

18/3310/FUL

DATED *14th September 2020*

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**PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND  
COUNTRY PLANNING ACT 1990 RELATING TO LAND TO THE EAST OF  
MELLISS AVENUE, RICHMOND**

between

**LONDON BOROUGH OF RICHMOND-UPON-THAMES**

and

**MELLISS AVE DEVCO LIMITED**

and

**GREENOAK UK SECURED LENDING II S.A.R.L.**

and

**BEAUFORT VENTURES II (JERSEY) LIMITED**

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THIS DEED is dated *14th September 2020* and made between:

- (1) THE LONDON BOROUGH OF RICHMOND-UPON-THAMES of Civic Centre, 44 York Street, Twickenham, TW1 3BZ (**Council**).
- (2) MELLISS AVE DEVCO LIMITED incorporated and registered in England and Wales with company number 10970643 whose registered office is at 50 Copley Park, London, SW16 3DB (**Owner**).
- (3) GREENOAK UK SECURED LENDING II S.A.R.L. a societe a responsabilite limitee incorporated in the Grand Duchy of Luxembourg, registered address at 51 avenue John F. Kennedy, L-1855 Luxembourg, Grand Duchy of Luxembourg and registered with the Luxembourg Trade and Companies' Register under name B206647 (**First Mortgagee**).
- (4) BEAUFORT VENTURES II (JERSEY) LIMITED a company incorporated under the laws of the British Virgin Islands with registered number 121687 and having its registered office at 5<sup>th</sup> Floor, 44 Esplanade, St Helier, Jersey JE1 3FG (**Second Mortgagee**).

#### **BACKGROUND**

- (A) The Council is the local planning authority for the purposes of the TCPA 1990 for the area in which the Property is situated.
- (B) The Owner is the freehold owner of the Property subject to a mortgage in favour of the First Mortgagee and a mortgage in favour of the Second Mortgagee but otherwise free from encumbrances.
- (C) The Owner has made the Planning Application and is proposing to carry out the Development.
- (D) The First Mortgagee is the registered proprietor of the charge dated 22 December 2017 referred to in entry number C2 of the charges register of Title number TGL491744 and has agreed to enter into this Deed to give its consent to the terms of this Deed.
- (E) The Second Mortgagee is the registered proprietor of the charge dated 22 December 2017 referred to in entry number C5 of the charges register of Title number TGL491744 and has agreed to enter into this Deed to give its consent to the terms of this Deed.
- (F) The Council resolved at its meeting on 24 July 2019 that Planning Permission should be granted for the Development subject to the prior completion of this Deed.

## AGREED TERMS

### 1. INTERPRETATION

The following definitions and rules of interpretation apply in this Deed:

#### 1.1 Definitions:

**Accredited Car Club Provider:** an organisation accredited in the United Kingdom by Car Plus which provides cars for use by members of a Car Club in consideration of payment therefor

**Additional Early Affordable Housing Contribution:** the financial contribution which may be payable to the Council as determined by the Early Stage Viability Review referred to in paragraph 14 of Schedule 1 and Part 1 of Schedule 3 to be applied towards the provision of off-site affordable housing.

**Additional Late Affordable Housing Contribution:** the financial contribution which may be payable to the Council as determined by the Late Stage Viability Review referred to in paragraph 15 of Schedule 1 and Part 2 of Schedule 3 to be applied towards the provision of off-site affordable housing.

**Car Club:** a scheme which is operated within the vicinity of the Property by an Accredited Car Club Provider in which members can book cars operated by the Accredited Car Club Provider and parked in specifically reserved car club spaces and use them for the period of the booking.

**Care Package:** means a minimum of 5 hours of care, including Personal Care and/or Health Care, per week for every Primary Resident, delivered by the Owner, its assignee or the Primary Resident's chosen Health Care Provider and as determined by the Individual Care Needs Assessment of the Primary Resident.

**Commencement of Development:** the carrying out in relation to the Development of any material operation as defined by section 56(4) of the TCPA 1990 but disregarding for the purposes of this Deed and for no other purpose, the following operations: works of demolition; works of site clearance; ground investigations; site survey works; laying of services and service media; construction of temporary accesses; archaeological investigation; landscaping works off the public highway; the erection of fences and hoardings and construction of temporary access and service roads; noise attenuation works; works relating to electrical transformer substation; and any other works and site establishment preparatory to the commencement of construction, including any operations permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 and **Commence** and **Commences** shall be construed accordingly.

**Commencement Date:** the date Development Commences.

**Community Use Scheme:** means a scheme approved by the Council setting out how specified facilities within the Development may be used by the local community.

**Development:** the development of the Property authorised by the Planning Permission.

**Early Stage Viability Review:** the viability review to be undertaken in accordance with Part 1 of Schedule 3 in the event that an Early Stage Viability Review is required to be undertaken to ascertain if any Additional Early Affordable Housing Contribution is payable.

**Extra Care Unit:** each of the residential units comprised within the Development.

**Financial Contributions:** means the Initial Affordable Housing Contribution, Uplift Affordable Housing Contribution, Additional Early Affordable Housing Contribution (if applicable), and the Additional Late Affordable Housing Contribution (if applicable).

**Health Care:** means the provision of acute nursing, therapy and medical services for people in need of such care by reason of old age or disablement and for medical care and treatment. Health Care services include but are not limited to those set out in Schedule 2.

**Health Care Provider:** means a provider of care services for the Primary Residents who is regulated by the Care Quality Commission.

**Index Linked:** increased in accordance with the following formula:

Amount payable = the payment specified in this Deed x (A/B) where:

A= the figure for the Consumer Prices Index that applied immediately preceding the date the payment is due.

B= the figure for the Consumer Prices Index that applied when the index was last published prior to the date of this Deed.

**Individual Care Needs Assessment:** means the assessment of each Primary Resident by the Health Care Provider to identify the level and type of Personal Care and Health Care and other support and assistance they require and such assessment is to occur prior to first occupation of an Extra Care Unit by a Primary Resident and on an ongoing basis throughout the occupation of an Extra Care Unit by a Primary Resident.

**Initial Affordable Housing Contribution:** means £1,146,259 (one million one hundred forty-six thousand two hundred and fifty nine pounds) as Index Linked to be applied towards the provision of off-site affordable housing.

**Initial Sales Period:** from the date of this Deed to 9 (nine) months after the Commencement Date.

**Interest Rate:** means the rate of interest being 4% above the base lending rate of the Bank of England from time to time.

**Late Stage Viability Review:** the viability review to be undertaken in accordance with Part 2 of Schedule 3 to ascertain if any Additional Late Affordable Housing Contribution is payable.

**Local Employment Scheme:** means a scheme approved by the Council for the provision of training, skills and employment initiatives for residents of the London Borough of Richmond-upon-Thames and its environs which shall include initiatives to identify employment vacancies relating to the construction and operation of the Development. Without prejudice to the generality thereof the scheme should include the following elements:

- (a) Forecasting of job opportunities
- (b) Notification of job vacancies
- (c) Local labour targets
- (d) Jobs brokerage and skills training
- (e) Apprenticeships and work experience
- (f) Use of local suppliers
- (g) Delivery of any specific local education authority targets

**Minibus Scheme:** a scheme for the provision of a wheelchair accessible minibus service and available for the lifetime of the Development for all residents, staff and visitors of the Development and such scheme shall include details of the route of the service, hours of operation and frequency of operation.

**Occupation:** occupation for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction, fitting out or decoration or occupation for marketing or display or occupation in relation to security operations (and "Occupy", "Occupants" and "Occupied" shall be construed accordingly).

**Operational Management Plan:** means a plan for the management of the Extra Care Units as approved in accordance with paragraph 3 of Schedule 1.

**Personal Care:** means the provision of care services for people in need of such care by reason of old age or disablement and for medical care and treatment and includes support and assistance with activities related to daily living to facilitate fulfilling lives. Personal Care services include but are not limited to those set out in Schedule 3.

**Plan 1:** the plan attached as Annex A.

**Plan 2:** the plan attached at Annex B.

**Planning Application:** the application for full planning permission registered by the Council on 8 October 2018 under reference number 18/3310/FUL.

**Planning Permission:** the planning permission to be granted by the Council in respect of the Planning Application substantially in the form attached as Annex C.

**Primary Resident:** means a person who is 65 years in age or older with existing health conditions and in need of at least a minimum of 5 hours of care, including Personal Care and Health Care, per week, and who is contracted into a Care Package as determined by their Individual Care Needs Assessment.

**Property:** the land at the former Kew Biothane Site Melliss Avenue Kew London TW9 4BD shown edged red on Plan 1 and registered at HM Land Registry with absolute title under title number TGL491744.

**Public Space:** means that part of the Property shown marked edged and hatched red on Plan 2 where members of public can access subject to the Public Space Management and Maintenance Plan.

**Public Space Management and Maintenance Plan:** means the plan approved by the Council in accordance with paragraph 6 of Schedule 1 for the management and maintenance of the Public Space.

**Public Space Works:** the works to be undertaken on the Public Space in accordance with condition U0079758 of the Planning Permission

**Qualifying Dependent:** means person or persons (as the case may be) who is or are either a spouse (or persons living as such), family member, or carer of the Primary Resident.

**Substantial Implementation:** means the occurrence of the following in respect of the Development:

- (a) completion of all ground preparation works and all site-wide enabling works for the building;
- (b) completion of the foundations for the core of the building;
- (c) construction of the ground floor slab of the building; and
- (d) letting of a building contract for the construction of the building.

**TCPA 1990:** Town and Country Planning Act 1990.

**Travel Plan:** means a travel plan to be submitted to and approved by the Council in accordance with paragraph 10 of Schedule 1 to be substantially in the form attached as Annex D.

**Uplift Affordable Housing Contribution:** means £2,243,741 (two million two hundred forty-three thousand seven hundred and forty-one pounds) as Index Linked to be applied towards the provision of off-site affordable housing.

**VAT:** value added tax chargeable under the Value Added Tax Act 1994 and any similar replacement tax and any similar additional tax.

**Working Day:** any day which is not a Saturday, a Sunday, a bank holiday or a public holiday in England.

1.2 Clause headings shall not affect the interpretation of this Deed.

1.3 A **person** includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).



- 1.4 A reference to a **company** shall include any company, corporation or other body corporate, wherever and however incorporated or established.
- 1.5 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 1.6 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.
- 1.7 A reference to any party shall include that party's personal representatives, successors and permitted assigns and in the case of the Council the successors to its respective statutory functions.
- 1.8 Unless the context otherwise requires, a reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.
- 1.9 Unless the context otherwise requires, a reference to a statute or statutory provision shall include any subordinate legislation made from time to time under that statute or statutory provision.
- 1.10 A reference to **this Deed** or to any other deed or document referred to in this Deed is a reference to this Deed or such other deed or document as varied or novated (in each case, other than in breach of the provisions of this Deed) from time to time.
- 1.11 References to clauses and Schedules are to the clauses and Schedules of this Deed.
- 1.12 An obligation on a party not to do something includes an obligation not to allow that thing to be done.
- 1.13 Any words following the terms **including, include, in particular, for example** or any similar expression shall be construed as illustrative and shall not limit the sense of the words, description, definition, phrase or term preceding those terms.
- 1.14 Where an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually.

## 2. STATUTORY PROVISIONS

- 2.1 This Deed constitutes a planning obligation for the purposes of section 106 of the TCPA 1990, section 111 of the Local Government Act 1972, section 16 of the

Greater London Council (General Powers Act) 1974, section 1 of the Localism Act 2011 and any other enabling powers.

