

Agenda

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Published on 19 May 2025



Planning Committee

Date: Wednesday 28 May 2025

Time: 7:30 pm

Place: Guildhall, Kingston upon Thames

Members of the Committee

Councillor Mark Beynon (Chair), Councillor Roger Hayes (Vice Chair), Councillors Ian George, James Giles, Liz Green, Lesley Heap, Lynn Henderson, Peter Herlinger, Sharukh Mirza, Farshid Sadr-Hashemi and Olly Wehring

Everyone is welcome to attend the meeting

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AGENDA

1. Apologies for absence and attendance of substitute Members

2. Minutes

To confirm the minutes of the meeting held on 23 April 2025.

3. Declarations of interest and Attendance at Site Visits

Members are asked to declare any disclosable pecuniary interests or any other registrable or non-registrable interests relevant to items on this agenda.

Members are also asked to indicate if they have undertaken any site visits in a personal capacity to any of the application sites on this agenda.

Should Members require any advice on declarations of interest, please contact the relevant Democratic Services Officer in advance of the meeting

4. PLANNING APPLICATIONS

Appendix A

To consider the following planning applications:

24/02168/FUL: Land Northwest of Barnett Wood Lane, Leatherhead, KT21 2BU (Cable Route following the A243 to Chessington Substation)

Installation of a Battery Energy Storage System (BESS) facility, underground cabling, access track, landscaping, biodiversity

25/00267/KPSID: Hobkirk House and Noble Centre, Blagdon Road New Malden, KT3 4BD

Change of use to school playing field (Use Class F1), to form part of Burlington Junior School, landscaping, new boundary treatment and other associated works.

5. Urgent items authorised by the Chair

To consider any items which, in the view of the Chair, should be dealt with as a matter of urgency because of special circumstances in accordance with S100B(4) of the Local Government Act 1972.

Welcome to this meeting

Notice of Webcast

This meeting is being filmed for live and subsequent recorded broadcast via the Council's website. The images and sound recording may also be used for training purposes with the Council. Generally, the public seating areas are not filmed. However, the layout of the room means that the Council is unable to guarantee a seat/location that is not within coverage area (images and sound) of the webcasting equipment.

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- ☐ Toilet facilities will be easily accessible from the meeting room.
- ☐ For people who have hearing impairments, there is an induction loop (depending on the building, this may only be available in the first two or three rows)
- ☐ **A large print copy of the agenda can be requested in advance**

Emergency evacuation arrangements

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Filming

Members of the public and journalists/media wishing to film meetings are permitted to do so but are asked to give advance notice of this and respect any concerns expressed by people being filmed.

Interests

Councillors must say if they have an interest in any of the items on the Agenda. Interests may fall into the category of a disclosable pecuniary interest, other registrable interest or non-registrable interest. Depending on the interest declared, it might be necessary for the Councillor to leave the meeting during the debate on any given item. Further information regarding declarations of interest can be found in Part 5A of the Constitution - Members' Code of Conduct.

Speaking on Planning Applications

There is a registration scheme for residents wishing to speak on planning applications, tree preservation orders or enforcement cases to be determined by the Committee.

The arrangements for speaking on applications are based on both sides having equal time to make their points to Councillors. To make sure that the meeting runs in a way which is fair to everyone, these arrangements will normally be followed without any exceptions being made. The full scheme is on the Council website at the 'Council and Decision making' webpages

Everyone wishing to speak on an application must have registered **THREE working days** before the meeting. **Objectors must have responded to the consultation on an application**

The deadline to register to speak is Registration 10:00am, **Friday 23 May 2025**
To register please contact: democratic.services@kingston.gov.uk

Length of time for speaking

FIVE minutes is allowed for **each side** on each application. This time has to be shared by however many there are on each side. If there are a large number of speakers, people must decide amongst themselves on a spokesperson or some other arrangement.

The Chair of the meeting normally has no discretion to extend the time limit. Speakers may find it helpful to have made some notes on what they want to say, so that they make the most of the speaking time. The notes attached to the original consultation letter from the Planning Officer will have explained the things that the Committee can't take account of - loss of view, property values etc.

The Order of speaking:

1.	Planning Officer presentation to introduce the development the subject of the application
2.	Objectors who have been formally notified of the application through a letter of notification and have registered a speaking slot (a "Registered Objector") (5 minutes) *
3.	Other objectors (who have responded to the original consultation) who have registered a speaking slot (a "Registered Objector") (5 minutes) *
4.	Registered applicant or agent/representative/supporter(s) (5 minutes)
5.	A Ward Councillor, or a Councillor of a ward that adjoins the application site, who has submitted a Call-In Request who wishes to speak in objection (5 minutes)
6.	A Ward Councillor, or a Councillor of a ward that adjoins the application site, who has submitted a Call-In Request who wishes to speak in support

	(5 minutes)
7.	Any other Councillor who has submitted a request to address the Planning Committee 24 hrs prior to commencement of the meeting who wishes to speak in objection to planning application (5 minutes)
8.	Any other Councillor who has submitted a request to address the Planning Committee 24 hrs prior to commencement of the meeting who wishes to speak in support of a planning application (5 minutes)
9.	Any questions by Planning Committee Councillors of clarification to any objectors (5 minutes)
10.	Any questions by Planning Committee Councillors of clarification to the applicant or his/her agent/representative/supporter(s) (5 minutes)

* Nobody may speak in both of the slots set aside for Registered Objectors even if they are otherwise qualified to do so.

The Planning Officer will present the material planning considerations and address, where necessary, any issues raised by public speakers. The Committee will then consider the item and reach a decision.

Chair's discretion (outlined in the Council's Planning Protocol)

At the discretion of the Chair, such as in the interests of natural justice or in exceptional circumstances, the public speaking procedures may be varied. The reasons for any such variation shall be recorded in the minutes.

Minutes

The Minutes briefly summarise the item and record the decision. They do not record who said what during the debate.

PLANNING COMMITTEE**28/05/2025****REPORT BY****Director of Planning and Regeneration****INDEX**

ITEM NO	REGISTER NO	ADDRESS	DESCRIPTION	RECOMMENDATION	PAGE NO
A1	24/02168/FUL	Land Northwest Of Barnett Wood Lane, Leatherhead, KT21 2BU (Cable Route Following The A243 To Chessington Substation)	Installation of a Battery Energy Storage System (BESS) facility, underground cabling, access track, landscaping, biodiversity	PERMIT, subject to conditions	A2
A2	25/00267/KPSID	Hobkirk House And Noble Centre Blagdon Road New Malden KT3 4BD	Change of use to school playing field (Use Class F1), to form part of Burlington Junior School, landscaping, new boundary treatment and other associated works.		A31

REPORT BY THE

Director of Planning and Regeneration

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.

Item A1 Background Papers Application Reference 24/02168/FUL

All Background Papers are available on the Council's website at the following address

<https://www.kingston.gov.uk/applications/comment-planning-application>

Drawings

Drawings	Reference	Date rec.
Site Location Plan	BSE018-SP-01 REV 07	02.09.24
Landscape Proposals	1307/8 REV C	02.09.24
132kV Substation (Plan)	BSE018-SD-01 REV 03	15.10.24
132kV Substation (Section)	BSE018-SD-02 REV 03	15.10.24
40FT Spare Parts Container	BSE018-SD-03 REV 02	02.09.24
33kV Customer Control Room	BSE018-SD-04 REV 03	02.09.24
Battery Interface Cabinet	BSE018-SD-05 REV 0	15.10.24
Aux Transformer	BSE018-SD-06 REV 0	15.10.24
Twin Skid (TX)	BSE018-SD-07 REV 02	02.09.24
PCSK Inverter	BSE018-SD-08 REV 02	02.09.24
Battery Unit - Indicative	BSE018-SD-09 REV 03	02.09.24
Palisade Security Fence & Security Gate	BSE018-SD-10 REV 03	15.10.24

CCTV Camera and Pole	BSE018-SD-11 REV 03	15.10.24
Access Track	BSE018-SD-12 REV 0	15.10.24
Cable Trench	BSE018-SD-13 REV 03	15.10.24
Telecomms Mast	BSE018-SD-14 REV 03	02.09.24
Control Room (132kV Sub)	BSE018-SD-15 REV 02	02.09.24
33kV Customer Switchroom	BSE018-SD-16 REV 02	02.09.24
98MW Bess Layout	BSE018-SD-17 REV 09	15.10.24
Typical Section of Highway/Road (A243)	BSE018-SD-18 REV 01	15.10.24

