured by condition with a £3,500 contribution towards Travel Plan monitoring secured through the legal agreement.

14 A contribution has not been secured towards bus improvements within the town centre as requested. However, it is understood the development will contribute approximately £4.26 million to Kingston CIL, and the Council has agreed to prioritise this for transport and public realm improvements in the town centre. TfL invites further discussions with the council about how this can contribute towards the wider bus infrastructure enhancements, as CIL cannot be used to fund bus network capacity improvements.

15 TfL now considers the development to be in accordance with the transport policies of the London Plan.

Other representations

16 Historic England welcomes the changes made since the committee meeting. The reduction in the height and bulk of the proposed building between the former Post Office and Telephone Exchange, in conjunction with the restoration and reuse of the two listed buildings, has addressed

concerns regarding the harm that the scheme would have caused to the significance of these two important heritage assets. The revised palette of materials and architectural detailing of the brick and stonework across the scheme are also welcomed. The proposed architectural detailing provides a more contextual response beside the listed Telephone Exchange and Post Office and Kingston Town Centre more generally. Details of detailed design and materials, including sample panels to match neighbouring buildings, should be secured by condition to ensure quality suggested by submitted images. Welcome further detailed design development along Brook Street and the 16 storey building but this has not significantly mitigated the impact of the height of the building in the setting of the Market Place and Market House and to some extent the mid-range and longer views of the taller building.

17 The Kingston Upon Thames Society object to the height, bulk and massing of the development. Its states the 16-storey block is too high and should be reduced in height as requested by Historic England. The design is not truly outstanding, the bookend buildings between the listed buildings are too high and would have a detrimental and damaging effect on the Grade II Listed Buildings and adjacent Grove Crescent and Fairfield Conservation Areas. If approved a sample panel shall be submitted to ensure high quality. It provides insufficient 3-bedroom units.

18 The Kingston Resident's Alliance state this does not overcome the previous reasons for refusal. The 16-storey tower is near identical, is not exemplar and still of excessive and uncharacteristic height. The increase from 10% to 12% 3 bedroom units is still short of 30%. The changes to the building between the listed buildings reduces the harm to the setting of these historic assets, but the incongruous and unsympathetic form and bulk continues to congest and crowd the former Exchange Building, harming the historic setting and diminishing the importance of these historic assets within the townscape.

19 The Mill Street Residents' Association object to the overdevelopment of the site. The 16-storey building is still excessive and poorly designed insufficient 3 bedroom units. Although the building between the two listed buildings is an improvement due to more Victorian style of brickwork and detailing and lower height, it is still too bulky. Concern regarding impact on visual impact from historic surroundings, insufficient affordable housing, parking, roads, schools and health services.

20 The Riverside Residents Association state that the slight reduction in height and improvements to the facade makes this scheme less bad than the schemes before it. The changes to the tower are not significant, do not make this tower exemplar and do not overcome the reason for refusal or concerns regarding how this relates to the form, proportion, composition, scale and character of its surroundings. The increase from 10% to 12% of 3 bedroom flats is well short of the 30% policy level. The changes to the proposed 12-storey block between the two Grade II Listed Buildings is an improvement. The incongruous and unsympathetic form and bulk continues to congest and crowd the former Exchange Building, harming the historic setting and diminishing the importance of these historic assets within the townscape.

21 The Friends of Richmond Park object to the height of tallest building, requesting it is reduced to below the sky line when viewed from Richmond Park.

22 The Residents @London House object to the additional restaurants and bars. Parking should be reduced to just parking for disabled. Concern at how deliveries will be managed and potential impact from noise on proposed and existing residents within the town centre.

23 The Kingston Race and Equalities Council raise concern at the delay in getting an approval on this site. Supports the community space. Welcomes use of underused site and consequent creation of jobs, shops, restaurants and high tech business hub and Community Infrastructure Levy

payment. Kingston will benefit from this development which will regenerate and improve Kingston for future generations.