- 2.2 The covenants, restrictions and obligations contained in this Deed are planning obligations for the purposes of section 106 of the TCPA 1990 and are entered into by the Owner with the intention that they bind the interests held by those persons in the Property and their respective successors and assigns.
- 2.3 The covenants, restrictions and obligations contained in this Deed are enforceable by the Council in accordance with section 106 of the TCPA 1990.
- 2.4 To the extent that this Deed contains obligations on the part of the Owner which are not within the descriptions set out in Section 106(1)(a)-(d) of the TCPA 1990 (inclusive) (which for the avoidance of doubt includes all those obligations in paragraph 13 of Schedule 1 below) those obligations are undertakings or agreements binding on successors in title of the Owner and persons claiming through or under them within the meaning of Section 16 of the Greater London Council (General Powers) Act 1974.

### **3. CONDITIONALITY**

- 3.1 The obligations of the Owner (the exception of clauses 2, 3, 9, 10, 11, 12, 13, 16, 17, 19, 20, 21, 22 and 24 which shall come into force on the date of this Deed) shall be conditional only upon:
- (a) the grant of Planning Permission; and
  - (b) Commencement of Development.

### **4. COVENANTS BY THE OWNER**

The Owner covenants with the Council to observe and perform the covenants, restrictions and obligations contained in Schedule 1.

### **5. COVENANTS BY THE COUNCIL**

- 5.1 The Council covenants with the Owner:
- (a) not to use or apply the Financial Contributions other than for the purposes for which the Contributions are paid, as specified in this Deed;
  - (b) from time to time following a reasonable request by the Owner to provide the Owner with a breakdown of expenditure from the Financial Contributions that have been expended;
  - (c) that if all or any part of the Financial Contribution (including any interest earned) has not been expended within 7 (seven) years of payment, the

Council shall repay the unspent portion to the party that made the payment (or such person nominated by that person) together with any interest accrued from the date of payment to the date of repayment.

**6. INDEXATION**

- 6.1 All financial contributions payable to the Council shall be Index Linked.
- 6.2 Where reference is made to an index and that index ceases to exist or is replaced or rebased then it shall include reference to any index which replaces it or any rebased index (applied in a fair and reasonable manner to the periods before and after rebasing under this Deed) or in the event the index is not replaced, to an alternative reasonably comparable basis or index as the Council shall advise the Owner in writing.

**7. FIRST MORTGAGEE'S CONSENT**

- 7.1 The First Mortgagee consents to the completion of this Deed and declares that its interest in the Property shall be bound by the terms of this Deed as if it had been executed and registered as a land charge prior to the creation of the First Mortgagee's interest in the Property.
- 7.2 The First Mortgagee shall not be liable for any breach of the obligations in this Deed unless committed or continuing at a time when the First Mortgagee is in possession of all or any part of the Property.

**8. SECOND MORTGAGEE'S CONSENT**

- 8.1 The Second Mortgagee consents to the completion of this Deed and declares that its interest in the Property shall be bound by the terms of this Deed as if it had been executed and registered as a land charge prior to the creation of the Second Mortgagee's interest in the Property.
- 8.2 The Second Mortgagee shall not be liable for any breach of the obligations in this Deed unless committed or continuing at a time when the Second Mortgagee is in possession of all or any part of the Property.

**9. RELEASE AND LIABILITY UNDER THIS DEED**

- 9.1 No person shall be liable for any breach of a covenant, restriction or obligation contained in this Deed after parting with all of its interest in the Property or part of its interest in the Property to which the breach relates, except in respect of any breach subsisting prior to parting with such interest.

- 9.2 The obligations in the Deed shall not be binding or enforceable against:
- (a) any statutory undertaker or any other person who acquires any part of the Property or interest therein for the purposes of the supply of electricity gas water drainage telecommunication services or public transport services so long as no other material operation is undertaken save in connection with their statutory duties;
  - (b) save for restrictions set out in paragraphs 11 and 13 of Schedule 1 the individual owners occupiers of any Extra Care Units or any mortgagee of an individual Extra Care Unit so long as they do not undertake any material operation on the Property

**10. DETERMINATION OF DEED**

The obligations in this Deed (with the exception of clause 2) shall cease to have effect if before the Commencement of Development, the Planning Permission:

- (a) expires;
- (b) is varied or revoked other than at the request of the Owner; or
- (c) is quashed following a successful legal challenge.

**11. LOCAL LAND CHARGE**

This Deed is a local land charge and shall be registered as such by the Council.

**12. COUNCIL'S COSTS**

12.1 The Owner shall pay to the Council:

- (a) on or before the date of this Deed the Council's reasonable and proper legal costs together with all disbursements incurred in connection with the preparation, negotiation, completion and registration of this Deed.
- (b) prior to the Commencement of Development the sum of £7,175 (seven thousand one hundred and seventy five pounds) as a contribution towards the Council's costs of monitoring the implementation of this Deed.

**13. INTEREST ON LATE PAYMENT**

If any sum or amount has not been paid to the Council by the date it is due, the Owner shall pay the Council interest on that amount at the Interest Rate for the period from the due date to and including the date of payment.

**14. REASONABLENESS**

Any approval, consent, direction, authority, agreement or action to be given by the Council under this Deed shall not be unreasonably withheld or delayed.

**15. CANCELLATION OF ENTRIES**

15.1 On the written request of the Owner at any time after each or all of the obligations have been performed or otherwise discharged (and subject to the payment of the Council's reasonable and proper costs) the Council will issue a written confirmation of such performance or discharge.

15.2 Following the performance and full satisfaction of all the terms of this agreement or if this Deed is determined pursuant to clause 10 (and subject to the payment of the Council's reasonable and proper costs and charges) the Council will on the written request of the Owner cancel all entries made in the local land charges register in respect of this Deed.

**16. DISPUTES**

16.1 In the event of any dispute or difference arising between any of the parties to this Deed in respect of any matter contained in this Deed such dispute or difference shall be referred to an independent and suitable person holding appropriate professional qualifications to be appointed (in the absence of an agreement) by or on behalf of the president for the time being of the professional body chiefly relevant in England with such matters as may be in dispute and such person shall act as an expert whose decision shall be final and binding on the parties in the absence of manifest error and any costs shall be payable by the parties to the dispute in such proportion as the expert shall determine and failing such determination shall be borne by the parties in equal shares.

16.2 In the absence of agreement as to the appointment or suitability of the person to be appointed pursuant to Clause 16.1 or as to the appropriateness of the professional body then such question may be referred by either part to the president for the time being of the Law Society for him to appoint a solicitor to determine the dispute such solicitor acting as an expert and his decision shall be final and binding on all parties in the absence of manifest error and his costs shall be payable by the parties to the dispute in such proportion as he shall determine and failing such determination shall be borne by the parties in equal shares.

16.3 Any expert howsoever appointed:

- (a) shall be subject to the express requirement that a decision was reached and communicated to the relevant parties within the minimum practicable timescale allowing for the nature and complexity of the dispute and in any

event not more than twenty-eight working days after the conclusion of any hearing that takes place or twenty-eight working days after he has received any file or written representation;

(b) subject to Clause 16.5 act as an expert and not an arbitrator.

16.4 The expert shall be required to give notice to each of the said parties requiring them to submit to him within 10 Working Days of notification of his appointment written submissions and supporting material and the other party will be entitled to make a counter written submission within a further ten Working Days.

16.5 The provisions of this clause shall not affect the ability of the Council to apply for and be granted any of the following: declaratory relief, injunction, specific performance, payment of any sum, damages, any other means of enforcing this Deed and consequential and interim orders and relief.

**17. NO FETTER OF DISCRETION**

Nothing (contained or implied) in this Deed shall fetter or restrict the Council's statutory rights, powers, discretions and responsibilities.

**18. WAIVER**

No failure or delay by the Council to exercise any right or remedy provided under this Deed or by law shall constitute a waiver of that or any other right or remedy. No single or partial exercise of such right or remedy shall prevent or restrict the further exercise of that or any other right or remedy.

**19. FUTURE PERMISSIONS**

Nothing in this agreement shall prohibit or limit the right to develop any part of the Property in accordance with any planning permission (other than the Planning Permission or modification, variation or amendment thereof) granted after the date of the Planning Permission.

**20. AGREEMENTS AND DECLARATIONS**

The parties agree that:

- (a) nothing in this Deed constitutes a planning permission or an obligation to grant planning permission; and
- (b) nothing in this Deed grants planning permission or any other approval, consent or permission required from the Council in the exercise of any other statutory function.

**21. ALTERATIONS TO SCHEMES, PLANS AND TIMESCALES**

- 21.1 The Owner may at any time request in writing that any plan or scheme approved by the Council under paragraphs 3, 6, 7, 8, 10 and 12 of Schedule 1 be amended and submit details of the amended plan or scheme.
- 21.2 Following approval by the Council of the amended plan or scheme to implement the amended plan or scheme as approved.
- 21.3 Notwithstanding the references in paragraphs 1, 14, 15, and 17 of Schedule 1 to any period of time or any specific date or deadline, the Council and the Owner may (but without being under any obligation to do so) extend such period, date or deadline by such further period as may be agreed between them in writing.

**22. VARIATIONS TO PLANNING PERMISSION**

- 22.1 This Deed shall continue to be valid and enforceable following an amendment or variation to the Planning Permission achieved through the submission of the Planning Application pursuant to Section 73 of the 1990 Act as if this Deed had been completed pursuant to such an application.

**23. NOTICES**

- 23.1 Any notice or other communication to be given under this Deed must be in writing and must be:
- (a) delivered by hand; or
  - (b) sent by pre-paid first class post or other next working day delivery service.
- 23.2 Any notice or other communication to be given under this Deed must be sent to the relevant party as follows:
- (a) to the Council at Civic Centre 44 York Street Twickenham TW1 3BZ marked for the attention of the Head of Development Control
  - (b) to the Owner at 50 Copley Park, London, SW16 3DB marked for the attention of the Company Secretary;
  - (c) to the First Mortgagee at 51 avenue John F. Kennedy, L-1855 Luxembourg marked for the attention of Marketa Stranska and Alexandra Fantuz;
  - (d) to the Second Mortgagee at c/o Addleshaw Goddard LLP, Milton Gate, 60 Chiswell Street, London EC1Y 4AG for the attention of James Salford with copy to 5<sup>th</sup> Floor, 44 Esplanade, St Helier, Jersey JE1 3FG marked for the attention of Nigel Greenwood.

or as otherwise specified by the relevant party by notice in writing to each other party.

23.3 Any notice or other communication given in accordance with clause 23.1 and clause 23.2 will be deemed to have been received:

- (a) if delivered by hand, on signature of a delivery receipt or at the time the notice or document is left at the address provided that if delivery occurs before 9.00 am on a Working Day, the notice will be deemed to have been received at 9.00 am on that day, and if delivery occurs after 5.00 pm on a Working Day, or on a day which is not a Working Day, the notice will be deemed to have been received at 9.00 am on the next Working Day; or
- (b) if sent by pre-paid first class post or other next working day delivery service, at 9.00 am on the second Working Day after posting.

23.4 This clause does not apply to the service of any proceedings or other documents in any legal action or, where applicable, any arbitration or other method of dispute resolution.

#### **24. THIRD PARTY RIGHTS**

A person who is not a party to this Deed shall not have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this Deed.

#### **25. VALUE ADDED TAX**

25.1 Each amount stated to be payable by the Council or the Owner to the other under or pursuant to this Deed is exclusive of VAT (if any).

25.2 If any VAT is at any time chargeable on any supply made by the Council or the Owner under or pursuant to this Deed, the party making the payment shall pay the other an amount equal to that VAT as additional consideration on receipt of a valid VAT invoice.

#### **26. GOVERNING LAW**

This Deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.



This document has been executed as a Deed and is delivered and takes effect on the date stated at the beginning of it.