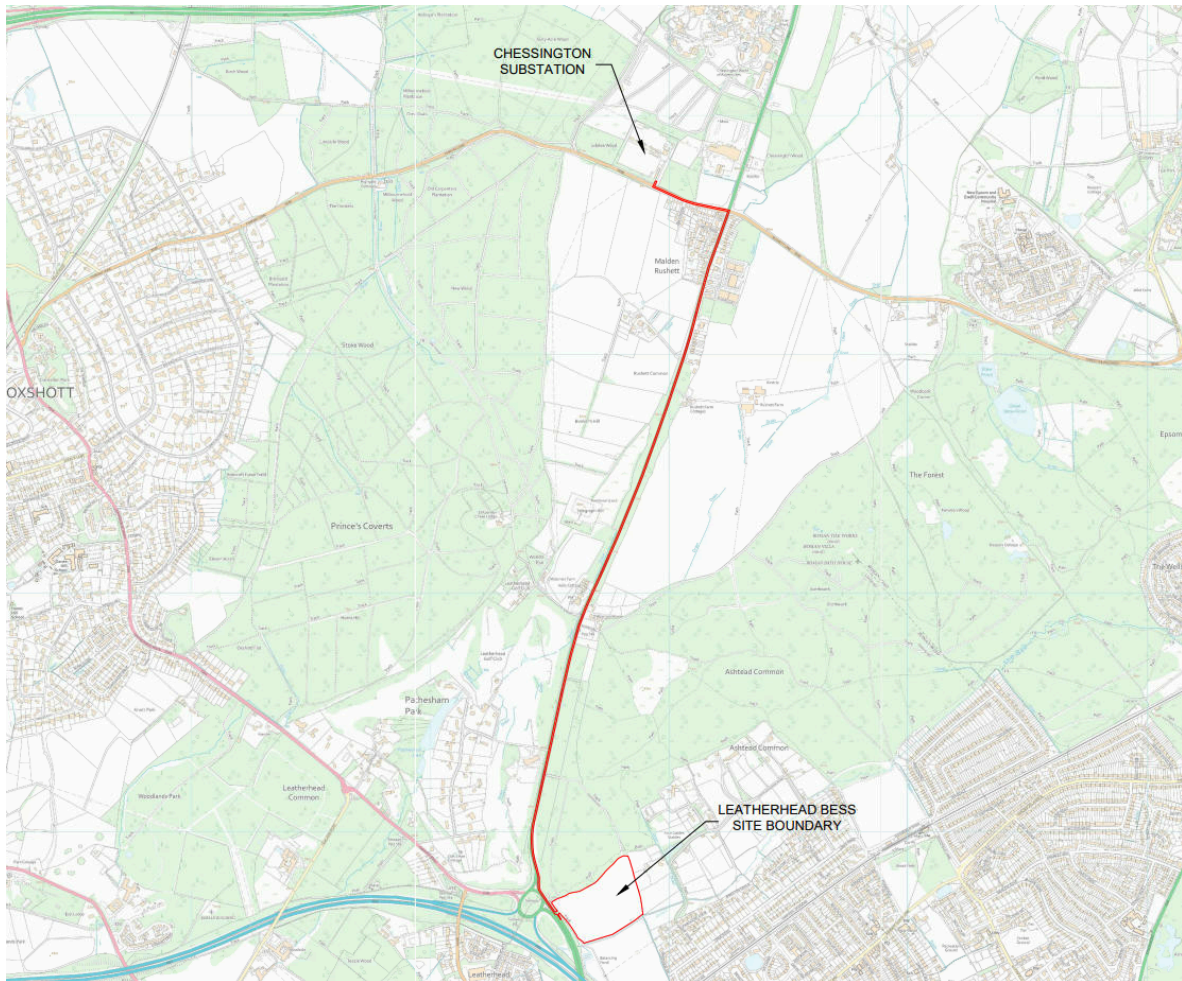
Documents

Document	Publisher	Date rec.
Agricultural Land Classification	Askew Land & Soil Limited	02.09.24
Landscape and Visual Impact Assessment	Landscape Visual	
Alternative Site Assessment	Aardvark	02.09.24
EIA Screening Opinion	Mole Valley District Council	02.09.24
Pre-Application Report	Mole Valley District Council	02.09.24
Arboricultural Impact Assessment	Barton Hyett Associates	02.09.24
Biodiversity Net Gain Plan & Statutory Biodiversity Metric Calculation	Western Ecology	02.09.24
Cover Letter	Aardvark	02.09.24
Design and Access Statement	Aardvark	02.09.24
Flood Risk Assessment and Drainage Strategy	RMA Environmental	02.09.24
Noise Impact Assessment	InAcoustic	02.09.24

Outline Battery Safety Management Plan	Abbott Risk Consulting Limited	02.09.24
Outline Construction Traffic Management Plan (REV A)	Transport Planning Associates	28.02.25
Planning Statement	Aardvark	02.09.24
Preliminary Ecological Appraisal	Western Ecology	02.09.24
Statement of Community Engagement	Alpaca Communications	02.09.24
Archaeological Desk-Based Assessment	Allen Archaeology Limited	28.02.25

A1 Register No: 24/02168/FUL

Address: Land Northwest Of Barnett Wood Lane, Leatherhead, KT21 2BU (Cable Route Following The A243 To Chessington Substation)



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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:	Chessington South & Malden Rushett
Description of Proposal:	Installation of a Battery Energy Storage System (BESS) facility, underground cabling, access track, landscaping, biodiversity enhancement and ancillary infrastructure and equipment, security fence and gates
Plan Type:	Full Application
Expiry Date:	Subject to an extension of time

Executive Summary

1. Planning permission is sought for a section of cable route within the Royal Borough of Kingston upon Thames (RBK) that would connect the proposed battery energy storage system (BESS) facility, ancillary infrastructure and equipment within the Mole Valley District Council area to the Chessington Electricity Distribution Site (EDS).
2. The elements of the BESS located outside of RBK are currently being assessed by Mole Valley District Council under planning application reference no. MO/2024/1544.
3. The proposed cable route is entirely within the existing highway boundary therefore, the main planning matters to consider relate to transport / highways; flooding and drainage; and construction impacts on neighbouring residential properties.
4. For the reasons outlined in the following sections of this report, the proposal is considered acceptable and is thus recommended for approval. This is subject to the imposition of conditions and the completion of a legal agreement.

Reason for Referral to Committee

5. This application is reported to the Planning Committee in accordance with the Council's Constitution because:
 1. The application is for a Major Development (as defined in the Town and Country Planning (Development Management Procedure) (England) Order) and the recommendation is for approval.
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Recommendation

6. The recommendation is to agree to **GRANT** planning permission subject to the grant of planning permission for the BESS by Mole Valley District Council, and subject conditions and the completion of a legal agreement, and to delegate authority to the Director of Planning and Regeneration, in consultation with the Chair of the Planning Committee, to:

Agree to delegate authority to the Director of Planning and Regeneration to:

- Finalise the recommended conditions as set out in this report including such amendments, additions and/or deletions as the Director of Planning and Regeneration (in consultation with the Planning Committee Chair) considers reasonably necessary; and
- Negotiate, agree and finalise the planning obligations as set out in this report, including adding to, amending and/or deleting the obligations detailed in the heads of terms as the Director of Planning and Regeneration (in consultation with the Planning Committee Chair) considers reasonably necessary.

Site and Surroundings

7. The application site in its entirety, including the BESS covers an area of 18.20ha. The proposed cable route would run approximately 3.4km north of the proposed BESS development along the Leatherhead Road (A243) corridor and then west along the B280 to the Chessington Electricity Distribution Site (EDS) on Fairoak Lane. The Chessington EDS is included in the red line boundary.
8. Leatherhead Road (A243) is single-carriageway major arterial road within Transport for London's (TfL) road network. Land on either side of the road corridor is predominantly agricultural land with low-density residential areas of Malden Rushett located closer to the north where the A243 intersects with the B280 single-carriageway.
9. The site is designated Green Belt land. The land adjoining the A243 from no. 451 Leatherhead Road to the Borough's southern boundary is a Site of Importance for Nature Conservation (SINC), being Rushett Common. The Jubilee Wood Local Nature Reserve, located adjacent to the Chessington EDS is also a SINC. Further to the east of the site (a minimum of 80m outside the LGA boundary) is the Epsom and Ashted Commons which are Sites of Special Scientific Interest (SSSI). Great Crested Newts have been found

within 1km of the site according to the submitted Preliminary Ecological Assessment.

10. The Coal Duty Boundary Post outside The Star Public House is a Grade II Listed Building (entry no. 1246353) which is within close proximity to the Leatherhead Road corridor.
11. Leatherhead Road is also within close proximity to the Silverglade Business Park which is a Locally Significant Industrial Site (LSIS) at no. 2 Silverglade, Chessington.
12. The site is located within Flood Zone 1 meaning it has a low probability of flooding. A majority of the site, except for Chessington EDS, is within a Critical Drainage Area.
13. Leatherhead Road is within the borough strategic cycle network.

Relevant Planning History

14. Any relevant planning history for the site has been taken into account in considering this application and recent planning history is available to view on the Council's website.

24/00756/FUL	<p>Installation of a battery energy storage system with associated infrastructure and works.</p> <p>The scheme was refused on matters relating to inappropriate development within the Green Belt and impacts on its openness, failure to protect protected species and habitats and incorrect Biodiversity Net Gain calculations</p> <p>N.B This was for a site within RBK (Land North Of Rushett Lane Malden Rushett Chessington)</p>	<p>Refused 16.07.2024.</p> <p>Council's decision was appealed and the Inspector allowed the appeal on 03.04.2025 (ref no. APP/Z5630/W/24/3354873)</p>
23/00424/EIASCR	Request for screening opinion under regulation 6 of the Town and	Adopted on 02.08.2023

	Country Planning (Environmental Impact Assessment) Regulations 2017 for Proposed installation of a battery energy storage system on land at Chessington Estate, Chalky Lane, Chessington KT9	
11/10291/PRA	Erection of a switchroom	Prior Approval Granted 31.01.2012

Proposal

15. Planning permission is sought for the portion of cable route within the Royal Borough of Kingston-Upon-Thames that would connect to the proposed BESS facility, ancillary infrastructure and equipment within the Mole Valley District Council to the Chessington EDS.
16. The approximately 3.4km cable would be installed in an excavated trench (typically 60mm wide, 1200mm deep) in the Leatherhead Road (A243) and Fairoak Lane (B280) road corridor.
17. The applicant submits that the primary function of the BESS would be to provide standby electricity storage capacity into the local distributive network at peak times to avoid fluctuations and blackouts and can aid in avoiding transmission losses when electricity is transmitted over long distances.
18. The proposed BESS in the Mole Valley seeks planning permission (reference no. MO/2024/1544) for a 40-year temporary permission. At the end of the period, the development would be decommissioned and the site returned to agricultural use.

Consultations and Publicity

19. The application was publicised by the posting of an advert placed in the local newspaper on 28.11.24. A total of 118 neighbouring properties were directly notified by letter on 21.11.24.

20. A total of 1 objection was received from the Malden Rushett Residents Association. The objection mainly relates to the BESS facility which cannot be considered as part of this application as it is outside the Borough boundary. Concerns have been raised in regard to increased traffic and impacts on the Green Belt.

Statutory Consultee Responses

21. Set out below are the representations of Statutory Consultees, representations from others are set out above. Where necessary RBK Officer Comments have been provided in italics.