24 The TOPO Consortium welcome plans to conserve and bring back into use the two Grade II Listed Buildings and the offer of the two upper floors for community use. Subject to it being brought up to a useable state, access, affordability, promotion and the relationship with the ground floor uses, this will be beneficial.

25 The MILAAP Centre welcomes the community facility and community levy contribution which will be positive for Kingston.

26 The Luminar Group (owners of Hippodrome Nightclub) maintain previous concerns regarding noise and disturbance to proposed residential uses from visitors arriving at or leaving the nearby and well established Hippodrome Nightclub late at night and in the early hours of the morning. Not disputed that the principle of residential properties at the site is supported by planning policy, but would like to ensure that the proposed residential properties include sufficient noise attenuation measures to help ensure the amenity of future residents and would enhance the possibility of new residential uses co-existing with well established commercial uses with the local area, such as the Hippodrome.

27 The Stack and Bonner Estate Agent state that from its experience selling the Kingston Riverside and River Walk developments is that there is little demand for the 3 bedroom units. That development consisted of 16.6% three bedroom units. When 23 units remained unsold, 14 were 3 bedroom units.

28 Kingston First is supportive of the principles of the Kingston Futures Plans and those of developing this site, which has been underused for nearly two decades. The proposal offers the opportunity to invigorate this part of the Town Centre and kick start the regeneration of the Eden Quarter. The benefits include additional people living in the Town Centre, providing additional customers for the business community, a high quality public realm, 200 plus permanent job opportunities, temporary jobs and apprentice opportunities during the development of the scheme, greater opportunity for businesses to recruit locally, new offices, which the town centre is short of and the bringing back into use of the Post Office building which is a beautiful building which has stood empty and derelict for over 20 years.

29 The Kingston Chamber of Commerce states the borough currently has an acute shortage of available workspace, particularly for small businesses. Notwithstanding any issues regarding design or height, support this as application as it would provide the opportunity for new flexible workspace and incubation facilities for new and existing businesses.

30 Kingston Council received 481 letters of objections and 23 letters of support.

31 Objections relate to

- Height, bulk and massing of the development
- Design of the buildings
- Impact on the Grade II Listed Buildings
- Inappropriate development for Kingston
- Inappropriate materials
- Overdevelopment of the site
- Lack of 3 bedroom housing
- Lack of affordable housing
- Impact on traffic and parking

- Impact on noise, pollution and air quality
- Loss of trees

32 Support relates to

- Restoration of the two Grade II Listed Buildings
- Regeneration of derelict site
- Investment into Kingston town centre
- New home and jobs for Kingston

Response to representations

33 Issues relating to uses, affordable housing, unit sizes, urban design, transport and parking have been addressed in both this and the previous reports (D&P/3431/01 and D&P/3431/02).

34 In this instance issues relating to noise, pollution and air quality matters and have been addressed by Kingston Council in its committee report.

Article 7: Direction that the Mayor is to be the local planning authority

35 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at stage I, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

36 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

37 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

38 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the

Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

39 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

Conclusion

40 The application complies with London Plan policies on land use principles, housing, urban design, heritage, inclusive access, sustainable development, flooding and transport and is strongly supported. The proposal will provide much needed housing, retail, office and community floorspace in the heart of the Kingston metropolitan centre. It will regenerate a run down and underused site which will revitalise this part of the centre. It will also secure the restoration of two Grade II Listed Buildings, both of which are in a poor state of repair and on the At Risk Register.

41 Kingston Council has secured S106 agreement clauses and decision notice conditions to ensure the proposal complies with London Plan policies on affordable housing, inclusive access, climate change and transport.

for further information, contact GLA Planning Unit (Development & Projects Team):

Colin Wilson, Senior Manager – Development & Project

020 7983 4783 email: colin.wilson@london.gov.uk

Justin Carr, Strategic Planning Manager (Development Decisions)

020 7983 4895 email: justin.carr@london.gov.uk

Kim Tagliarini, Principal Strategic Planner – Case officer

020 7983 6589 email: kim.tagliarini@london.gov.uk