The common seal of **LONDON BOROUGH OF RICHMOND-UPON-THAMES**

was affixed to this document in the presence

of: *W.C. Craig*  
**W.C. CRAIG**  
Assistant Head of Law.

Authorised signatory



28198/03

Executed as a Deed by **MELLISS AVE DEVCO LIMITED** in the presence of:

*C. Sheppard*

SIGNATURE OF WITNESS  
NAME: **C. SHEPPARD**  
ADDRESS:

*Ch des Moulins, 11*  
*1936 Verrier*  
*CH*  
**SWITZERLAND**

Signed by

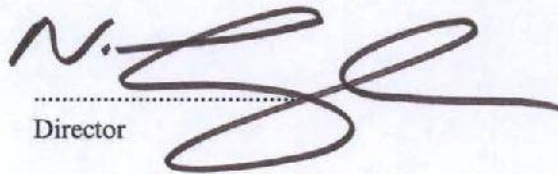
for and on behalf of  
**GREENOAK UK SECURED LENDING II S.A.R.L.**

*[Signature]*

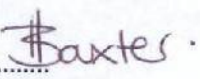
Director

Being a person who in accordance with the laws of that territory is acting under the authority of the company

Executed as a Deed by **BEAUFORT VENTURES II (JERSEY) LIMITED**, a company incorporated in Jersey acting by

  
.....  
Director

Being a person who in accordance with the laws of that territory is acting under the authority of the company

in the presence of:   
.....

SIGNATURE OF WITNESS

NAME: Hayley Baxter Manager  
ADDRESS:

44 Esplanade  
St Helier  
Jersey  
JE1 3FG

## SCHEDULE 1 – COVENANTS BY THE OWNER

- 1. INITIAL AFFORDABLE HOUSING CONTRIBUTION**
  - 1.1 On or before the Commencement Date to pay to the Council the Initial Affordable Housing Contribution towards offsite affordable housing provision unless an alternative time be agreed by both parties in writing to facilitate the delivery of off-site affordable housing provision.
  
- 2. USE OF DEVELOPMENT**
  - 2.1 The Development shall not be Occupied other than in accordance with use class C2 (and any uses ancillary to use class C2) of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification.
  
- 3. EXTRA CARE UNITS**
  - 3.1 The Owner will not Occupy or permit Occupation of any Extra Care Unit until an Operational Management Plan for the Extra Care Units have been submitted and approved in writing by the Council.
  
  - 3.2 The Operational Management Plan shall ensure that:
    - (a) an occupier of an Extra Care Unit is a Primary Resident occupying the Extra Care Unit as their sole or primary residence;
    - (b) the Primary Resident within an Extra Care Unit must procure a Care Package;
    - (c) a mechanism for monitoring to ensure clauses 3.2(a) and (b) are adhered to;
    - (d) a Qualifying Dependent may remain in occupation of an Extra Care Unit if the Primary Resident with whom they reside dies notwithstanding that the said Qualifying Dependent may be younger than 65 years of age and/or without any physical or mental impairment PROVIDED THAT the Qualifying Dependent is occupying the Extra Care Unit as their sole or primary residence;
    - (e) does not prevent the Primary Resident and Qualifying Dependents from having overnight temporary visitors.
  
  - 3.3 Following approval of the Operational Management Plan by the Council and Occupation of the Development to:
    - (a) implement the Operational Management Plan as approved;
    - (b) procure that any occupier of an Extra Care Unit shall comply with the terms of the approved Operational Management Plan;

3.4 The Owner shall procure that any owner of an Extra Care Unit who disposes of their interest in an Extra Care Unit shall ensure that such disposal contains a covenant to the effect that the acquiree shall ensure compliance with the terms of the approved Operational Management Plan.

**4. ON-SITE SERVICES**

4.1 The Owner shall ensure at all times that the care services are available 24 hours a day and seven days a week.

4.2 Following the Occupation of the Development to permit all residents of the Development to have access to onsite shared communal facilities subject to any conditions and/or restrictions imposed by the Owner or management company as appointed by the Owner.

**5. DELIVERY OF PUBLIC SPACE WORKS**

5.1 The Owner covenants with the Council to undertake the Public Space Works to the Council's satisfaction.

5.2 The Owner further covenants with the Council that no part of the Development shall be Occupied until all the Public Space Works have been completed to the Council's satisfaction and made accessible to the public free of charge in accordance with paragraph 6 of this Schedule 1.

5.3 The Owner further covenants with the Council that the Public Space shall be retained for the existence of the lifetime of the Development.

**6. PUBLIC SPACE MANAGEMENT AND MAINTENANCE PLAN**

6.1 The Owner shall as soon as reasonably practicable after Commencement of Development submit to the Council for the Council's written approval the Public Space Management and Maintenance Plan in relation to the Public Space (and which for the avoidance of doubt shall include the children's play area identified on the drawings forming part of the Planning Application) and in any event 12 weeks before the Commencement of the Public Spaces Work.

6.2 The Public Space Management and Maintenance Plan for the Public Space shall include (but not be limited to) and at the Owner's expense other than sub-paragraph (a) below:

- (a) hours of access (anticipated to be 0800-2100 and reduced according to daylight hours)
- (b) insurance

- (c) maintenance and repair
- (d) litter picking
- (e) cleaning of ground level surfaces
- (f) timescale for implementing the Public Space Management and Maintenance Plan
- (g) the circumstances when the Public Space needs to be closed, such as for maintenance, operational reasons and emergencies
- (h) other reasonable matters as agreed in writing with the Council.

6.3 Following approval of the Public Space Management and Maintenance Plan by the Council and Occupation of the Development to implement the Public Space Management and Maintenance Plan as approved.

## **7. COMMUNITY USE SCHEME**

7.1 Not to Occupy or permit the Occupation of any part of the Development until the Community Use Scheme has been submitted to and approved in writing by the Council;

7.2 Following approval of the Community Use Scheme by the Council and Occupation of the Development to implement the Community Use Scheme as approved;

7.3 The Community Use Scheme shall provide that:

- (a) The facilities available to the local community are:
  - (i) Hydro-therapy and exercise pool;
  - (ii) Medical treatment centre;
  - (iii) Rehabilitation and exercise facilities;
  - (iv) Restaurant/café/bar;
  - (v) Activity room;
  - (vi) Hair salon
- (b) The facilities will be available to the local community subject to:
  - (i) any closure required for maintenance, operational matters, security or emergencies;
  - (ii) Hours and duration of use;
  - (iii) The use of certain facilities may be available by appointment only.

## **8. LOCAL EMPLOYMENT SCHEME**

8.1 Not to Commence the Development or permit the Commencement of any part of the Development until the Local Employment Scheme has been submitted to and approved in writing by the Council the same to include the use of reasonable endeavours to target employment opportunities arising in connection with the implementation of the Development to local residents within relevant contracts including making use of existing schemes such as Way2Work, the Construction and Training Initiative schemes run by registered providers of social housing and developers providing they manage development related job opportunities working with Job Centre Plus and adopting appropriate recruitment practices;

8.2 Following approval of the Local Employment Scheme by the Council and Commencement of Development to implement the Local Employment Scheme as approved.

## **9. RESTRICTIONS DURING INITIAL SALES PERIOD**

9.1 During the Initial Sales Period the following restrictions apply:

- (a) disposal of any Extra Care Units shall be restricted to a person residing in the London Borough of Richmond-upon-Thames;
- (b) marketing of the Extra Care Units shall be targeted towards persons residing in the London Borough of Richmond-upon-Thames.

9.2 Upon the expiry of the Initial Sales Period the restrictions within this paragraph 9 shall no longer apply.

## **10. TRAVEL PLAN**

10.1 Not to Occupy or permit the Occupation of any part of the Development unless the Travel Plan has been submitted to and approved in writing by the Council;

10.2 The Travel Plan shall include that:

- (a) travel surveys of staff, residents and visitor travel surveys are undertaken in accordance with a survey methodology to be submitted to and approved by the Council prior to the surveys being carried out;
- (b) within 6 months of Occupation, an updated Travel Plan based on the results of the surveys shall be submitted to the Council with clear objectives, targets, actions and timeframes to manage the transport needs of residents staff and visitors to the Development to minimise car usage and to achieve a shift to alternative transport modes.

- 10.3 The Owner shall implement the Travel Plan as approved and any revision, update or replacement to the Travel Plan as approved within three months of the date of such approval;
- 10.4 For the first three years following first Occupation, the Travel Plan (including surveys) shall be annually reviewed and updated and a written review of the Travel Plan submitted and approved by Council. After the third anniversary, the review and update cycle shall continue on the sixth, ninth and twelfth anniversary of first Occupation;
- 10.5 Following the twelfth anniversary of first Occupation the Council may request in writing that the Travel Plan is reviewed and if necessary in order for targets in the Travel Plan to be met, the Travel Plan to be updated and a written review of the Travel Plan submitted and approved by Council PROVIDED THAT such request may not occur more often than once every three years from any previous approval of an updated Travel Plan.

## **11. CAR CLUB**

- 11.1 Prior to the Occupation of the Property to procure that the household of each Extra Care Unit shall be offered free annual membership of a Car Club provided at the Owner's expense if requested and such membership shall be available for the lifetime of the Development PROVIDED THAT membership shall be limited to one per Extra Care Unit and is requested on an annual basis.
- 11.2 Promote and advertise to each potential occupant of an Extra Care Unit the value and benefits of membership of a Car Club;
- 11.3 Include a provision in any lease licence or tenancy agreement affecting an Extra Care Unit that each Extra Care Unit shall be entitled to belong to the Car Club at the Property;
- 11.4 Provide and distribute personally or through the Accredited Car Club Provider marketing literature to residents of Extra Care Units that publicises the benefits of membership of a Car Club;

## **12. MINIBUS SERVICE**

- 12.1 The Owner shall prior to Occupation of Development submit to the Council for the Council's written approval a Minibus Scheme for the benefit of residents and staff of the Development to travel free of charge on the minibus and of visitors to the Development at a charge that is reasonable;

- 12.2 Following approval of the Minibus Scheme by the Council and Occupation of Development to implement the Minibus Scheme as approved.

**13. RESTRICTION ON CAR PARKING PERMITS**

- 13.1 Not to Occupy or dispose of or allow any person to Occupy or dispose of the Extra Care Units unless a notice has been served on such person that such person shall not be entitled (unless such person is or becomes entitled to be a holder of a Disabled Persons' Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons' Act 1970) to be granted a permit issued by the Council under section 45(2) of the Road Traffic Regulation Act 1984 allowing any mechanically propelled vehicle intended or adapted for use on a road or highway to park in any marked highway parking space designated by the Council by a traffic management order pursuant to statutory or regulatory provision or other place within an existing controlled parking zone (or any controlled parking zone amending or replacing the same) within the Council's area nor will the Council enter into a contract (other than individual contracts for one occasion) with such person to park in any car park controlled by the Council.

**14. EARLY STAGE VIABILITY REVIEW**

- 14.1 In the event the Substantial Implementation has not occurred within 27 (twenty-seven) months of the grant of Planning Permission (the "Substantial Implementation Target Date") then Occupation shall not occur unless the provisions relating to an Early Stage Viability Review in Part 1 of Schedule 3 have been complied with and the Additional Early Affordable Housing Contribution has been paid (if required).
- 14.2 Paragraph 14.1 shall not apply in the event Substantial Implementation has occurred within 27 (twenty-seven) months of the grant of Planning Permission and the Council has notified the Owner in accordance with 14.6 of this schedule 1.
- 14.3 The Owner shall notify the Council in writing of the date on which it considers that the Substantial Implementation has been achieved no later than 10 Working Days after such date and such notice shall be accompanied by full documentary evidence on an open book basis to enable the Council to independently assess whether the Substantial Implementation has been achieved and whether it was achieved on or before the Substantial Implementation Target Date.
- 14.4 No later than five Working Days after receiving a written request from the Council, the Owner shall provide to the Council any additional documentary evidence reasonably requested by the Council to enable it to determine whether the Substantial Implementation has been achieved on or before the Substantial Implementation Target Date.