Lead Local Flood Authority	The LLFA has stated the cables will be installed underground and will have no impact on surface water flood risk assuming that the trench is backfilled with permeable material. The developer should take care not to alter groundwater flows.
RBK Neighbourhood Traffic Engineer	<p>No objection, subject to securing a S278 agreement under the Highways Act 1980 to cover the necessary permits for laying power cables within the existing highway boundary.</p> <p>No concerns have been raised about the submitted Outline Construction Traffic Management Plan. A Construction Logistics Plan has been requested for submission and approval by the LPA prior to the commencement of power cable laying work which would be secured by condition in the event planning permission were to be granted.</p> <p><i>RBK Officer Comment: The condition and legal agreement advised by the Neighbourhood Traffic Engineer have been suggested in the event planning permission were to be granted.</i></p>
Mole Valley District Council	<p>No objection, subject to Council imposing appropriate conditions.</p> <p><i>RBK Officer Comment: Conditions and legal agreement would be secured in the event planning permission were to be granted.</i></p>

Natural England	<p>No objection, subject to a Construction Environmental Management Plan being submitted and agreed in writing to ensure the works are carried out entirely within the carriageway and no materials or equipment is stored within the Epsom and Ashted Commons SSSI which is directly adjacent the southern portion of the A243 Kingston Road.</p> <p><i>RBK Officer Comment: The condition recommended by Natural England has been suggested in the event planning permission were to be granted.</i></p>
Transport for London (TfL)	<p>No objection, subject to a final Construction Traffic Management Plan being submitted and agreed in writing by TfL. TfL also requested that a plan including detailing of where the cable will be located on their network is secured in a S106 legal agreement. Alongside a section 50 License, the applicant will need to enter into a Section 278 Agreement with TfL for the proposed cabling works on the A243 Leatherhead Road. It should be noted that TfL will have to approve and agree any amendments to the highway and all costs must be covered by the applicant. This would include the cost of resurfacing the road which is noted in the submitted Construction Traffic Management Plan. The requirement for a S278 Agreement with TfL should be secured in the s106 agreement.</p> <p><i>RBK Officer Comment: The conditions, legal agreement and licences advised by TfL have been suggested in the event planning permission were to be granted.</i></p>

Planning Policy

22. The Local Planning Authority is required under Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) when determining planning applications to “have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations”. This section of the 1990 Act must be read together with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (2004 Act), which provides that: “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
23. Material considerations will vary from planning application to planning application and can include: relevant international and national policies; the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (PPG) and updates; Government Circulars and letters to Chief Planning Officers; Supplementary Planning Documents produced by RBK; and Supplementary Planning Guidance produced by the GLA.
24. The latest version of the National Planning Policy Framework (NPPF) was published in 2024. This document provides guidance to local planning authorities in producing local plans and in making decisions on planning applications. The NPPF is intended to make the planning system less complex and more accessible by summarising national guidance which replaces numerous planning policy statements and guidance notes, circulars and various letters to Chief Planning Officers. The document is based on the principle of the planning system making an important contribution to sustainable development, which is seen as achieving positive growth that strikes a balance between economic, social and environmental factors. The NPPF falls within the other material considerations of the s.38(6) test.
25. The Development Plan remains the cornerstone of the planning system. Planning applications which comply with an up to date Development Plan should be approved. Refusal should only be on the basis of conflict with the Development Plan and other material considerations.

National Planning Policy / Guidance

- National Planning Policy Framework 2024 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)

- National Design Code 2019 (NDG)

Development Plan

- London Plan (2021) (LP)
- RBK Core Strategy (2012) (CS)
- The South London Waste Plan 2022 (SLWP)
- RBK Kingston Town Centre Area Action Plan (2008) (KTCAAP)

Supplementary Planning Guidance

<i>RBK</i>	<i>London Plan</i>
<ul style="list-style-type: none"> • Sustainable Transport (2013) 	<ul style="list-style-type: none"> • The Control of Dust and Emissions During Construction and Demolition (2014) • Sustainable Transport, Walking and Cycling (2022)

New Local Plan

26. Consultation on the first draft of the Local Plan (Regulation 18) ended in February 2023. The next step is consultation on the publication version of the Local Plan (Regulation 19). Relevant policies may be given weight as appropriate in accordance with para 49 of the NPPF.

Assessment

27. The main planning considerations are:
- Principle of Development
 - Character, Design and Impact on Heritage Assets
 - Impact on Residential Amenity
 - Highways and Transportation
 - Trees and Landscaping
 - Flood Risk and Drainage
 - Community infrastructure and CIL contributions
 - Legal Agreement

Principle of development

28. The 2 main components to consider for the principle of development are:

- Impacts on the Green Belt
- Proposed Battery Energy Storage System

Impacts on the Green Belt

29. RBK's Green Belt and Metropolitan Open Land Assessment 2018 (GBMOLA) identifies the land on either side of Leatherhead Road as falling within GB1 and GB2 which makes a 'significant contribution' and a 'contribution' to the Green Belt respectively.
30. NPPF Paragraph 154 states "development in the Green Belt is inappropriate." Paragraph 153 of the NPPF states that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." "Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations." This is echoed in LP Policy G2 and CS Policy CS3 and DM5.
31. Paragraph 154 and 155 of the NPPF set out a limited number of exceptions to what is considered inappropriate development within the Green Belt. Paragraph 154(h)(ii) is relevant to the development as it is considered 'engineering operations'. This type of development is not regarded as inappropriate development, provided it preserves the openness of the Green Belt or the purposes of including land within it.
32. Traffic generation is regarded as a factor that should be taken into account when considering the potential impact of development on the openness of the Green Belt according to Planning Policy Guidance (Paragraph: 013 Reference ID: 64-013-20250225). The traffic generated by the proposed development would be limited to the construction period and would be managed by securing a final Construction Management Plan via conditions and obligations under a S106 legal agreement. These measures would ensure the proposed development does not impact the openness of the Green Belt. TfL and the Council's Neighbourhood Traffic Engineer have raised no objection to this approach.

33. The duration of the BESS development would be a temporary period of 40-years which would mitigate any long-term impacts on the openness of the Green Belt. The timeframes for the BESS are subject to final planning approval by Mole Valley District Council.
34. It is important to note that the proposed development would benefit from permitted development rights if carried out by the District Network Operator.
35. In summary, the proposed development is not regarded as inappropriate development within the Green Belt pursuant to Paragraph 154 of the NPPF. Traffic impacts during construction would appropriately be managed by details secured via condition and legal agreement to mitigate any impacts on the openness of the Green Belt.

Proposed Battery Energy Storage System

36. There is a significant body of international and national energy policy support for renewable and low carbon development as set out under numerous documents and policies including, but not limited to the Climate Change Act 2008, Energy Security Strategy 2022, Clean Growth Strategy 2017, UK 25 Year Environmental Plan 2018, National Infrastructure Assessment 2018, and UK Climate Emergency 2019.
 37. The NPPF at paragraph 161 states the planning system should support the transition to net zero by 2050 and should help support renewable and low carbon energy and associated infrastructure. This is echoed in LP Policy SI 2 and SI 3, CS Policy CS1 and CS2 and DM2. Policy DM2 states the Council will consider all applications for independent renewable energy installations favourably, subject to other Core Strategy policies.
 38. The proposed BESS and supporting cable connecting to the Chessington EDS supports the transition to a low carbon economy and sustainable energy therefore, is generally supported subject to compliance with the Development Plan policies as a whole. Mole Valley Council would be the decision makers for the BESS therefore.
 39. The principle of development is generally supported subject to compliance with the policies in the Development Plan taken as a whole.
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Character, Design and Impact on Heritage Assets

40. The NPPF at Paragraph 131 recognises the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
41. LP Policy D3 states development should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape with due regard to existing and emerging street hierarchy, building types, forms and proportions. Proposals should be of high-quality design, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety, building lifespan through appropriate construction methods and use of attractive, robust materials which weather and mature well.
42. CS Policies CS8 and DM10 and SPD Guidance require proposals to be of a high quality design that respects the character and appearance of the original building and the prevailing character of the surrounding area.
43. An Alternative Site Assessment (prepared by Aardvark EM Ltd, dated 18 July 2024) has been submitted. The report confirms the proposed BESS site was nominated based on its proximity to the secure grid connection point, being the Chessington EDS. The Applicant has confirmed the A243 corridor is the only feasible route for the BESS cable without impacting on nearby sensitive environmental areas.
44. The applicant submitted a Design and Access Statement and Planning Statement (prepared by Aardvark EM Ltd, dated 12 August 2024). The reports provide a limited assessment of the cabling component of the development given it is within the road corridor and would be underground. The works proposed to the Chessington substation are still in a preliminary stage but would be minor and in line with the existing character of the site.
45. A Grade II listed building, being the 'Coal Duty Boundary Post' is located outside The Star Public House, adjacent to the proposed development site. It is a stand-alone structure with no curtilage that could be affected by the development. As the cable will be wholly below ground there will be no permanent adverse effects on the asset's setting or significance.
46. An Archaeological Impact Assessment has been submitted. The report confirms there is likely no archaeological interest for the cable route, noting

that it is most likely already disturbed by the roadworks and associated services.

47. Officers consider the impacts of the underground BESS cabling on the character and appearance of the local area and adjacent heritage assets would be limited given the cabling would be underground and the minor nature of the works proposed to the Chessington substation. The submitted Landscape and Visual Assessment (prepared by Landscape Visual, dated July 2024) confirms the proposed cabling would cause negligible landscape and visual impact during construction and operation.
48. The proposal is supported on design grounds. Final details of the works proposed to Chessington substation would be secured by condition to ensure compliance with LP Policy D3, and CS Policies CS8 and DM10.

Impact on Residential Amenity

49. The NPPF at Paragraph 135 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies, including the London Plan (Policy D3) and associated guidance (Housing Design Standard, 2023, GLA).
50. The NPPF at Paragraph 187 states planning decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.
51. CS Policy DM10 is clear 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.
52. Considering the nature of the proposal (involving no built structures), Officers consider the only elements that may impact neighbouring residential amenity would be noise and disturbance during construction. An Outline Traffic Management Plan was submitted which provides high level details on how noise would be managed. Council's Neighbourhood Traffic Engineer and TfL have requested a final Construction Management Plan be secured by condition for approval prior to the commencement of the cable laying work. This plan would ensure noise from construction works would be appropriately managed to avoid impacts on sensitive receptors, including the residential

community of Malden Rushett which are located in close proximity to the cabling route. Construction works would be further enforced by a Section 50 Street Works Licence as well as a S278 agreement under the Highways Act 1980 which would be secured if members were minded to approve the scheme.

53. Overall, the impact of the proposal on neighbouring residential amenity, in terms of construction, has been assessed as acceptable, subject to securing conditions and other matters under a S106 legal agreement.

