

Decision Notice

Date of Decision: 18 December 2018

Royal Borough of Kingston upon Thames
Guildhall 2, High Street
Kingston upon Thames
KT1 1EU

TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED)
TOWN AND COUNTRY (MANAGEMENT PROCEDURE ORDER) (ENGLAND) 2015 (AS AMENDED)

LOCATION: 41 Tolworth Broadway, Tolworth, KT6 7DJ

PROPOSAL: Conversion of property to 7 bedroom House of Multiple Occupation

Under the provisions of part III of the Act the Council hereby **GRANTS PERMISSION** for the development described above.

PERMIT 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:

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|---|------------|
| Existing Floor Plan | 09/08/2018 |
| Site Block Plan | 09/08/2018 |
| HMO Standards - Kingston | 09/08/2018 |
| Site Location Plan | 09/08/2018 |
| Proposed Floor Plan 0000 (29/10/2018) | 30/10/2018 |
| Unilateral Undertaking dated 19/11/2018 | 26/11/2018 |

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

- 3 Refuse storage facilities and recycling facilities shall be provided prior to the occupation of the development hereby permitted in accordance with finalised details (including collection arrangements) to be submitted to and agreed in writing by the Local Planning Authority. 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.

- 4 Within 6 months from the date of this decision or before the use hereby permitted commences, arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that, with the exception of disabled persons, residents of the development hereby approved shall not be eligible to the residents' parking permit scheme within any controlled parking zone which may be in force in the area at any time.

Reason: To avoid the congestion of surrounding roads by parked vehicles in accordance with Policies DM9 (Managing Vehicle Use for New Development) and Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy (2012).

Informative(s):

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

Your attention is drawn to your rights of appeal (attached) and to the fact that this decision relates only to the Town & Country Planning Acts and to no other enactment or The Building Regulations.

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
Appeals to Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Environment, Transport and the Regions under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within six months of the date of this notice, using forms and guidance which can be downloaded from The Planning Inspectorate web site <https://www.gov.uk/appeal-planning-inspectorate>. Alternatively they can be obtained from the following address:- The Planning Inspectorate, Room 3/13, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.
- The Planning Inspectorate has introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal – see <https://www.planningportal.co.uk/info/200207/appeals>. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.



Purchase Notices

- If either the local planning or the Secretary of State for Environment, Transport and the Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).