14.5 Following the Owner's notification pursuant to paragraph 14.3 of this schedule 1, the Owner shall afford the Council access to the Site to inspect and assess whether or not the works which have been undertaken achieve the Substantial Implementation PROVIDED ALWAYS THAT the Council shall:

- (a) provide the Owner with reasonable written notice of its intention to carry out such an inspection;
- (b) comply with relevant health and safety legislation; and
- (c) at all times be accompanied by the Owner or its agent.

14.6 No later than 20 Working Days after the Council receives

- (a) notice pursuant to paragraph 14.3 of this schedule 1; or
- (b) if the Council makes a request under paragraph 14.4 of this schedule 1, the additional documentary evidence,

the Council shall inspect the Site and thereafter provide written confirmation to the Owner within 10 Working Days of the inspection date as to whether or not the Council considers that the Substantial Implementation has been achieved and whether it was achieved on or before the Substantial Implementation Target Date.

14.7 If the Council notifies the Owner that the Council considers that the Substantial Implementation has not been achieved then this paragraph 14 shall continue to apply mutatis mutandis until the Council has notified the Owner pursuant to paragraph 14.6 of this schedule 1 that the Substantial Implementation has been achieved.

14.8 The Owner shall not Occupy the Development or any part thereof until:

- (a) the Council has notified the Owner pursuant to paragraph 14.6 of this Schedule 1 that the Substantial Implementation has been achieved on or before the Substantial Implementation Target Date;
- (b) the Early Stage Viability Review in Part 1 of Schedule 3 have been complied with and it is confirmed that the Additional Early Affordable Housing Contribution is not required; or
- (c) the Early Stage Viability Review in Part 1 of Schedule 3 have been complied with, that an Additional Early Affordable Housing Contribution is required and has been paid.

14.9 Any dispute or unresolved differences following the expiry of the specified time periods (including any failure to respond within such periods) in relation to this paragraph 14 of this Schedule 1 may be resolved in accordance with the provisions of Clause 16 of this Deed at the request of either party.

## 15. LATE STAGE VIABILITY REVIEW

- 15.1 Upon the disposal or occupation of 66 (sixty-six) Extra Care Units the provisions relating to a Late Stage Viability Review in Part 2 of Schedule 3 shall apply.
- 15.2 No more than 75 (seventy-five) Extra Care Units shall be Occupied unless the provisions relating to a Late Stage Viability Review in Part 2 of Schedule 3 have been complied with and the Additional Late Affordable Housing Contribution (if any) has been paid.

**16. NOTIFICATIONS**

- 16.1 To provide to the Council:
- (a) written notification seven days prior to its intention to Commence Development and a further written notice of the actual Commencement within seven days of the occurrence of the same;
  - (b) written notification of first Occupation of the first Extra Care Unit to be Occupied within seven days prior to the first Occupation of that Extra Care Unit and within seven days of the occurrence of the same;
  - (c) written notification of first Occupation of the 44th Extra Care Unit within seven days of the Occupation of the said unit;
  - (d) written notification of first Occupation of the 66th Extra Care Unit within seven days of the Occupation of the said unit.

**17. UPLIFT AFFORDABLE HOUSING CONTRIBUTION**

- 17.1 On or before the occupation of 44 (forty-four) Extra Care Units to pay to the Council the Uplift Affordable Housing Contribution towards offsite affordable housing provision unless an alternative time be agreed by both parties in writing to facilitate the delivery of off-site affordable housing provision.

## SCHEDULE 2 – PERSONAL CARE AND HEALTH CARE

### 1. PART 1 – PERSONAL CARE

#### 1.1 Care and Wellbeing Services

- (a) assistance with personal hygiene including washing, shaving, toileting;
- (b) assistance with dressing and undressing;
- (c) assistance with getting into/out of bed, use of mobility aids;
- (d) assistance with the planning and preparation of meals;
- (e) assistance with feeding and drinking;
- (f) assistance with domestic and housekeeping services;
- (g) assistance with getting to and from facilities/activities;
- (h) assistance with administration and other tasks.

#### 1.2 Nursing Services

- (a) assistance with the ordering and collecting of prescriptions, and ensuring the taking of prescribed medication;
- (b) assistance with all medical appointments;
- (c) access to the multidisciplinary team of doctors, nurses, physiotherapist, occupational therapist, etc.;
- (d) access to immediate medical support;
- (e) regular review by the multidisciplinary team for preventative care and support.

### 2. PART 2 – HEALTH CARE

#### 2.1 Medical, Acute Nursing and Therapy Services.

- (a) Consultations with a consultant geriatrician and/or old age psychiatrist;
- (b) Acute physical and mental health nursing;
- (c) Physiotherapy;
- (d) Occupational Therapy;
- (e) Speech and Language Therapy;
- (f) Chiropody.

**SCHEDULE 3 – EARLY STAGE VIABILITY REVIEW AND LATE  
STAGE VIABILITY REVIEW**

**1. INTERPRETATION**

The following definitions apply in this Schedule:

**1.1 Definitions:**

**Application Viability Assessment:** means the Bespoke Viability Assessment dated February 2019, side letter dated 3 July 2019 and spreadsheet entitled “Economic Appraisal Tool” as attached at Annex E

**Benchmark Land Value:** £2,678,313 (two million six hundred and seventy-eight thousand three hundred and thirteen pounds)

**Early Stage Viability Surplus:** means a positive figure produced by the Early Stage Viability Review where the Benchmark Land Value is deducted from the residual site value of the Development produced by the Early Stage Viability Review

**Gross Development Costs:** means the costs incurred and/or expected to be incurred by the Owner in carrying out the Development including build costs; professional fees; marketing and agent fees; acquisition fees; legal fees; finance; development contributions (Mayoral Community Infrastructure Levy, Richmond Community Infrastructure Levy, Initial Affordable Housing Contribution, Uplift Affordable Housing Contribution and Additional Early Affordable Housing Contribution (in relation to the Late Stage Viability Review)); developer return and any other reasonable and proper costs incurred by the Owner in carrying out the Development as calculated in the Early Stage Viability Review or the Late Stage Viability Review (as applicable)

**Gross Development Value:** the aggregate market value of the proposed development assessed on the special assumption that the development is complete as at the date of valuation in the market conditions prevailing at that date

**Late Stage Viability Surplus:** means a positive figure produced by the Late Stage Viability Review where the Benchmark Land Value is deducted from the residual site value of the Development produced by the Late Stage Viability Review

**Maximum Sum:** shall be a sum which is the financial equivalent to providing policy compliant affordable housing on the Property as part of the Development pursuant to the Planning Permission at the date of this Deed

**Mayoral Community Infrastructure Levy:** means a charge payable as a result of a charging schedule adopted by the Mayor of London pursuant to the Community Infrastructure Levy Regulations 2010 SI 2010/948 (as amended)

**Richmond Community Infrastructure Levy:** means a charge payable as a result of a charging schedule adopted by the Council pursuant to the Community Infrastructure Levy Regulations 2010 SI 2010/948 (as amended)

**2. PART 1 – EARLY STAGE VIABILITY REVIEW**

2.1 The Owner shall:

- (a) notify the Council that it will submit an Early Stage Viability Review no later than 20 Working Days after the date on which the Owner is notified pursuant to paragraph 14.6 or 14.8 of Schedule 1 that the Substantial Implementation has been achieved (or as resolved through clause 16);
- (b) within 20 (twenty) Working Days of notification in paragraph 2.1(a) to appoint a consultant at the Owner's cost to prepare and submit to the Council the Early Stage Viability Review, and the Council shall appoint an assessor to assess the Early Stage Viability Review;
- (c) pay the Council's reasonable and proper costs incurred in connection with the Early Stage Viability Review in full within fifteen (15) Working Days of the Council issuing an invoice of the said costs once they have already been incurred subject to such costs to be agreed prior to any work being undertaken;
- (d) within twenty (20) Working Days of the appointment of the consultant pursuant to paragraph 2.1(b) of this Schedule 3, to complete the Early Stage Viability Review and submit the same to the Council for its approval together with such supporting information as is reasonably necessary to enable the Council and its advisors to assess the Early Stage Viability Review.

2.2 The Early Stage Viability Review shall be undertaken using a methodology substantially in the same form as the Application Viability Assessment or such other form as agreed between the parties and shall take into account the Gross Development Costs and Gross Development Value in order to calculate the Early Stage Viability Surplus.

2.3 In the event that the Council approves the Early Stage Viability Review and the Early Stage Viability Review indicates that the scheme will produce an Early Stage Viability Surplus, the Owner shall pay the Additional Early Affordable Housing Contribution to the Council within 2 (two) months of the date of receiving the Council's approval of the Early Stage Viability Review that confirms the agreed amount of Additional Early Affordable Housing Contribution in writing PROVIDED THAT no Additional Early Affordable Housing Contribution is payable if the Early Stage Viability Surplus is 0 (zero).

2.4 In the event the Council does not approve the Early Stage Viability Review submitted to it pursuant to paragraph 2.1 of this Schedule 3 within 20 (twenty) Working Days of receipt or such other period as may be agreed between the Parties or the amount of the Additional Early Affordable Housing Contribution then any dispute shall be resolved in accordance with the provisions of Clause 16 of this Deed and the Owner shall pay the amount determined by the expert for the Additional Early Affordable Housing Contribution to the Council within 2 (two) months of the date of receiving the determination in writing of the expert in accordance with clause 16 or within such period as otherwise agreed between the Parties.

2.5 The amount of Additional Early Affordable Housing Contribution shall be all of the Early Stage Viability Assessment Surplus and shall not exceed the Maximum Sum (as calculated on its own or in aggregate with the Initial Affordable Housing Contribution and the Uplift Affordable Housing Contribution).

### 3. PART 2 – LATE STAGE VIABILITY REVIEW

3.1 The Owner shall:

- (a) within twenty (20) Working Days of paragraph 15.1 of Schedule 1 applying, to appoint a consultant at the Owner's cost to prepare and submit to the Council the Late Stage Viability Review, and the Council shall appoint an assessor to assess the Late Stage Viability Review;
- (b) pay the Council's reasonable and proper costs incurred in connection with the Late Stage Viability Review in full within 15 (fifteen) Working Days of the Council issuing an invoice of the said costs once they have already been incurred subject to such costs to be agreed prior to any work being undertaken;
- (c) within 20 (twenty) Working Days of the appointment of the consultant pursuant to paragraph 3.1(a) of this Schedule 3, to complete the Late Stage Viability Review and submit the same to the Council for its approval together with such supporting information as is reasonably necessary to enable the Council and its advisors to assess the Late Stage Viability Review.

3.2 The Late Stage Viability Review shall be undertaken using a methodology substantially be in the same form as the Application Viability Assessment or such other form as agreed between the parties and shall take into account the Gross Development Costs and Gross Development Value in order to calculate the Late Stage Viability Surplus;

3.3 In the event that the Council approves the Late Stage Viability Review and the Late Stage Viability Review indicates that the scheme will produce an Late Stage Viability Surplus, the Developer shall pay the Additional Late Affordable Housing

Contribution to the Council within 2 (two) months of the date of receiving the Council's approval of the Late Stage Viability Assessment that confirms the agreed amount of Additional Late Affordable Housing Contribution in writing PROVIDED THAT no Additional Late Affordable Housing Contribution is payable if the Late Stage Viability Surplus is 0 (zero);

- 3.4 In the event the Council does not approve the Late Stage Viability Review submitted to it pursuant to paragraph 3.1 of this Schedule 3 within 20 (twenty) Working Days of receipt or such other period as may be agreed between the Parties or the amount of the Additional Late Affordable Housing Contribution then any dispute shall be resolved in accordance with the provisions of Clause 16 of this Deed and the Owner shall pay the amount determined by the expert for the Additional Late Affordable Housing Contribution to the Council within 2 (two) months of the date of receiving the determination in writing of the expert in accordance with clause 16 or within such period as otherwise agreed between the Parties.
- 3.5 The amount of Additional Late Affordable Housing Contribution shall be 60% (sixty percent) of the Late Stage Viability Assessment Surplus and shall not exceed the Maximum Sum (as calculated on its own or in aggregate with the Initial Affordable Housing Contribution and/or the Additional Early Affordable Housing Contribution and/or the Uplift Affordable Housing Contribution).