Highways and Transportation

54. Paragraph 116 of the NPPF states development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
55. LP Policy T4 states development proposals should reduce the negative impact of development on the transport network and should not increase road danger. LP Policy T7 furthers this by recognising that inclusive and safe access for people walking or cycling should be prioritised and maintained at all times during the construction stage of development.
56. CS Policy DM10 requires development proposals to have regard to local traffic conditions and highway safety and ensure they are not adversely affected.
57. The siting of the BESS cabling within the A243 road corridor poses potential impacts on highway function and safety during installation. An Outline Traffic Management Plan (prepared by Transport Planning Associates, dated 24.02.2025) has been submitted which considers impacts from traffic mainly around the proposed BESS facility in the Mole Valley LPA rather than the impacts from the cable installation.
58. TfL initially raised concerns about the potential implications on their road network and queried what measures were in place to reduce impacts. Following further discussions with the Applicant, TfL confirmed their concerns would be overcome by securing final details relating to construction traffic management via conditions and a legal agreement. Officers also note that traffic impacts would be limited to the construction period only and would cease once the cabling has been installed.

59. If members were resolved to grant planning permission, a final Construction Management Plan would be secured by condition. The application would also be subject to a Section 50 Street Works Licence as well as a S278 agreement under the Highways Act 1980 to assist in managing works within the highway. These would be secured under the S106 legal agreement.
60. Overall, the proposal would not result in unacceptable adverse impacts on the function and safety of the road network, in compliance with NPPF Paragraph 116, LP Policy T4 and T7, and CS Policy DM10, subject to final details being secured by condition and legal agreement. This carries neutral weight in the planning balance.

Biodiversity and Ecology

61. Paragraph 187 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
62. LP Policy G6 states that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain (BNG). A mandatory BNG of 10% is required under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This should be informed by the best available ecological information and addressed from the start of the development process.
63. CS Policy DM6 states that new developments should protect and promote biodiversity as part of sustainable design through the inclusion of sustainable drainage, tree planting, soft landscaping, habitat enhancement, green roofs and new or improved semi-natural habitats, where appropriate.
64. A Preliminary Ecological Appraisal (PEA) (prepared by Western Ecology, dated 16.07.2024) has been submitted with the application. The report includes several recommendations to ensure compliance with nature conservation legislation and planning policy. A Construction Environmental Management Plan (CEMP) is recommended to mitigate any potential adverse impacts on root protection zones of trees that form part of the Epsom and Ashted Common SSSI. The CEMP must consider potential impacts from run-off during the construction phase into nearby waterways. Precautionary mitigation measures are also recommended for protected species. The recommendations in Section 6 of the PEA would be secured by condition if members are minded to grant planning permission.

65. A Biodiversity Net Gain Plan (prepared by Western Ecology, dated 18.07.2024) was submitted. The baseline habitat data and proposed BNG provision relates only to the BESS site located outside of the LPA area. The BESS cabling is located entirely within a road corridor void of habitat and therefore, would be subject to the 'de minimise exemption' for BNG.
 66. Overall, the proposed development would appropriately mitigate potential adverse impacts on ecology and biodiversity on the site and surroundings in compliance with Paragraph 187 of the NPPF, LP Policy G6 and CS Policy DM6, subject to final details being secured by condition. This carries neutral weight in the planning balance.
-

Trees and Landscaping

67. NPPF at Paragraph 136 states trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change.
68. LP Policy G7 states that development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees, there should be adequate replacement.
69. CS Policy DM10 sets out that development proposals should ensure that landscaping is an integral part of the overall design of all new developments and that landscaping proposals are submitted as part of planning applications. The Council expects new development to ensure that trees that are important to the character of the area or covered by Tree Preservation Orders (TPOs) are not adversely affected. The Council will refuse applications that adversely impact upon the leafy character of the Borough where commensurate appropriate replacement is not provided.
70. An Arboricultural Impact Assessment (prepared by Barton Hyett Associates, dated March 2024) was submitted. The report confirms the cable route should result in no significant encroachment into the root protection areas (RPA) or roadside trees therefore, there would be a low potential for negative arboricultural impacts. If the cable route needs to be adjusted at the detailed design stage and works are proposed within RPAs, precautionary work methods are recommended in accordance with National Joint Utilities Group Guidelines.

71. In summary, the proposal is acceptable on trees and landscaping grounds in compliance with LP Policy G6 and CS Policy DM10, subject to securing the recommendations of the Arboricultural Impact Assessment by condition. This carries neutral weight in the planning balance.
-

Flood Risk and Drainage

72. Paragraph 181 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment. LP Policy SI 12 echoes national policy in this regard.
73. The NPPF at Paragraph 182 expects applications which could affect drainage on or around the site to incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff. This is echoed in LP Policy SI 13 states surface water run-off is managed as close to its source as possible.
74. CS Policy DM4 requires development proposals to give full consideration to the Borough SFRA and related studies including the surface water management plans, to include sustainable urban drainage systems to manage and reduce surface water run-off, demonstrate that there is adequate public sewerage capacity to serve their development and deal with surface water run-off.
75. A Flood Risk Assessment and Drainage Strategy (prepared by RMA Environmental, dated 27 June 2024) was submitted. The report confirms the cable route is within Flood Zone 1 (low risk). The route is also subject to high surface water flood risk.
76. The BESS cable would be installed underground and would have no impact on surface water flood risk given the trench would be backfilled to its existing condition and would not increase flood risk on the site or elsewhere. A Construction Environmental Management Plan would be secured by condition to ensure groundwater flows during construction would be appropriately managed to avoid impacts on surrounding sensitive sites and waterways.
77. Overall, the proposal would not increase flood risk elsewhere, subject to conditions, in compliance with the NPPF Paragraph 181 and 182, LP Policy SI 12 and SI 13 and CS Policy DM4. This carries neutral weight in the planning balance.

Legal Agreement

78. The NPPF states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development from being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:
- Necessary to make the development acceptable
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development
79. Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.
80. CS Policy IMP3 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.
81. The Heads of Terms (listed below) have been discussed and agreed between officers and the applicant to form the basis (subject to approval of the Planning Committee) for obligations under S106 of the Town and Country Planning Act 1990.
82. Negotiations on the details of these obligations are to be progressed in the event that the Committee resolves to grant planning permission. It is considered that these obligations/contributions meet the tests as set out in the Regulation 122 of the Community Infrastructure Levy Regulations 2010.
83. In relation to this application, the following site specific and/or financial and infrastructure contributions are required to mitigate the adverse impacts of the development:

Costs:

- Legal and Professional fees in negotiating and completing the agreement
- Legal and Professional fees in monitoring the obligations

Transport:

- S278 Agreement under the Highways Act 1980 for works within the highway
- Section 50 Street Works Licence

84. The proposed development is considered to be acceptable subject to the above being captured and secured by legal agreement(s).
-

Conclusion and Planning Balance

85. This application has been considered in the light of policies set out in the development plan and other material considerations.
86. In reaching an overall conclusion, the benefits and harms of the development proposal as a whole must be considered and balanced. Statutory duties as set out under section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70 (2) of the Town and Country Planning Act 1990 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan must be adhered to, and national policies and guidance followed, unless there is a good reason to depart from them.

87. One of those material considerations include the NPPF paragraph 11(d) presumption in favour of granting permission and that the 'tilted balance' weighs a development's adverse impacts against its benefits, not on a level playing field, but tilted towards granting permission. At the heart of the NPPF in paragraph 11 is a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay, or, where the Development Plan is silent on a matter, or the most relevant policies for determining the application are 'out of date', then the application should be approved, unless it provides a strong reason for refusing the development or adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF policies as a whole (referred to as the 'tilted balance'). Given the Council's failure of housing delivery, the relevant policies of the Development Plan are deemed to be out of date, and the 'tilted balance' is engaged. This is a material consideration weighing in favour of granting planning permission.
88. The proposed development would support a renewable energy project which has wider environmental benefits associated with increased sustainable energy production, in accordance with Paragraph 161 of the NPPF, LP Policy SI 2 and SI 3, CS Policy CS1 and CS2 and DM2. This carries substantial weight in favour of the application.
89. The proposal is not regarded as inappropriate development within the Green Belt pursuant to Paragraph 154 of the NPPF. Temporary impacts on the openness of the Green Belt as a result of traffic during construction would be managed via conditions and a legal agreement if Officers were minded to grant planning permission. TfL and the Council's Neighbourhood Traffic Engineer have not raised any objections.
90. The cabling route is located adjacent to sensitive habitats, including SSSIs and SINCs. Natural England has raised no objection to the application, subject to a Construction Environmental Management Plan being secured by condition to protect woodland that forms part of the Epsom and Ashted Common SSSI and waterways. The recommended mitigation measures included in the Preliminary Ecological Appraisal and Arboricultural Impact Assessment would be secured by condition to protected species. This carries neutral weight in the assessment of the application.
91. Flooding, traffic management, and construction noise and disturbance are neutral matters that would also be appropriately managed by securing final

details via condition.

Recommendation

92. The recommendation is to agree to **GRANT** planning permission subject to the grant of planning permission for the BESS by Mole Valley District Council, and subject conditions and the completion of a legal agreement, and to delegate authority to the Director of Planning and Regeneration, in consultation with the Chair of the Planning Committee, to:
93. Agree to delegate authority to the Director of Planning and Regeneration to:
 1. Finalise the recommended conditions as set out in this report including such amendments, additions and/or deletions as the Director of Planning and Regeneration (in consultation with the Planning Committee Chair) considers reasonably necessary; and
 2. Negotiate, agree and finalise the planning obligations as set out in this report, including adding to, amending and/or deleting the obligations detailed in the heads of terms as the Director of Planning and Regeneration (in consultation with the Planning Committee Chair) considers reasonably necessary.

Draft Conditions - Final list of Conditions to be provided as late material

1 Approved plans

The development hereby permitted shall be carried out in accordance with the following approved drawings, documents and specifications.