**Annex A. Plan 1**



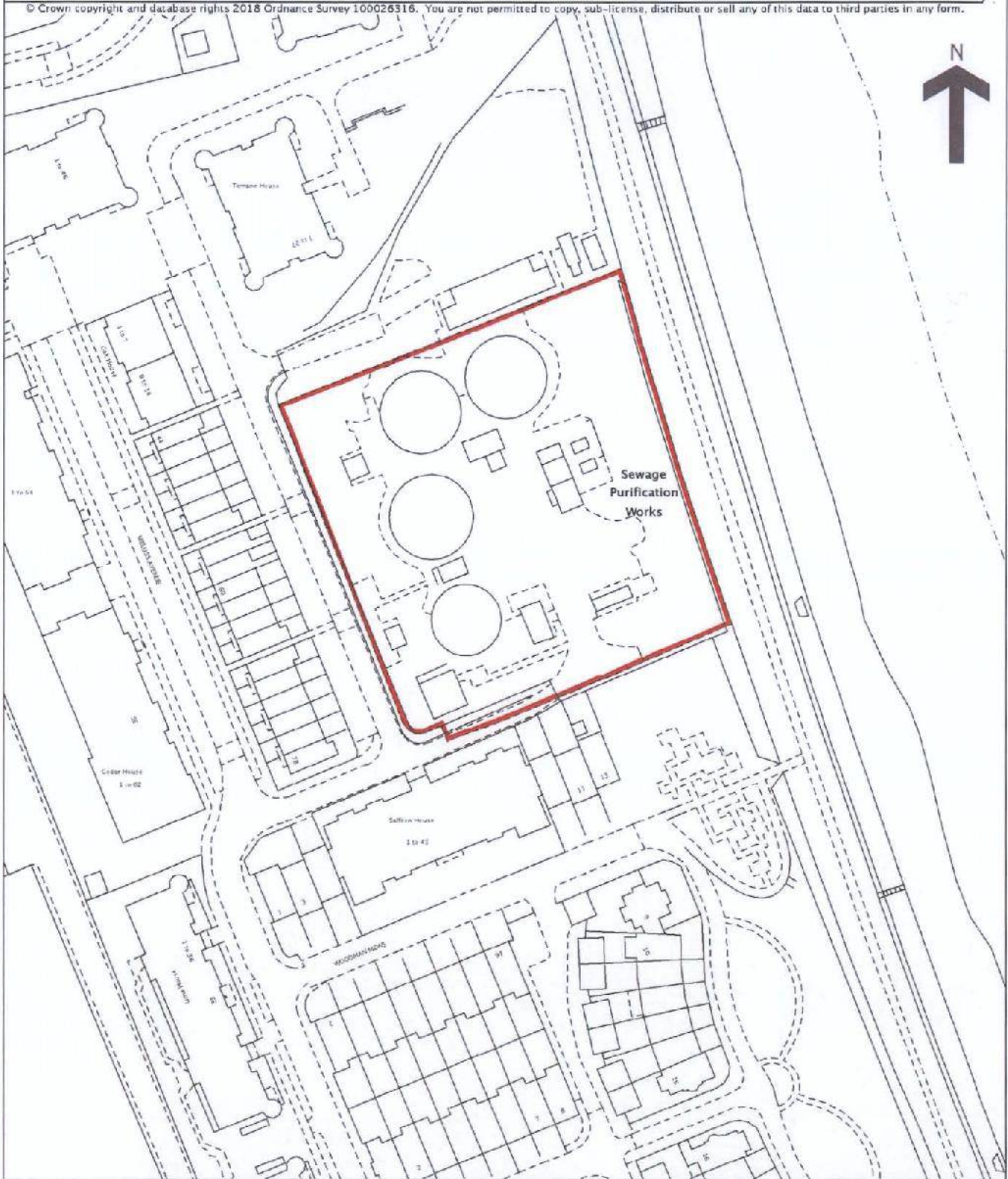
*LC. B* *126*

HM Land Registry  
Official copy of  
title plan

Title number **TGL491744**  
Ordnance Survey map reference **TQ1976NE**  
Scale **1:1250**  
Administrative area **Richmond upon Thames**



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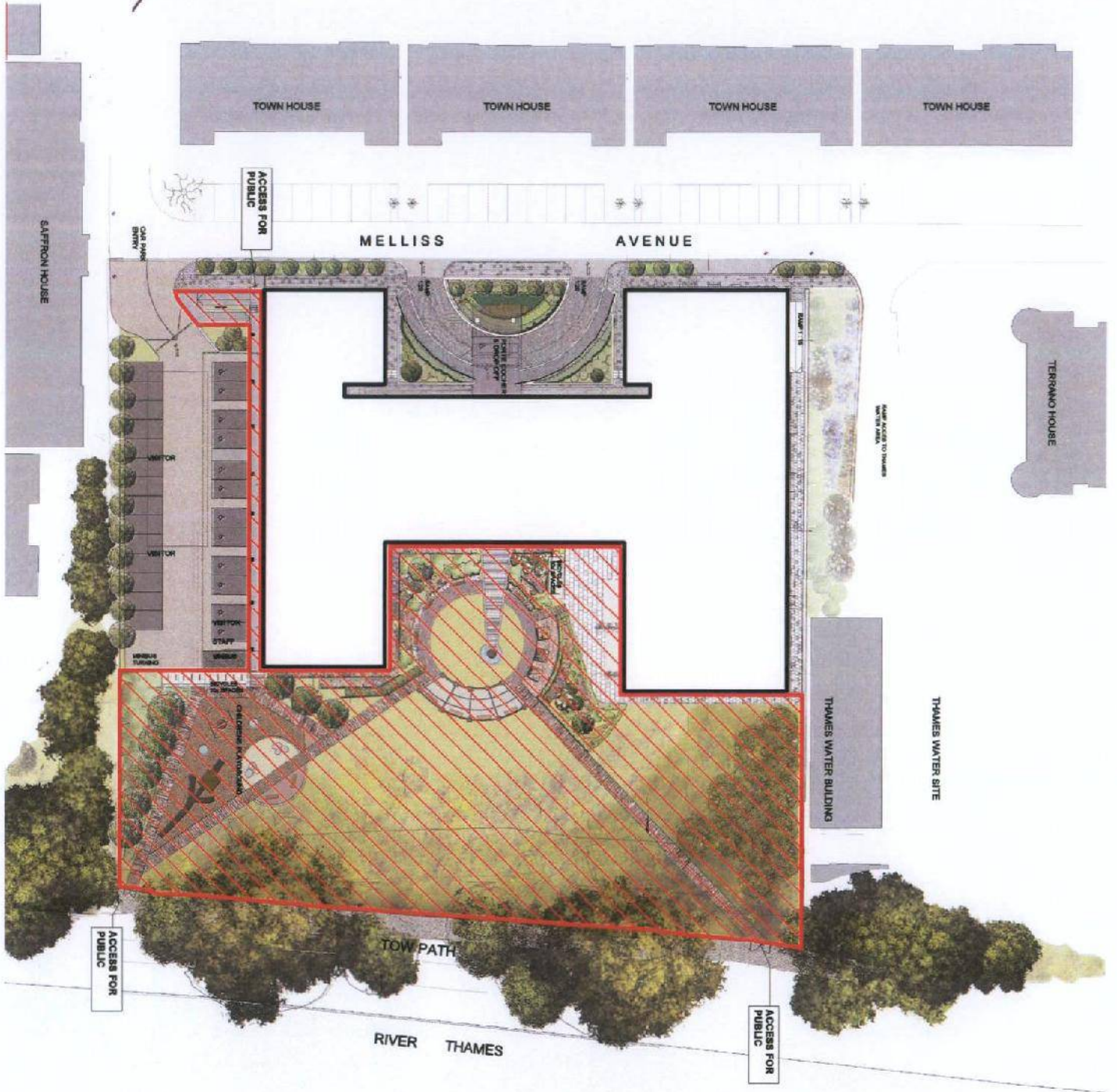
**PLAN 1**

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**Annex B. Plan 2**

*R*



**PLAN 2**  
Public space plan

*LC*  
*SS*

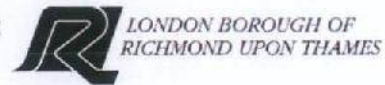
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 PUBLIC SPACE ACCESS POINT

**Annex C. Draft Planning Permission**

**Environment Directorate / Development Management**

Web: [www.richmond.gov.uk/planning](http://www.richmond.gov.uk/planning)  
Email: [envprotection@richmond.gov.uk](mailto:envprotection@richmond.gov.uk)  
Tel: 020 8891 1411  
Textphone: 020 8891 7120



Draft only

Mr Marlon Deam  
DP9 Ltd  
100 Pall Mall  
London  
SW1Y 5NQ

Letter Printed

Draft only

Dear Sir/Madam

**The Town and Country Planning Act 1990, (as amended)  
Decision Notice**

**Application:** 18/3310/FUL  
**Your ref:**  
**Our ref:** DC/NID/18/3310/FUL/FUL  
**Applicant:**  
**Agent:** Mr Marlon Deam

**WHEREAS** in accordance with the provisions of the Town and Country Planning Act 1990 and the orders made thereunder, you have made an application received on **8 October 2018** and illustrated by plans for the permission of the Local Planning Authority to develop land situated at:

**Kew Biothane Plant Melliss Avenue Kew**

for

**Demolition of existing buildings and structures, and redevelopment of the site to provide a 4-6 storey specialist extra care facility for the elderly with existing health conditions, comprising of 88 units, communal healthcare, therapy, leisure and social facilities (including a Restaurant/bar/cafe and swimming pool). Provision of car and cycle parking, associated landscaping and publicly accessible amenity space including a childrens play area.**

NOW THEREFORE WE THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF RICHMOND UPON THAMES acting by the Council of the said Borough, the Local Planning Authority HEREBY GIVE YOU NOTICE pursuant to the said Act and the Orders made thereunder that permission to develop the said land in accordance with the said application is hereby **GRANTED** subject to the conditions and informatives summarised and listed on the attached schedule.

Yours faithfully

 Draft only

Robert Angus  
Head of Development Management

# SCHEDULE OF CONDITIONS AND INFORMATIVES FOR APPLICATION 18/3310/FUL

## APPLICANT NAME

## AGENT NAME

Mr Marlon Deam  
100 Pall Mall  
London  
SW1Y 5NQ

## SITE

Kew Biothane Plant Melliss Avenue Kew

## PROPOSAL

Demolition of existing buildings and structures, and redevelopment of the site to provide a 4-6 storey specialist extra care facility for the elderly with existing health conditions, comprising of 88 units, communal healthcare, therapy, leisure and social facilities (including a Restaurant/bar/cafe and swimming pool). Provision of car and cycle parking, associated landscaping and publicly accessible amenity space including a childrens play area.

## SUMMARY OF CONDITIONS AND INFORMATIVES

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### CONDITIONS

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AT01	Development begun within 3 years
U0079733	Approved drawings
U0079734	Details to specified scale ~~~
U0079735	Details - Materials to be approved
U0079736	Details of boundary treatment
GD04A	Restriction-alt's/Ext-Appear'
U0079737	In accordance with Energy Statement
U0079738	BREEAM for Non-Housing
U0079739	PV panel and ASHP details
U0079740	Water Consumption
U0079741	Connection to energy network
U0079742	Contaminated Sites
U0079743	Electric charging facilities
U0079744	Parking allocation
U0079745	Disabled parking
U0079746	Cycle and scooter parking
U0079747	Highway sight lines Pedestrian
RD10A	Gradients of Ramps
DV30	Refuse storage
U0079748	Written Scheme of Investigation
U0079749	Community Toilet Scheme
U0079750	Flood protection
U0079751	Flood Warning and Evacuation Plan
U0079752	Sustainable Drainage System
U0079753	Thames Water - Waste and Water Capacity
U0079754	AMS/Tree protection
U0079755	Tree planting
U0079756	Green/Living roof
U0079757	Ecological Enhancements
U0079758	Hard and Soft Landscaping Required
DV28	External illumination
U0079759	Ventilation Odour Control Condition
U0079760	Restaurant /bar/café
U0079761	Piling
U0079762	Wheelchair user units M4(3)
U0079763	Dust Management Strategy
U0079764	Sound insulation external scheme
U0079765	Demolition/Construction/Logistics Method

U0079767	Noise and Vibration Construction Method
U0079766	Sound insulation internal scheme
U0079769	Delivery, Servicing and Waste strategy
U0079768	Mechanical Services Noise Control
U0079770	Air Quality-NRMM

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### INFORMATIVES

U0035251	NPPF APPROVAL - Para. 38-42
U0035249	Composite Informative
IL13	Section 106 agreement
U0035253	CIL Liable
U0035259	Community Toilet Scheme
U0036304	Drinking water
U0035463	Construction Method Statement
U0035265	Construction Logistics Plan
U0035262	Short stay drop-off space
U0035257	Cycle Parking Provision
IH08A	Travel Plan
IM09	Disabled parking
IE06	Details of piling-EHO consultation
IM01	Disabled persons
U0035260	Solar PV panels and ASHP details
U0035255	Thames Water
U0035258	EA Informative
U0035261	Flood Warning and Evacuation Plan
U0035263	Archaeology
U0035264	Ecological enhancements
IE03	Restaurant - EHO Consultation
IL02	Advertisements
IM11	Use of hardwoods
U0035450	Fire Statement
IM13	Street numbering
IT06	Nature Conservation
IT05	Trees - Size of new stock
U0035254	Fox trappings



## DETAILED CONDITIONS AND INFORMATIVES

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### DETAILED CONDITIONS

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#### **AT01 Development begun within 3 years**

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

#### **U0079733 Approved drawings**

The development hereby permitted shall be carried out in accordance with the following approved plans and documents, where applicable.

PA1.02 rev 1 received 10.10.18  
PA1.03 rev 1 received 10.10.18  
PA1.04 rev 2 received 18.12.18  
PA1.05 rev 1 received 10.10.18

PA2.01 rev 3 received 17.04.19  
PA2.02 rev 2 received 06.03.19  
PA2.03 rev 2 received 06.03.19  
PA2.04 rev 2 received 06.03.19  
PA2.05 rev 2 received 06.03.19  
PA2.06 rev 3 received 17.04.19  
PA2.07 rev 3 received 17.04.19  
PA2.08 rev 3 received 17.04.19

PA2.10 rev 1 received 06.03.19  
PA2.11 rev 1 received 06.03.19  
PA2.12 rev 1 received 06.03.19  
PA2.13 rev 1 received 06.03.19  
PA2.14 rev 1 received 06.03.19  
PA2.15 rev 2 received 17.04.19  
PA2.16 rev 2 received 17.04.19  
PA2.17 rev 2 received 17.04.19  
PA2.18 rev 2 received 17.04.19

PA3.01 rev 1 received 10.10.18  
PA3.02 rev 1 received 10.10.18  
PA3.03 rev 1 received 10.10.18  
PA3.04 rev 3 received 17.04.19  
PA3.05 rev 3 received 17.04.19  
PA3.06 rev 3 received 17.04.19

PA4.01 rev 1 received 10.10.18  
PA4.02 rev 1 received 10.10.18  
PA4.03 rev 3 received 17.04.19  
PA4.04 rev 3 received 17.04.19  
PA4.05 rev 3 received 17.04.19

Waste collection drawing SK\_06 rev 1 received 18.12.18  
Masterplan 1579-MA-WA-MP-GF-DR-L-001 C dated 02.05.19  
Softworks Plan 1579-MA-WA-MP-GF-DR-L-002 C dated 02.05.19  
Hardworks Plan 1579-MA-WA-MP-GF-DR-L 003 B dated 02.05.19  
Biodiversity Strategy 1579-MA-WA-MP-GF-DR-L-004 B dated 02.05.19  
Arboricultural Implications Plan 1579-MA-WA-MP-GF-DR-L-005 C dated 02.05.19  
Soiling Plan 1579-MA-WA-MP-GF-DR-L-006 C dated 02.05.19  
Tree pit details 1579-MA-WA-MP-GF-DR-L-009 dated 06.03.19

REASON: To accord with the terms of the application, for the avoidance of doubt and in the interests of proper planning.

**U0079734 Details to specified scale ~~**

The development shall not be carried out other than in accordance with detailed drawings to a scale of not less than 1:20 which shall be submitted to and approved in writing by the Local Planning Authority, such details to show:

- 1) cross section through fenestration showing details, window hoods and reveals;
- 2) porte cochere;
- 3) typical balcony;
- 4) brise soleil;
- 5) privacy screens.

REASON: To ensure that the proposed development is in keeping with the existing building(s) and does not prejudice the appearance of the locality.

**U0079735 Details - Materials to be approved**

The external surfaces of the building(s) (including fenestration) and, where applicable, all areas of hard surfacing shall not be constructed other than in materials details/samples of which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include facing brickwork, zinc cladding, bronze finish cladding, privacy screens, fixed louvered cladding, door and window frames, all balustrades, reveals, soffits and doorways.

REASON: To ensure that the proposed development does not prejudice the appearance of the locality.

**U0079736 Details of boundary treatment**

Prior to the commencement of development above ground floor slab level, details of proposed boundary treatments, to include a plan indicating the positions, design, materials and type of boundary treatment to be erected and any tree protection measures to be taken into consideration including when creating the openings along the river path, shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be carried out prior to occupation of any part of the development and retained as such.

REASON: To safeguard the visual amenities of the locality and the privacy/amenities of the adjoining properties.

**GD04A Restriction-alt's/Ext-Appear'**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no external alterations or extensions shall be carried out to the building(s) hereby approved.

REASON: To safeguard the appearance of the premises and the area generally.

**U0079737 In accordance with Energy Statement**

The development shall be built in accordance with the approved Energy Strategy prepared by AECOM Limited (Oct 2018), demonstrating how the development would follow the hierarchy of energy efficiency, decentralised energy and renewable energy technologies to secure at least a minimum of 35% reduction in CO2 emissions below the maximum threshold set in Building Regulations Part L 2013. Evidence (e.g. photographs, copies of installation contracts and as-built worksheets prepared under SAP or the National Calculation Method) should be submitted to the Local Planning Authority and approved in writing within 3 months of first occupation of the building to demonstrate that the development has been carried out in accordance with the approved Energy Strategy unless otherwise agreed by the Local Planning Authority in writing.

REASON: To ensure that the development makes the fullest contribution to minimising carbon dioxide emissions.

**U0079738 BREEAM for Non-Housing**

1) Within 3 months of work starting on site, unless otherwise agreed in writing, a BREEAM fully fitted New Construction Interim (Design Stage) Certificate, issued by the Building Research Establishment (BRE), must be submitted to and approved in writing by the Local Planning Authority to show that a minimum Excellent rating will be achieved.

2) Within 3 months of first occupation of the building, unless otherwise agreed in writing, a BREEAM fully fitted New Construction Final (Post-Construction) Certificate, issued by the BRE, must be submitted to and approved in writing by the Local Planning Authority to demonstrate that an Excellent rating has been achieved. All the measures integrated shall be retained for as long as the development is in existence.

REASON: In the interests of promoting sustainable forms of developments and to meet the terms of the application.

**U0079739 PV panel and ASHP details**

Notwithstanding the details as shown on the approved drawings, prior to the commencement of development above ground floor slab level, details of the siting, type and number of Solar Panels and Air Source Heat Pumps to be attached to the roofs of the buildings shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic panels and Air Source Heat Pumps shall thereafter be installed in strict accordance with the approved details and permanently retained for the as long as the development is in existence.

REASON: In the interests of promoting sustainable forms of developments.

**U0079740 Water Consumption**

The dwelling(s) hereby approved shall not be occupied other than in accordance with the water consumption targets of 105 litres or less per person per day, and 5 litres or less per head per day for external water use.

Reason: In the interests of water efficiency in accordance with the Local Plan.

**U0079741 Connection to energy network**

Prior to first occupation, details of measures to be implemented to ensure the development is safeguarded to allow future connection to a decentralised energy network, should one become available, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

(a) Confirmation that a communal heating system will be used.

(b) Valved connections will be provided into the primary pipework headers to allow for future connection to the offsite network.

The energy safeguarding measures shall be implemented prior to first occupation of the development and maintained as such thereafter.

REASON: In order to safeguard connection of the development to a future decentralised energy network, and to comply with policies 5.5 and 5.6 of the London Plan

**U0079742 Contaminated Sites**

None of the dwellings/buildings hereby approved shall be occupied until:

A) the remediation works approved within the remediation strategy (Soiltechnics Site Investigation, Land Contamination Assessment and Remediation Strategy dated October 2018) have been carried out in full and in compliance with the approved strategy. If during the remediation or development work new areas of contamination are encountered, which have not been previously identified, then the additional contamination should be fully assessed in accordance with conditions (aa) and (ab)

below and an adequate remediation scheme shall be submitted to and approved in writing by the local planning authority and fully implemented thereafter.

(aa) an intrusive site investigation shall be carried out comprising: sampling of soil, soil vapour, ground gas, surface water and groundwater to the satisfaction of the local planning authority. Such work to be carried out by suitably qualified and accredited geo-environmental consultants in accordance with the current U.K. requirements for sampling and testing.

(ab) written reports of i) the findings of the above site investigation and ii) a risk assessment for sensitive receptors together with a detailed remediation strategy designed to mitigate the risk posed by the identified contamination to sensitive receptors shall be submitted to and approved in writing by the local planning authority

B) a verification report, produced on completion of the remediation work, has been submitted to and approved in writing by the local planning authority. Such report to include i) details of the remediation works carried out and ii) results of verification sampling, testing and monitoring and iii) all waste management documentation showing the classification of waste, its treatment, movement and disposal in order to demonstrate compliance with the approved remediation strategy.

REASON: To protect future users of the site and the environment.

#### **U0079743     Electric charging facilities**

Prior to first occupation of any part of the development approved, at least 6 vehicle parking spaces shall include active charging facilities, and at least 6 vehicle parking spaces shall be reserved for (passive) charging facilities. The active charging facilities shall be installed prior to occupation of any part of the development, in accordance with the manufactures specifications and maintenance schedule and maintained permanently thereafter, unless otherwise approved in writing by the Local Planning Authority.

REASON: To encourage the uptake of electrical vehicles and accord with the requirements of policy 6.13 of the London Plan.