- Site Location Plan – BSE018-SP-01 REV 07
- Landscape Proposals – 1307/8 REV C
- 132kV Substation (Plan) – BSE018-SD-01 REV 03
- 132kV Substation (Section) – BSE018-SD-02 REV 03
- 40FT Spare Parts Container – BSE018-SD-03 REV 02
- 33kV Customer Control Room – BSE018-SD-04 REV 03
- Battery Interface Cabinet – BSE018-SD-05 REV 0
- Aux Transformer – BSE018-SD-06 REV 0
- Twin Skid (TX) – BSE018-SD-07 REV 02
- PCSK Inverter – BSE018-SD-08 REV 02

- Battery Unit – Indicative – BSE018-SD-09 REV 03
- Palisade Security Fence & Security Gate – BSE018-SD-10 REV 03
- CCTV Camera and Pole – BSE018-SD-11 REV 03
- Access Track – BSE018-SD-12 REV 0
- Cable Trench – BSE018-SD-13 REV 0
- Telecomms Mast – BSE018-SD-14 REV 03
- Control Room (132kV Sub) – BSE018-SD-15 REV 02
- 33kV Customer Switchroom – BSE018-SD-16 REV 02
- 98MW BESS Layout – BSE018-SD-17 REV 09
- Typical Section of Highway/Road (A243) – BSE018-SD-18 REV 01
- Outline Construction Traffic Management Plan (REV A)
- Preliminary Ecological Appraisal
- Archaeological Desk-Based Assessment

Reason: To ensure a satisfactory standard of development, and to allow the local planning authority to review any potential changes to the scheme

2 Full planning permission time limit

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)

3 Temporary Planning Permission

The proposed development to which this permission relates shall be demolished and/or ceased and the land shall be restored to its former condition on or before the expiration of 40-years from the date of this planning permission.

Reason: The development would be unacceptable on a permanent basis.

4 Detailed Drawings

Prior to the commencement of the development hereby approved, detailed drawings at a scale of 1:50 or 1:100 of the following features shall be submitted to and approved in writing by the local planning authority:

- any above ground development to the Chessington Substation site.

The development shall then be carried out in accordance with the approved drawings.

Reason: To ensure a satisfactory appearance on completion of the development, in accordance with policy D3 of the London Plan 2021 and policies CS8 and DM10 of the LDF Core Strategy 2012.

5 **Construction Environmental Management Plan**

No development shall take place (including any works of demolition) until a Construction Environmental Management Plan 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:

- (i) How the proposed development will be built;
- (ii) Hours of working (which shall be limited to 08.00 to 18.00 Mondays to Fridays and between 08.00 to 13.00 on Saturdays and not at all on Bank Holidays and Sundays);
- (iii) The procedure for loading/unloading materials;
- (iv) The route to and away from site for muck away and vehicles with materials;
- (v) The protocol for managing deliveries to one vehicle at a time on sites with restricted access or space;
- (vi) The protocol for managing vehicles that need to wait for access to the site;
- (vii) Whether any reversing manoeuvres are required onto or off the public highway into the site and whether a banksman will be provided;
- (viii) Temporary site access;
- (ix) Signing system for works traffic;
- (x) Whether site access warning signs will be required in adjacent roads;
- (xi) Whether it is anticipated that statutory undertaker connections will be required into the site;
- (xii) The storage of plant, materials and operatives vehicles;
- (xiii) The potential for impacts from dust and emissions during the demolition and/or construction phase upon local air quality and surrounding residents;
- (xiv) Measures for the laying of dust, suppression of noise and abatement of other nuisance arising from development works;
- (xv) The location of all ancillary site buildings;
- (xvi) The means of enclosure of the site, its erection and maintenance;
- (xvii) Wheel washing equipment;
- (xviii) The parking of vehicles of site operatives and visitors;

- (xix) Meeting the requirements of the Low Emission Zone for Non-Road Mobile Machinery (where relevant plant or vehicles are being used); and
- (xx) The method of recycling and disposing of waste resulting from the demolition and/or construction phases

Deliveries/collections to and from the site shall use a route that is agreed with the highway authority and the agreed route shall be signed accordingly.

Reason: In order to safeguard the amenities of the surrounding residential occupiers and in the interests of the safety and operation of the highway network, in accordance with policies T4 and T7 of the London Plan 2021 and policies CS7, DM9 and DM10 of the LDF Core Strategy 2012.

6 Biodiversity Protection and Mitigation Measures

Prior to beneficial occupation of the development to which this permission relates, the recommendations contained within Section 5 of the Preliminary Ecological Appraisal (prepared by Western Ecology, dated 15.07.2024) shall be implemented in full and permanently retained thereafter.

Reason: To safeguard the biodiversity and nature conservation value of the site, in accordance with policy G6 of the London Plan 2021 and policies CS3 and DM6 of the LDF Core Strategy 2012.

7 Protection of Trees

The development to which this permission relates shall be carried out in accordance with the Arboricultural Impact Assessment (prepared by Barton Hyett Associates, dated 14.03.2024). The approved measures shall be implemented prior to commencement of any work on site and maintained to the reasonable satisfaction of the Local Planning Authority until the completion of the development.

Reason: To ensure a satisfactory appearance on completion of the development, in accordance with Policy G7 of the London Plan 2021 and Policies CS8 and DM10 of the LDF Core Strategy 2012.

8 Non-road mobile machinery

All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG),

or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>."

Reason: To ensure satisfactory living conditions for neighbouring occupiers, in accordance with policies D3, SI1 and T7 of the London Plan 2021 and policy DM10 of the LDF Core Strategy 2012.

Informatives

1 Positive and proactive statement

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 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 Construction hours

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 Noise and nuisance

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 Legal agreement

You are advised that the approved development is subject to obligations set out by a legal agreement. Please ensure that the obligations under the unilateral undertaking are addressed in accordance with the details and timeframes set out in the undertaking. If you have any questions regarding the undertaking or how to make a payment or submission required under the

undertaking, please contact the S106/CIL team.

5 Mains water usage during construction

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

6 Community Infrastructure Levy

As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which would be payable on commencement of the development. An 'assumption of liability form' must be completed and before development commences you must submit a 'CIL Commencement Notice form' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: <https://www.kingston.gov.uk/community-infrastructure-levy-1/rbk-charging-schedule>

7 Exemptions from Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be the Royal Borough of Kingston upon Thames.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which is exempt from the requirements of the Biodiversity Net Gain legislation.

Item A2 Background Papers Application Reference 25/00267/KPSID

All Background Papers are available on the Council's website at the following address

<https://www.kingston.gov.uk/applications/comment-planning-application>

Drawings

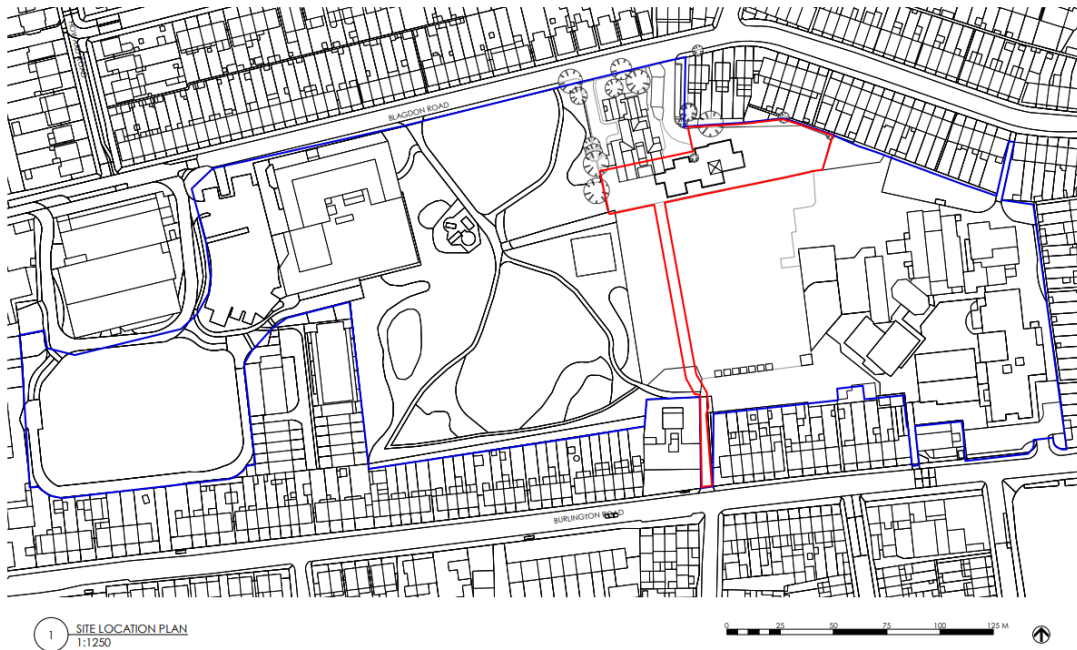
P100/6 - Site Location Plan
P101/7 - Existing Site Plan
P105/6 - Proposed Site Plan
P110/6 - Existing Site Plan
P130/7 - Proposed Site Plan
P131/4 - Proposed Site Plan - Boundary Treatment
P210/5 - Existing Section AA
P211/4 - Existing Section AA
P230/5 - Proposed Site Section AA
P231/4 - Proposed Site Section AA
P310/4 - Existing North West (Blagdon Road) Elevation
P330/4 - Proposed North West (Blagdon Road) Elevation
5140-BB-XX-XX-L-DR-920 Tree survey
5421-BB-ZZ-ZZ-DR-L-0001 Rev T03 - Landscape Plan

Documents

Completed application Form
CIL Form
Covering Letter (prepared by Lichfields)
Planning Statement (prepared by Lichfields);
Design and Access Statement (prepared by TPM Architects)
Biodiversity Net Gain Metric and Report (prepared by Greengage)
Tree Survey (prepared by Boon Brown)
Arboricultural Impact Assessment (incorporating a tree constraints plan) (prepared by Boon Brown)
Landscape Drawing (prepared by Boon Brown)
Preliminary Ecological Appraisal (prepared by Greengage)
Bat Emergence Survey (prepared by Greengage)
SUDS/Drainage Commentary (prepared by ShockLedge)

A2 **Register No:** 25/00267/KPSID

Address: Hobkirk House And Noble Centre
Blagdon Road
New Malden
KT3 4BD



(c) Copyright of the applicant

[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.]

<u>Ward</u>	New Malden Village
<u>Description of Proposal</u>	Change of use to school playing field (Use Class F1), to form part of Burlington Junior School, landscaping, new boundary treatment and other associated works.
<u>Plan Type</u>	FULL
<u>Expiry Date</u>	16/05/2025

EXECUTIVE SUMMARY

The application seeks full planning permission for the change of use of land at the Hobkirk House and Noble Centre, a former care home physiotherapy practice respectively, to school playing field (Use Class F1), to form part of Burlington Junior School, together with associated landscaping, new boundary treatment and other associated works. The site would become part of Burlington Junior School, forming an expansion of the current school boundary.

This land area is wholly under Royal Borough of Kingston (RBK) ownership.