#### **U0079744     Parking allocation**

Prior to first occupation of any part of the development hereby approved, the development shall provide 27 vehicles parking spaces in accordance with a car parking management plan to be submitted to and approved in writing by the Local Planning Authority. This should include:

1. Details of the layout of the car park and allocation of 14 spaces to the residential units, 5 spaces to staff, 7 spaces to visitors and 1 space for a minibus vehicle;
2. Details of the controls of means of entry to the car park; and
3. The provision of 20% of car parking spaces with electric charging points, a further 20% with a passive energy supply for future use

Each space shall thereafter be retained for parking purposes in association with its allocation, and for no other purpose, unless otherwise approved in writing by the Local Planning Authority. The drop-off space shall be used for short stay parking purposes, shall be signposted accordingly and shall not be used as an additional long stay space for the site.

REASON: To ensure the development does not prejudice the free flow of traffic and highway and pedestrian safety and to ensure that residential parking is available for each unit within the site to avoid generation of on-street parking.

#### **U0079745     Disabled parking**

Prior to first occupation of any part of the development hereby approved, the development shall provide 12 vehicle parking spaces for people with disabilities, as per the approved drawings PA2.02 Rev 2 and shall at no time be used for any other purpose and shall be made permanently available for use by residents with disabilities.

REASON: To ensure that people with disabilities can satisfactory and conveniently use the buildings.

**U0079746 Cycle and scooter parking**

No part of the development shall be occupied until cycle and mobility scooter parking facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the position, design, materials and finishes thereof. Each bicycle and mobility scooter parking space shall thereafter be retained for bicycle and mobility scooter parking purposes as relevant and for no other purpose, unless otherwise approved in writing by the Local Planning Authority.

REASON: To accord with this Council's policy to discourage the use of the car wherever possible.

**U0079747 Highway sight lines Pedestrian**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), no wall, fence, hedge or other obstruction to visibility within any part of the areas defined hereunder which is under the control of applicant shall at any time exceed a height of 0.6m above ground level, as agreed by the Local Planning Authority: one area on each side of the proposed access, defined by:

- i. The adjacent private road.
- ii. The edge of the proposed vehicular access.
- iii. A line joining a point 2.4m from the intersection of the road boundary, with a point 2.1m from that intersection measured along the edge of the proposed access

REASON: To provide a suitable standard of visibility to and from the highway so that the use of the access does not prejudice the safety of pedestrians in the vicinity of the access.

**RD10A Gradients of Ramps**

The gradient of any ramp shall not exceed 1 in 10 and for the first 5m from the edge of the carriageway of the adjoining highway, shall not exceed 1 in 25.

REASON: In the interests of highway safety.

**DV30 Refuse storage**

No refuse or waste material of any description shall be left or stored anywhere on the site other than within a building or refuse enclosure.

REASON: To safeguard the appearance of the property and the amenities of the area.

**U0079748 Written Scheme of Investigation**

No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

REASON: To protect archaeology

**U0079749 Community Toilet Scheme**

Prior to the first occupation of the development, the owner shall sign up to the Community Toilet Scheme, or any other equivalent scheme that may replace the community Toilet Scheme, and the toilets associated with the approved restaurant/café shall be made permanently available to the public during the opening hours of the restaurant/café and remain as such for the life of the development.

REASON: To ensure that the proposed development contributes to a healthy environment, that promotes wellbeing and healthy lifestyles for all.

**U0079750 Flood protection**

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) referenced 3859 Melliss Avenue, Flood Risk Assessment, Red & Yellow Specialist Extra Care, dated October 2018 and the following mitigation measures detailed within the FRA:

1. First Floor finished floor levels shall be set no lower than 6.09m AOD (TE2100 Breach Level)
2. The flood resilient and resistance measures outlined shall be fully implemented and be set at 300mm above the finished floor level.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

**U0079751 Flood Warning and Evacuation Plan**

Prior to the occupation of the development hereby approved:

- (A) Written notification shall be submitted to the Local Planning Authority confirming the development has signed up to the EA Flood Warning Service 'Flood Line'
- (B) A flooding response / evacuation plan for all parts of the development (ground level communal and care facilities and extra care units) shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be used / occupied other than in accordance with the approved plan.

REASON: To minimise the risk from flooding

**U0079752 Sustainable Drainage System**

1. The development hereby approved shall be implemented in accordance with the SuDS Statement dated October 2018 for Red & Yellow Specialist Extra Care Drainage Strategy including the installation of the attenuation storage tanks to achieve the greenfield runoff rate for the site as identified in the approved document.

2. Prior to the occupation of the development hereby approved, details of the proposed management and maintenance regime for the SUDS elements for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The SUDS system shall be maintained with the approved management regime.

REASON: In the interest of sustainable construction, to avoid excessive surface water runoff and to ensure that the surface water drainage system does not pollute the ground water below the site.

**U0079753 Thames Water - Waste and Water Capacity**

The Extra Care Facility shall not be occupied until confirmation has been provided to the local planning authority that either:

- all water network upgrades required to accommodate the additional flows from the development have been completed; or
- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

REASON: The development may lead to flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows and demand anticipated from the new development. Any necessary reinforcement works will be necessary to avoid sewer flooding and/or potential pollution incidents.

#### **U0079754     AMS/Tree protection**

Prior to the commencement of development, an Arboricultural Method Statement (AMS), shall be submitted to and approved in writing by the Local Planning Authority. The AMS must:

- (A) Be written in accordance with and address sections 5.5, 6.1, 6.2, 6.3 and 7 of British Standard 5837:2012 Trees in relation to design, demolition and construction - recommendations
- (B) Be written in conjunction with the schemes specific method of construction (where applicable)
- (C) Outline any tree constraints, and explain any impacts for both above and below ground.
- (D) Detail all tree protection (including plans) for retained trees on the site and adjacent land during site preparation, demolition, construction, landscaping, and other operations on the site including erection of hoardings, site cabins, or other temporary structures
- (E) Detail any special engineering for construction within the Root Protection Area.
- (F) Detail any facilitation pruning that may be required. The specification for tying back and/or pruning must be measurable and prepared by a suitably qualified Arboriculturist or Arboricultural Contractor. All tree work must be undertaken in accordance with BS3998:2010 Tree work - Recommendations unless approved by the Councils Arboricultural Officer
- (G) Provide confirmation of the appointment of an Arboricultural Consultant for the duration of the development and a schedule of inspections to achieve an auditable monitoring and supervision programme, and a timetable for submission to the Local Planning Authority.

The development shall not be implemented other than in accordance with the approved AMS.

REASON: To ensure that the tree (s) are not damaged or otherwise adversely affected by building operations and soil compaction

#### **U0079755     Tree planting**

1. Prior to the occupation of the development hereby approved, a tree planting scheme shall be submitted to and approved in writing by the local planning authority. This scheme shall be written in accordance with the British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations (sections 5.6) and BS 8545:2014 Trees: from nursery to independence in the landscape.

Recommendations, and include:

- i. Details of the quantity, size, species, and position,
  - ii. Planting methodology
  - iii. Proposed time of planting (season)
  - iv. 5 year maintenance and management programme .
2. If within a period of 5 years from the date of planting that tree or any tree planted in replacement for it, is removed, uprooted, destroyed or dies (or becomes in the opinion of the local planning authority seriously damaged) then the tree shall be replaced to reflect the specification of the approved planting scheme in the next available planting season or in accordance with a timetable agreed in writing with the local planning authority.

REASON: To safeguard the appearance of the locality.

**U0079756 Green/Living roof**

Prior to commencement of development above ground floor slab level, final details of proposed green/living/biosolar roof, shall be submitted to and approved by the Local Planning Authority. The green roof shall be implemented prior to occupation of any part of the development, in accordance with the approved specifications and maintenance schedule and maintained permanently thereafter, unless otherwise approved, in writing, by the Local Planning Authority. There should be a minimum of 340m<sup>2</sup> of wildflower meadow and brown roof. The submission must provide/comprise the following information:

- a) Details on materials used in the design, construction and installation of the green roof based on the Green Roof Code and the use of biodiversity based extensive/semi-intensive soils;
- b) details on substrate and plants used in the green roof, based on a commercial brick-based aggregate or equivalent with a varied substrate depth of minimum 150mm planted with 50% locally native herbs/wildflowers in addition to a variety of sedum species;
- c) details on additional features to the proposed green roof, such as areas of bare shingle, areas of sand for burrowing invertebrates, individual logs or log piles; and
- d) an ecological management and maintenance plan including landscape features and a cross section of the green roof.

REASON: To ensure the biodiversity benefits and ecological benefits of the development are delivered and maintained.

**U0079757 Ecological Enhancements**

Unless otherwise agreed in writing by the LPA, the development hereby approved shall not be implemented other than in accordance with a scheme of ecological enhancements to be submitted to approved in writing by the LPA and to be retained thereafter, unless otherwise approved in writing by the LPA. To include the following:

1. Recommendations of the Biodiversity Strategy rev 4 dated October 2018 and Preliminary Ecological Appraisal rev 4 dated October 2018 to be implemented in full.
2. Wildlife enhancements as per the recommendations of the above reports.
3. Details of the enhancements to include numbers, location, aspect, height, type etc
4. Timetable for implementation

REASON: To preserve the ecological value of the site hereby approved

**U0079758 Hard and Soft Landscaping Required**

(A) No development above ground slab level shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artifacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing utility services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant; a program or timetable of the proposed works.

(B) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); detailing the quantity, density, size, species, position and the proposed time or programme of planting of all shrubs, hedges, grasses etc, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. All tree, shrub and hedge planting included within that specification shall be carried out in accordance with BS 3936:1986 (parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest



trees); BS 4043: 1989, Transplanting root-balled trees; and BS 4428:1989, Code of practice for general landscape operations (excluding hard surfaces).

(C) All hard and soft landscape works shall be carried out in accordance with the approved details and in any event prior to the occupation of any part of the development.

(D) If within a period of 5 years from the date of planting any trees, shrubs and climbers as part of a landscape scheme approved as part of this decision, or arising from a condition imposed on this decision, or any trees, shrubs and climbers planted in replacement for it, is removed, uprooted, destroyed or dies (or becomes in the opinion of the local planning authority seriously damaged) then the tree, shrub and climber shall be replaced to reflect the specification of the approved planting scheme in the next available planting season or in accordance with a timetable agreed in writing with the local planning authority.

REASON: To ensure that the proposed development does not prejudice the appearance of the locality and to preserve and enhance nature conservation interests

#### **DV28 External illumination**

Any external illumination of the premises shall not be carried out except in accordance with details giving the method and intensity of any such external illumination which shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any part of the buildings.

REASON: To protect/safeguard the amenities of the locality.

#### **U0079759 Ventilation Odour Control Condition**

The commercial kitchen odour control system hereby permitted shall be installed in strict accordance with the details provided in the Odour Assessment Report submitted by AECOM dated October 2018 with specific reference to section 3 of the report. The system shall thereafter be retained as approved.

REASON: To protect neighbouring amenity

#### **U0079760 Restaurant /bar/café**

The ground floor restaurant/bar/café as illustrated on approved drawing PA2.02 rev 2 shall not be open to the public other than between the hours of 08:00 to 21:00pm on Monday to Sundays. A notice to this effect shall be displayed at all times on the premises so as to be visible from outside.

REASON: To ensure that the proposed development does not prejudice the amenities of nearby occupiers, or the area generally

#### **U0079761 Piling**

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. To protect residential amenity.

#### **U0079762 Wheelchair user units M4(3)**

33 extra care units identified in the 'Unit Schedule' received 24.04.2019 and corresponding approved drawings shall be built to meet Building Regulation requirement M4(3) and all other residential units shall be built to meet Building

Regulation M4(2) and retained as such, unless otherwise approved, in writing, by the local planning authority.

REASON: To ensure these homes are readily adaptable to be wheelchair accessible to meet diverse and changing needs.