The key issues to consider are:

- Principle of Development - the principle of development is considered appropriate,
- Design, Character, Appearance
- Impact on residential amenity
- Biodiversity and BNG
- Landscaping
- Trees and landscaping

For the reasons outlined in the following sections of this report, the proposal is considered acceptable and is thus recommended for approval. This is subject to the imposition of conditions.

1. REASON FOR REFERRAL TO COMMITTEE:

This application is reported to the Planning Committee in accordance with the Council's Constitution because

The Council is the applicant and an objection has been raised.

RECOMMENDATION:

Agree to approve the application subject to conditions, and to delegate authority to the Director of Planning and Regeneration to:

- Finalise the recommended conditions as set out in this report including such amendments, additions and/or deletions as the Director of Planning and Regeneration (in consultation with the Chair of the Planning Committee) considers reasonably necessary;

2. Site and Surroundings

The application site is part of the Hobkirk House and Noble Centre site.

The surrounding area is largely residential in nature, with Blagdon Park to the west.

The site has a Public Transport Access Level (PTAL) of 2 - 3, on a scale of 0 to 6b where 6b is the highest.

The site itself does not contain any designated or non designated heritage assets or the subject of any Tree Preservation Orders. The site is located adjacent to the designated Blagdon Road Local Open Space which is to the west of the site.

The site is located within Fluvial Flood Zone 1 (low risk).

The wider Hobkirk Noble site is accessed from the north via an existing access point on Blagdon Road. It is adjacent to residential properties to the east and north, and Blagdon Park to the west.

Burlington Junior School is located directly to the south of the site. Burlington Infant School is adjacent to the Junior School and the schools currently share some facilities including the dining hall and kitchen block.



Google Image to show site in context (outlined red)

3. Planning History

The planning history which is most relevant to the application site is set out below:

24/00668/OUT	Outline planning permission for demolition of vacant former care home and erection of a part four storey and part five storey building with basement parking housing a mix of 36 nos dwellings with associated bin and cycle provision. Re-siting of access to provide (Landscape matters reserve).	Refused on 15 Aug 2024. Appeal pending
24/01391/PRA	Prior Notification to demolish two buildings the Noble Centre and Hobkirk House	Prior Approval Granted on 28 Oct 2024
21/03406/FUL	Burlington Junior School: Demolition of the existing CLASP building and the erection of a new 3 storey teaching block and adjoining sports hall to facilitate a 5	Application Granted on 16 Aug 2022

	FE junior school, external works to the existing outdoor school playing areas, 2 no. Multi Use Games Areas (MUGA) (including one floodlit), new junior playground area, reconfiguration of internal access, new staff car parking area and cycle parking, works to the existing Victorian Block, new pedestrian access points, a new covered link, landscaping and other associated works. The school will be subject to a Community Use Agreement.	
24/00668/OUT	Hobkirk House: Outline planning permission for demolition of vacant former care home and erection of a part four storey and part five storey building with basement parking housing a mix of 36nos dwellings with associated bin and cycle provision. Re-siting of access to provide (Landscape matters reserve).	Refused permission 15/08/2024 Appeal pending.
25/00116/OUT	Hobkirk House: Outline planning permission for demolition of vacant former care home and erection of a part four storey and part five storey building with a mix of 34 dwellings with associated bin and cycle provision. Re-siting of access and parking bays (Landscaping matters reserved).	Under consideration

4. The Proposal

The application seeks full planning permission to secure additional site area for use as play space for Burlington Junior School, Burlington Road, New Malden, KT3 4LT. The site would become part of Burlington Junior School on approval, forming an expansion of the current school boundary.

The application site comprises 2,560sqm of the southern area of the Hobkirk Noble site and would become part of Burlington Junior School. 3.5 There would be no increase in pupil or staff numbers as a result of the proposed play space expansion.

The proposal includes works to boundary treatment, including removal of all existing boundary fencing and replacement with:

- a combination of 2.4m high welded mesh fence and 1.8m high close boarded timber fencing matching the style found elsewhere along the site of Blagdon Road Open Space and Burlington Junior School.
- 1.8m high close boarded timber fence along Blagdon Road.
- 1.8m high close boarded timber fence that will create a new boundary on the existing Noble and Hobkirk site that will divide the site into two.

This southern area, to which this application relates to, will then become part of the Burlington Junior School.

The proposal also includes landscaping works, including new trees and planting. The proposal includes the removal of the Cypress tree screening to the southern boundary.

Access to the site will be from Burlington Junior School grounds. No vehicle or pedestrian access from the northern parcel of the Hobkirk Noble site is proposed.

It is noted that the existing building on the site is due to be demolished and a separate application for prior notification to demolish two buildings the Noble Centre and Hobkirk House was granted approval on 28 October 2024 (24/01391/PRA). The demolition does not form part of this application.



Existing Site Plan



Proposed Site Plan

Background to the proposal

As noted above in August 2022 planning permission was granted at Burlington Junior School (21/03821/KPSID) for works associated with the demolition of the existing CLASP building and the erection of a new 3 storey teaching block and adjoining sports hall to facilitate a 5 FE junior school, external works to the existing outdoor school playing areas, 2 no. Multi Use Games Areas (MUGA) (including one floodlit), and new junior playground area. The development increased the school's capacity from 480 to 600 pupils, and was scheduled to open in April 2025. As part of this development, planning permission was granted to partly build on an area of existing play space. This has resulted in a need for additional playspace to accord with DfE requirements, which requires an additional area of 2,560 sqm.

The approved site plan 21/03821/KPSID is shown below:



The key policy metrics are listed below

Site Area	2560 sqm
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Urban Greening Factor		Biodiversity Net Gains %	
Policy Requirement	Not applicable for non major applications	Policy Requirement	10% Gain
Proposed	N/A	Proposed	263 % Gain

5. Neighbour Notification

Letters to 54 neighbouring and nearby properties were sent on 2nd April 2025.

At the time of writing this report 3 representations had been received of which one was a letter of support, one letter of objection, and one observation expressing neither support or objection to the proposal..The material issues raised in the representations are summarised as follows:

<u>Objections/Concerns</u>	<u>Support</u>	<u>Neutral</u>
Loss of Cypress trees which provide visual screening of school buildings	Makes sense to provide more space for the school	The developer of land that includes Hobkirk House notes that there is a pending application and appeal on the land immediately to the north of the site
Impact on birds and squirrels resulting from loss of Cypress trees		
Noise from children in existing space is already substantial		

6. Consultation Responses

RBK Neighbourhood Engineer	No objection. The proposal would not have any impact on the local highway network and there are no changes to the existing vehicle access arrangements. No additional car parking or cycle parking facilities are required as a result of the proposal. Based on the above comments, Highways do not have any objections to this application.
RBK Environmental Protection Officer	<p>I have reviewed the information provided and recommend this application for approval with conditions:</p> <p>Construction Management : Prior to the commencement of the development a Construction Method Statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development.</p> <p>Construction Hours: The site and building works required to implement the development shall be only carried out between the hours of 08.00 and 18.00 Mondays to Fridays and between 08.00 and 13.00 on Saturdays and not at all on Bank Holidays and Sundays</p> <p>Control of Dust and Emissions during Construction and Demolition: Prior to the commencement of the development the applicant must submit details of how dust and emissions during construction and demolition are to be controlled. The applicant shall have regard to the GLA SPG on the Control of Dust and Emissions during Construction and Demolition. Such details shall normally include:</p> <ul style="list-style-type: none"> ● An air quality and dust risk assessment ● An air quality management plan ● Site monitoring ● Compliance with the requirements for non-road mobile machinery. See http://nrmm.london/ <p>Reason: To protect local air quality and comply with Policy 7.14 of the London Plan and the GLA SPG Control of Dust and Emissions during Construction. Contaminated Land</p>

	<p>Before development commences other than for investigative work:</p> <p>a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.</p> <p>b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:</p> <ul style="list-style-type: none"> • a risk assessment to be undertaken, • refinement of the Conceptual Model, and • the development of a Method Statement detailing the remediation requirements. <p>The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.</p> <p>c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.</p> <p>Part 2 d) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is</p>
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	<p>occupied.</p> <p>While we have not received any noise complaints with regards to the existing school play areas, I recommend the following condition as a precaution: Acoustic fencing</p> <p>Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be brought into use until a fence or barrier having a superficial weight not less than 10kg/m² , and a height of not less than 1.8m is erected and thereafter permanently retained along the northern boundary of the external play area.</p>
RBK Lead Local Flood Authority	<p>No objection to the approval of this application because the proposed change of use to a school playing field does not increase the amount of impermeable surface. It has been stated that the proposed extension to the playing fields will be an entirely porous surface in the form of a grassed area.</p>
RBK Tree Officer	<p>No objection: I have reviewed the Arboricultural information provided and the proposals will require the removal of three trees and three groups of trees, a mixture of Category 'C' and 'U', so low-quality, their removal is justified. I have no objections to the submitted report, please can this be conditioned.</p> <p>I have no objections to the proposed landscaping plan, but should condition the planting schedule, at present, I have no understanding of where and what species will be replanted.</p>

7. Planning Policy

The Local Planning Authority is required under Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) when determining planning applications to “have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations”. This section of the 1990 Act must be read together with Section 38(6) of the Planning and Compulsory

Purchase Act 2004 (2004 Act), which provides that: “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

Material considerations would vary from planning application to planning application and can include: relevant international and national policies; the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (PPG) and updates; Government Circulars and letters to Chief Planning Officers; Supplementary Planning Documents produced by RBK; and Supplementary Planning Guidance produced by the GLA.

The latest version of the National Planning Policy Framework (NPPF) was published in December 2024. This document provides guidance to local planning authorities in producing local plans and in making decisions on planning applications. The NPPF is intended to make the planning system less complex and more accessible by summarising national guidance which replaces numerous planning policy statements and guidance notes, circulars and various letters to Chief Planning Officers. The document is based on the principle of the planning system making an important contribution to sustainable development, which is seen as achieving positive growth that strikes a balance between economic, social and environmental factors. The NPPF falls within the other material considerations of the s.38(6) test.

The Development Plan remains the cornerstone of the planning system. Planning applications which comply with an up to date Development Plan should be approved. Refusal should only be on the basis of conflict with the Development Plan and other material considerations.

Development Plan

- Mayor of London - London Plan 2021;
- LDF Core Strategy April 2012;
- K+20 Kingston Town Centre Area Action Plan; and
- South London Waste Plan 2022.

National Planning Policy / Guidance

- National Planning Policy Framework (NPPF) 2024; and,
- National Planning Policy Guidance (web based resource).

Guidance

<u>RBK Guidance</u>	<u>London Plan Guidance</u>
RBK Access for All (adopted 2005) RBK Affordable Housing (adopted 2013) RBK Cocks Crescent (adopted 2017) RBK Eden Quarter (adopted March 2015) RBK Financial Viability in Planning (adopted 2016) RBK Planning Obligations (adopted 2017) RBK Residential Design (adopted 2013) Riverside Public Realm (adopted 2018) Shop Front and Shop Sign Design Guide (adopted 2005) Sustainable Transport (adopted 2013)	Accessible London SPG Planning for Equality and Diversity in London SPG Character and Context SPG Fire safety LPG (draft) Public London Charter LPG Characterisation and Growth Strategy LPG (draft) Housing Design Standards LPG (draft) Optimising Site Capacity: A Design-led Approach LPG (draft) Small Site Design Codes LPG (draft) Affordable Housing and Viability SPG Good quality Homes For All Londoners (superseded) Housing SPG Large scale purpose built shared living LPG Play and Informal Recreation SPG Social Infrastructure SPG Industry and Logistics LPG London View Management Framework SPG London World Heritage Sites SPG All London Green Grid SPG London's Foundations SPG Preparing Borough Tree and Woodland Strategies SPG Urban greening factor LPG (February 2023) Air quality positive LPG Air quality neutral LPG Be Seen energy monitoring LPG Circular economy statements LPG Energy Planning Guidance The control of dust and emissions in construction SPG

	Whole life carbon LPG Sustainable Transport, Walking and Cycling LPG
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8. Planning Considerations

The key planning considerations in this case are as follows:

- Principle of Development
- Character and Design
- Neighbour Amenity
- Biodiversity
- Trees and Landscaping
- Highways
- Flood Risk and Drainage
- Land Contamination
- Fire Safety

9. Principle of Development

a) Provision of Education Facility

b) Loss of Community Facility

a) Provision of Education Facility:

Paragraph 100 of the National Planning Policy Framework, 2024 (NPPF) states that it is important that a sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and decisions on applications.

Policy Policy S3 of the London Plan (2021) seeks to ensure there is a sufficient supply of good quality education and childcare facilities to meet demand and offer educational choice, and advises that development proposals for education and childcare facilities should be located in areas of identified need. Policy S3 also advises that development proposals should ensure that there is no net loss of education or childcare facilities, unless it can be demonstrated that there is no

ongoing or future need. This policy also supports the extended or multiple use of educational facilities for community or recreational use.

Policy CS15 of the Kingston Core Strategy (2012) sets out that the Council will facilitate improvements to the school estate and make provision for a permanent increase in the number of school places to meet increasing demand through the expansion of existing schools and the provision of new schools. Potential for shared and community use will be provided for. The Council will continue their programme of partnership working with schools on travel planning to reduce car use and the impact of school trips on local transport networks.

Policy DM 23 (C) of the Core Strategy sets the framework against which to assess new school developments and school expansion against the following criteria:

- i. the size of the site, its location and suitability to accommodate a new school or school expansion taking account of compatibility with surrounding uses, and existing planning policy designations (e.g. Conservation Areas, MOL, Green Belt)
- ii. the impact on green open space, games pitches, outdoor play and amenity space, taking account of the character of the area, whether the site is within an area of open space deficiency and whether the school has sufficient outdoor space for play and games
- iii. the location and accessibility of the site in relation to: the intended catchment area of the school public transport the local highway network and its ability to accommodate new or additional school trips without adverse impact on highway safety safe and convenient walking and cycling routes to schools
- iv. the extent to which the building design contributes towards the government target that schools and colleges should be zero carbon from 2016 (see policies CS1 and CS2).

In this respect, the proposal seeks to extend the site area of the existing Burlington Junior School to provide an additional school playing field. The proposal would be fully consistent with national and local policy, which seek to support the education provision.

b) Loss of Community Facility

This application involves the change of use of the site from use classes C2 (Hobkirk House, a former care home) and E (Noble Centre, a former physiotherapy centre), to school play space (class F1).

Core Strategy Policy DM21 states that the Council will resist the loss of existing healthcare facilities in accordance with Policy DM24 Protection and Provision of

Community Facilities. Policy DM24 states that the Council will: a) resist the net loss of community facilities unless

i) there is evidence to suggest the facility is no longer needed, ii) where appropriate, it has been vacant and marketed for a community use without success, or iii) it can be re-provided elsewhere or in a different way b) require new developments to contribute towards additional infrastructure requirements and community needs.

The Cocks Crescent SPD states that RBK 'will not require community uses to be re-provided on land currently occupied by Hobkirk House and Noble Centre.'

The Noble Centre was a former physiotherapy centre, but has been vacant since 2016. The proposed use as school playing fields would be considered a community use. The proposal is therefore compliant with Policies DM21 and DM24.

10. Design, Character and Appearance

Paragraph 135 of the NPPF requires development to function well, add to the overall quality of the area, and have a good layout.

When read together Policies CS8 and DM10 of the Royal Borough of Kingston upon Thames Local Development Framework Core Strategy (CS)(2012) and the guidance in the Royal Borough of Kingston upon Thames Residential Design Guide SPD (2013) require proposals to be of a high quality design that respects the character and appearance of the original building and the prevailing character of the surrounding area.

The proposal does not introduce any built form. The proposed alterations are limited to boundary fences, which are of a height and design used in this locality and would sit comfortably with surrounding buildings and the site as a whole, and would not impact on the visual amenities of the adjacent Local Open Space. The site would remain open in character and would be largely concealed from public views.

11. Neighbouring Amenities

Policy D3 of the London Plan 2021 states that development proposals should deliver appropriate outlook, privacy and amenity, and should help prevent or mitigate the impacts of noise and poor air quality.

Policy DM10 of the Council's Core Strategy also seeks to safeguard the amenities of neighbouring occupiers. To this end, it states that developments 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.

There are a number of existing (and potential future) residential properties located immediately adjacent to the northern boundary of the site.

Objection has been raised on grounds of loss of visual screening and potential impact on noise disturbance. In respect of tree screening, it is noted that a number of trees are being introduced along the northern boundary, which when mature would provide some screening and greening along the boundary.

With respect to concerns about noise disturbances, it is noted that the proposed school playing field would be used by the school during school hours. There would be no increase in staff or students as a result of this application. The Environmental Protection Officer has recommended a condition to require acoustic fencing along the northern boundary. With this mitigation measure in place, it is considered that the proposal would not give rise to any unreasonable level of noise disturbance over and above that generated by the existing school playing fields.

12. Biodiversity and BNG

The NPPF states that the environmental objective is to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Policy G6 directs that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.

Policy G5 (Urban Greening) of the London Plan (2021) sets out that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.

Policy G5 encourages Boroughs to develop an Urban Greening Factor (UGF) tailored to local circumstances. In the interim, the Mayor recommends a target score of 0.4 for developments that are predominantly residential. Policy G6 (Biodiversity and Access to Nature) of the London Plan (2021) sets out that development

proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.

Policy G6 (Biodiversity and access to nature) states that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.

Policy DM6 of the Core Strategy 2012 states that new developments should protect and promote biodiversity as part of sustainable design through the inclusion of sustainable drainage, tree planting, soft landscaping, habitat enhancement, green roofs and new or improved semi-natural habitats, where appropriate. The policy goes on to say that the Council requires an ecological assessment on major development proposals, or where a site contains or is next to significant areas of habitat or wildlife potential.

The application is supported by a Preliminary Ecological Survey, a Bat Emergence Survey and a Biodiversity Net Gain Assessment prepared by the Greengage.

The bat emergence surveys have confirmed the likely absence of roosting bats in the Noble Centre, due to be demolished. Recommendations within the submitted reports include mitigation and compensation actions to minimise the disturbance to foraging and commuting bats, reptiles, nesting bats, invertebrates, hedgehogs and common toad are included, together with biodiversity enhancement measures as outlined within the Preliminary Ecological Survey, and are secured by condition as part of a Landscape and Ecological Management Plan (LEMP) and Construction Environmental management Plan (CEMP) for the site.

The BNG Assessment identifies that proposed habitat creation includes 0.2388 ha of other neutral grassland, 0.0088 ha of mixed scrub, 0.141 km of species-rich native hedgerow and 15 newly planted trees. The Assessment indicates that the proposed development would deliver a biodiversity net gain of 0.98 habitat units (263.47%), and 0.87 hedgerow units (1193.07%). This significantly exceeds the 10% net gain target and meets the biodiversity aims of local and national policy.

Full details to be secured through a LEMP (Landscape Ecological Management Plan), which would detail the proposed habitat interventions and how they would be managed post-completion. In accordance with Biodiversity Net Gain Best Practice Principles, and the principles of the Environment Act 2021, the LEMP should cover a period of 30 years from the date of commencement with provisions for long-term

monitoring and contingency actions linked to the Biodiversity Net Gain objectives of the project.

13. Trees and Landscaping

Policy G7 of the London Plan 2021 states that development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement. Policy DM10 of the Council's Core Strategy 2012 expects new development to ensure that trees that are important to the character of the area or covered by TPOs are not adversely affected.

An Arboricultural Survey and Impact Assessment prepared by Boon Brown has been submitted with this application. The proposal would require the removal of three trees and three groups of trees. The Tree and Landscape Officer confirms that these are a mixture of Category 'C' and 'U', so low-quality, and their removal is justified. The proposal includes 15 new trees as part of this scheme, planted along the northern and western boundaries of the site..

The Tree and Landscape Officer raises no objection, subject to compliance with the detailed methodology and submission of full planting details.

Overall, Officers conclude that the proposal would provide appropriate mitigation and enhancement of tree and landscape features across the site.

14. Highways

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.

Policies CS5, CS7, DM7, DM8 and DM9 of the Royal Borough of Kingston upon Thames Local Development Framework Core Strategy (CS)(2012) state the need to support sustainable transport and alternatives modes of transport and ensure that new development does not contribute to congestion or compromise highway safety.

The proposal does not include any car parking on site. Access to the site would be via the existing school site to the south.

It is considered that the proposal would not have an adverse impact on the highway network and would not prejudice highway safety or lead to congestion on the highway network.

15. Flood Risk and Drainage

Paragraph 170 of the NPPF (2024) states: Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Policy SI 12 of the London Plan 2021 and policy DM4 of the Council's Core Strategy 2012 echo national policy in these regards and require development proposals to accord with the flood risk policies set out in the NPPF.

The application is supported by a SUD/Drainage document prepared by Shockledge. The Lead Local Flood Authority raises no objection to the proposal, and notes that the proposed change of use to a school playing field does not increase the amount of impermeable surface. It has been stated that the proposed extension to the playing fields will be an entirely porous surface in the form of a grassed area.

Therefore it is concluded that the proposal is acceptable from a flood risk perspective.

16. Land Contamination

Paragraph 196 of the NPPF requires that any potential risks in relation to contamination and pollution arising from former activities on sites proposed for development are assessed.

The Planning Statement notes that during the construction of the planning permission at Burlington Junior School the contractor found contamination on the school site, which has since been dealt with. The schools have been notified of the asbestos found at various depths and locations across the construction site. Following the discovery of a hand grenade in 2012, a no dig policy was implemented across both the infant and junior schools and this no dig policy remains.

No contaminated land assessment was submitted with the current application.

The Environmental Health Officer has raised no objection, subject to a pre commencement condition requiring submission of a desktop study (Preliminary Risk Assessment) to be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information, and an associated remediation strategy, if found necessary.

17. Fire Safety

London Plan Policy D12(A) requires all development proposals to achieve the highest standards of fire safety, embedding these at the earliest possible Stage.

As the proposal relates to open space in the form of a school playing field, with no buildings or enclosures, it is not considered that it would be necessary or reasonable to secure details of a fire safety strategy statement by condition. Fire safety would be managed in accordance with the School's existing fire safety strategy.

18. Conclusion/Planning Balance

This application has been considered in the light of policies set out in the development plan and other material considerations.

In reaching an overall conclusion, the benefits and harms of the development proposal as a whole must be considered and balanced. Statutory duties as set out under section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70 (2) of the Town and Country Planning Act 1990 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan must be adhered to, and national policies and guidance followed, unless there is a good reason to depart from them.

The proposal would support the provision of education facilities in the form of additional school playing fields for an existing local school, which is afforded great weight in support of this proposal.

The proposal would be appropriately designed to respect the site and its surroundings, including the adjacent Local Open Space.

There would be no significant adverse impact with regard to neighbouring amenity, subject to appropriate conditions requiring the use of acoustic fencing.

The impact on the highway network, flooding, fire safety and land contamination are considered neutral in the planning assessment.

The trees and vegetation proposed for removal are of low quality and their removal is required to facilitate the site's use as play space. 15 new trees are proposed.

The proposal would secure significant biodiversity and BNG enhancements. This is considered a significant benefit of the scheme.

Taken together it is concluded that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits of the proposal.

RECOMMENDATION:

Agree to approve the application subject to conditions, and to delegate authority to the Director of Planning and Regeneration to:

- Finalise the recommended conditions as set out in this report including such amendments, additions and/or deletions as the Director of Planning and Regeneration (in consultation with the Chair of the Planning Committee) considers reasonably necessary

Draft Conditions (Final list of Planning Conditions provided as Late Material)

1. The development to which this permission relates shall be carried out in accordance with the following drawings/documents:
5140-BB-XX-XX-L-DR-920 Tree survey
5421-BB-ZZ-ZZ-DR-L-0001 Rev T03 - Landscape Plan
P100/6 - Site Location Plan
P101/7 - Existing Site Plan
P105/6 - Proposed Site Plan
P110/6 - Existing Site Plan
P130/7 - Proposed Site Plan
P131/4 - Proposed Site Plan - Boundary Treatment
P210/5 - Existing Section AA
P211/4 - Existing Section AA
P230/5 - Proposed Site Section AA
P231/4 - Proposed Site Section AA
P310/4 - Existing North West (Blagdon Road) Elevation
P330/4 - Proposed North West (Blagdon Road) Elevation

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

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

Reason: This is required by Section 91 of the Town and Country Planning Act 1990 (as amended).

3. Prior to the commencement of the development the applicant must submit details of how dust and emissions during construction and demolition are to be controlled. The applicant shall have regard to the GLA SPG on the Control of Dust and Emissions during Construction and Demolition. Such details shall normally include:
 - An air quality and dust risk assessment
 - An air quality management plan
 - Site monitoring
 - Compliance with the requirements for non-road mobile machinery. See <http://nrmm.london/>

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 to ensure adequate protections are put in place to protect local air quality and comply with Policy SI 1 of the London Plan (2021) and the GLA SPG Control of Dust and Emissions During Construction.

4. Prior to the commencement of the development the applicant must submit:
 - a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.
 - b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to

enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

d) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure that risks from land contamination are minimised, in accordance with policy DM10 of the LDF Core Strategy 2012.

This condition is required prior to commencement of development to be effective.

5. The site and building works required to implement the development shall be only carried out between the hours of 08.00 and 18.00 Mondays to Fridays and between 08.00 and 13.00 on Saturdays and not at all on Bank Holidays and Sundays

Reason: To protect the amenities of neighbouring residents in accordance with Policy DM10 of the Kingston Core Strategy (2012).

6. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be brought into use until a fence or barrier having a superficial weight not less than 10kg/m² , and a height of not less than 1.8m is erected and thereafter permanently retained along the northern boundary of the external play area.

Reason: To protect the amenities of neighbouring residents in accordance with Policy DM10 of the Kingston Core Strategy (2012).

7. Notwithstanding the details shown on the drawings hereby approved, additional details, drawings and specifications of the following shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the relevant part of the development:

(i) all boundary treatments and fencing.

The development shall then be carried out in accordance with the approved drawings/specifications.

Reason: To ensure a satisfactory appearance on completion of the development, in accordance with policy D3 of the London Plan 2021 and policies CS8 and DM10 of the LDF Core Strategy 2012.

8. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out, as a minimum, site specific measures to control and monitor impact arising in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination, ecology and ground water.

It shall also set out arrangements by which the developer shall maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP. The development shall be carried out in full accordance with the approved CEMP at all times.

Reason: To safeguard the amenities of the adjoining premises and the area generally, having regard to Policies DM10 and DM 6 of the Kingston Core Strategy 2012.

This condition is required prior to commencement of development to be effective.

9. No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted and agreed in writing by the Local Planning Authority. The LEMP should be produced setting out the detailed establishment and management of all on site compensation and enhancement measures. In accordance with Biodiversity Net Gain Best Practice Principles, and the principles of the Environment Act 2021, the LEMP

should detail long-term monitoring and contingency actions linked to the Biodiversity Net Gain objectives of the project.

The LEMP shall include details of the long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas.

The LEMP shall include all the recommendations, enhancement and mitigation measures set out within the Preliminary Ecological Survey, Bat Emergence Survey and Biodiversity Net Gain Assessment, prepared by the Greengage.

The LEMP shall include the following elements:

- details of maintenance regimes
- details of any new habitat created on-site.
- details of BNG
- details of any proposed lighting, which shall be designed in accordance with the Bat Conservation Trust's Bats and Artificial Lighting in the UK' Guidance Note (GN 08 / 23).
- the measures to be used during construction to minimise any environmental impacts of the works.
- details of management responsibilities

The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

Reason To ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in line with Paragraph 187 of the NPPF(2024) and Policies DM 6 of the Kingston Core Strategy 2012.

This condition is required prior to commencement of development to be effective.

10. Any external lighting installed at the site shall be angled so as to prevent any spillage or glare beyond the site's boundaries, and shall be in accordance with the Bat Conservation Trust's Bats and Artificial Lighting in the UK' Guidance Note (GN 08 / 23).

Reason: To ensure satisfactory living conditions for neighbouring occupiers and to ensure the protection of wildlife and supporting habitat, in accordance

with policy D3 of the London Plan 2021 and policy DM 6 and DM10 of the LDF Core Strategy 2012.

11. a) The development to which this permission relates shall be carried out in accordance with proposed landscaping plan 5421-BB-ZZ-ZZ-DR-L-0001 Rev T03 .

b) Prior to beneficial use of the development hereby approved, full details of proposed planting scheme and planting plan shall be submitted and approved in writing by the Local planning Authority.

The plan shall include, where appropriate, a clear key or legend corresponding to the landscaping plan and providing the following information:

- Replanting of lost trees
- Species (both Latin & Common names) for all plants
- Locations of all plants or areas of planting
- Plant numbers or planting densities
- Sizes of all plants and particularly trees 'at time of planting'
- Details of all hard-landscaping areas including materials

The approved scheme shall then be implemented within the first planting season following substantial completion of the development. 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 at the beginning of the following planting season, and the areas shown to be landscaped shall be permanently retained for that purpose.

Reason: To ensure a satisfactory appearance on completion of the development, in accordance with policies CS8 and DM10 of the LDF Core Strategy 2012.

12. The development to which this permission relates shall be carried out in accordance with the Tree Report Arboricultural Survey and Impact Assessment, Method Statement prepared by Boon Brown. The approved measures shall be implemented prior to commencement of any work on site and maintained to the reasonable satisfaction of the Local Planning Authority until the completion of the development.

Reason: To safeguard trees worthy of retention and in the interests of the character and appearance of the area, in accordance with policies CS8 and DM10 of the LDF Core Strategy 2012.

Informatives

1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be the Royal Borough of Kingston upon Thames.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply (See the informative below)

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

2. Please note that the following statutory exemptions and transitional arrangements apply in respect of the biodiversity gain condition:

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not ‘major development’ (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or

- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

3. If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

4. If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

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 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.

6. 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.
7. 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 would 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".

8. Your attention is drawn to the fact that planning permission does not override property rights, and that if your proposal involves construction on or near the site boundary then you should take appropriate steps to ensure that you have correctly identified the position of the boundary, that you do not build over it, and that any works which affect a neighbour's property in any way have the benefit of the appropriate agreement from that landowner. Failure to undertake the above steps may leave you liable to legal action by neighbouring landowners. If you require further information or advice, you should consult a solicitor.
9. 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 if expedient.

10. Where reference is made within the decision notice to a condition applying 'unless otherwise agreed in writing with the local planning authority', please be aware that only a formal application under section 73 or 96a of the Town and Country Planning Act 1990 (As Amended) is acceptable as a method of said written agreement.
11. 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.

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 Councils Environmental Health Department.