#### **U0079763 Dust Management Strategy**

Unless otherwise agreed in writing by the LPA, prior to commencement of the development hereby approved, a Dust Management Plan for the ground works, demolition and construction phases shall be submitted to and approved in writing by the Council. The development shall not be implemented other than in accordance with the approved scheme. The dust management plan shall include:

- a. Demonstrate compliance with the guidance found in the control of dust and emissions from construction and demolition Best Practice produced by the Greater London Authority (GLA)[http://static.london.gov.uk/mayor/environment/air\\_quality/docs/construction-dust-pg.pdf](http://static.london.gov.uk/mayor/environment/air_quality/docs/construction-dust-pg.pdf)
  - b. A risk assessment of dust generation for each phase of the demolition and construction. The assessment and identified controls must include the principles of prevention, suppression and containment and follow the format detailed in the guidance above. The outcome of the assessment must be fully implemented for the duration of the construction and demolition phase of the proposed development and include dust monitoring where appropriate.
  - c. where the outcome of the risk assessment indicates that monitoring is necessary, a monitoring protocol including information on monitoring locations, frequency of data collection and how the data will be reported to the Local Planning Authority;
  - d. details of dust generating operations and the subsequent management and mitigation of dust demonstrating full best practicable means compliance and covering construction activities, materials storage, on and off-site haul routes, operational control, demolition, and exhaust emissions; and
  - e. where a breach of the dust trigger level may occur a response procedure should be detailed including measures to prevent repeat incidence
- REASON: In order to safeguard the amenities of neighbouring residents

#### **U0079764 Sound insulation external scheme**

Prior to the occupation of the development, a detailed sound insulation and ventilation specification scheme for protecting the proposed development from transportation noise such as road traffic, rail traffic and air traffic, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet the internal noise design criteria detailed in the Noise Survey and Assessment submitted by AECOM dated October 2018 with specific reference to the details provided in section 7 of the report. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON: To protect residential amenity

#### **U0079765 Demolition/Construction/Logistics Method**

- 1) Unless otherwise agreed in writing by the LPA, prior to commencement of any demolition, a Construction Management Statement / Logistics Plan for the ground works and demolition phase of the development site shall be submitted to and approved in writing by the Council.
- 2) Unless otherwise agreed in writing by the LPA, prior to commencement of the construction of the development, a Construction Management Statement / Logistics Plan for the construction phase of the development site shall be submitted to and approved in writing by the Council.
- 3) The development shall not be implemented other than in accordance with the approved details through the demolition / construction period. The document shall demonstrate compliance with the guidance found in the Construction Logistics Plan for developers produced by Transport for London and include:

- a. The size, number, routing and manoeuvring tracking of construction vehicles to and from the site, and holding areas for these on/off site;
- b. Site layout plan showing manoeuvring tracks for vehicles accessing the site to allow these to turn and exit in forward gear;
- c. Details and location of parking for site operatives and visitor vehicles (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- d. Details and location where plant and materials will be loaded and unloaded;
- e. Details and location where plant and materials used in constructing the development will be stored, and the location of skips on the highway if required;
- f. Details of any necessary suspension of pavement, roadscape, bus stops and/or parking bays;
- g. Details where security hoardings (including decorative displays and facilities for public viewing) will be installed, and the maintenance of such;
- h. Details of any wheel washing facilities;
- i. Details of a scheme for recycling/disposing of waste resulting from demolition and construction works (including excavation, location and emptying of skips);
- j. Details of measures that will be applied to control the emission of noise, vibration and dust including working hours. This should follow Best Practice detailed within BS5288:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites;
- k. Details of any highway licenses and traffic orders that may be required (such as for licences for any structures / materials on the highway or pavement; or suspensions to allow the routing of construction vehicles to the site);
- l. Details of the phasing programming and timing of works;
- m. Where applicable, the Construction Management Statement should be written in conjunction with the Arboricultural Method Statement, and in accordance with British Standard BS5837:2012 'Trees in relation to design, demolition and construction - recommendations', in particular section 5.5, 6.1, 6.2, 6.3 and 7;
- n. A construction programme including a 24 hour emergency contact number;
- o. See also TfL guidance on Construction Logistics Plans;
- p. Communication strategy for residents during demolition and construction.

REASON: In the interests of highway and pedestrian safety together with the amenity of the area and neighbours.

#### **U0079767 Noise and Vibration Construction Method**

- a) Unless otherwise agreed in writing by the LPA, prior to commencement of any demolition, a noise and vibration Construction Method Statement (CMS) for the ground works and demolition phase of the development site shall be submitted to and approved in writing by the Council.
- b) Unless otherwise agreed in writing by the LPA, prior to commencement of the construction of the development, a noise and vibration Construction Method Statement (CMS) for the construction phase of the development site shall be submitted to and approved in writing by the Council.
- c) CMS details submitted under (a) and (b) shall include control measures for noise, vibration including working hours. Approved details shall be implemented throughout the project period. The CMS shall follow the Best Practice detailed within BS 5228:2009+A1:2014 Code of Practice for noise and Vibration Control on construction and open sites and BS 6187:2011 Code of practice for full and partial demolition. Further guidance can be obtained from the commercial environmental health department. The CMS should include an acoustic report undertaken by a suitably qualified and experienced consultant and include all the information below:
  - i. Baseline noise assessment - undertaken for a least 24-hours under representative conditions to determine the pre-existing ambient noise environment.
  - ii. Noise predictions and the significance of noise effects - Predictions should be included for each phase of the demolition, and construction, vehicle movements and an assessment of the significance of noise effects must be included based on the guidance in BS 5228:2009+A1:2014 Annex E

- iii. Method of Piling. Where piling forms part of the construction process, a low noise and vibration method must be utilised wherever possible, and good practice guidelines should be followed e.g. BS 5228:2009+A1:2014.
- iv. Vibration Predictions and the significance of vibration effects - Predictions should be included for each phase of demolition, and construction, and an assessment of the significance of vibration effects must be included e.g. as per BS 5228:2009+A1:2014.
- v. Noise and vibration monitoring - Permanent real time web enabled and/or periodic noise and vibration monitoring must be undertaken for the duration of the demolition and construction phases which may result in a significant impact. The location, number of monitoring stations and the measurement data must be agreed with the LPA prior to the start of construction.
- vi. Community engagement - The steps that will be taken to notify and update residents and businesses that may be affected by the construction of the proposed development.
- REASON: To safeguard the amenity of the area and neighbouring residents.

#### **U0079766 Sound insulation internal scheme**

A scheme for the sound insulation of the party wall/floor/ceiling between any commercial uses within the development (communal healthcare, therapy, leisure and social facilities including a Restaurant bar cafe and swimming pool) and any structurally adjoining residential units shall be submitted to and approved in writing by the local planning authority. The scheme approved by the local planning authority shall be fully implemented in accordance with the approved details before the use, hereby permitted, commences. The works and scheme shall thereafter be retained in accordance with the approved details. No alteration to the ceiling which undermines the sound insulation integrity of the partition shall be undertaken without the grant of further specific consent of the local planning authority.

The sound insulation scheme will need to ensure a sound insulation performance standard for separating walls, separating floors, and stairs that have a separating function of: Airborne Sound Insulation Performance  $D_{nT,w} + C_{tr}$  dB - 55 to 60 (dependent on use type)

REASON: To protect neighbouring amenity

#### **U0079769 Delivery, Servicing and Waste strategy**

Prior to the occupation of the development, a final Delivery, Servicing and operational waste and recycling strategy shall be submitted to and agreed in writing by the Local Planning Authority. The scheme approved by the local planning authority shall be implemented at all times in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure a safe and convenient form of development with limited impact on local roads and to safeguard the amenities of nearby occupiers and the area generally and to ensure adequate refuse storage is provided on site and can be readily collected, to accord with the Refuse and Recyclables in Development SPD.

#### **U0079768 Mechanical Services Noise Control**

Before any mechanical services plant including heating, ventilation and air conditioning (HVAC) and kitchen extraction plant to which the application refers is used at the premises, a scheme shall be submitted to and approved in writing by the local planning authority which demonstrates that the following noise design requirements can be complied with and shall thereafter be retained as approved:

- a) The cumulative measured or calculated rating level of noise emitted from the mechanical services plant including heating, ventilation and air conditioning (HVAC) and kitchen extraction plant to which the application refers, shall be 5dB(A) below the existing background noise level, at all times that the mechanical system etc operates. The measured or calculated noise levels shall be determined at the boundary of the nearest ground floor noise sensitive premises or 1 meter from the facade of the nearest first floor (or higher) noise sensitive premises, and in accordance to the latest British

Standard 4142; An alternative position for assessment /measurement may be used to allow ease of access, this must be shown on a map and noise propagation calculations detailed to show how the design criteria is achieved.

b) The plant shall be isolated so as to ensure that vibration amplitudes which causes re-radiated noise not to exceed the limits detailed in table 4 detailed in section 7.7.2 of BS8233:2014 Guidance on sound insulation and noise reduction for buildings " A commissioning acoustic test and report shall be undertaken within 2 weeks of mechanical services commissioning, in order to demonstrate that conditions (a) and (b) above have been achieved. The results of the test shall be submitted to and approved in writing by the LPA.

REASON: To protect neighbouring amenity

#### **U0079770 Air Quality-NRMM**

All on-site construction vehicles and equipment must be registered on the Non-Road Mobile Machinery website prior to their first use at the site.

REASON: To keep additional NO2 to a minimum in this AQMA.

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### **DETAILED INFORMATIVES**

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#### **U0035251 NPPF APPROVAL - Para. 38-42**

In accordance with paragraphs 38-42 of the National Planning Policy Framework, Richmond upon Thames Borough Council takes a positive and proactive approach to the delivery of sustainable development, by:

- o Providing a formal pre-application service
- o Providing written policies and guidance, all of which is available to view on the Council's website
- o Where appropriate, negotiating amendments to secure a positive decision
- o Determining applications in a timely manner.

In this instance:

- o The application was recommended for approval and referred to the first available Planning Committee, where the agents / applicants had an opportunity to present the case.

#### **U0035249 Composite Informative**

##### **Reason for granting:**

The proposal has been considered in the light of the Development Plan, comments from statutory consultees and third parties (where relevant) and compliance with Supplementary Planning Guidance as appropriate. It has been concluded that there is not a demonstrable harm to interests of acknowledged importance caused by the development that justifies withholding planning permission.

##### **Principal Policies:**

Where relevant, the following have been taken into account in the consideration of this proposal:-

National Planning Policy Framework (February 2019) (NPPF)

National Planning Policy Guidance (NPPG)

DCLG 'Technical Housing Standards' - nationally described space standard (2015)

London Plan (Adopted March 2016 - Consolidated with alterations since 2011):

1.1 - Delivering the strategic vision and objectives for London; 2.6 - Outer London: Vision and strategy; 2.7 - Outer London: Economy; 2.8 - Outer London: Transport; 2.18 Green Infrastructure: The multi-functional network of green and open space; 3.1 - Ensuring equal life chances for all; 3.2 - Improving health and addressing health inequalities; 3.3 - Increasing Housing supply; 3.4 - Optimising housing potential; 3.5 -

Quality and design of housing developments; 3.8 - Housing choice; 3.9 - Mixed and balanced communities; 3.10 - Definition of affordable housing; 3.11 - Affordable housing targets; 3.12 - Negotiating affordable housing on individual private residential and mixed use schemes; 3.16 - Protection and enhancement of social infrastructure; 3.17 - Health and social care facilities; 4.4 - Managing industrial land and premises; 5.1 - Climate change mitigation; 5.2 - Minimising carbon dioxide emissions; 5.3 - Sustainable design and construction; 5.5 - Decentralised energy networks; 5.6 - Decentralised energy in development proposals; 5.7 - Renewable energy; 5.9 - Overheating and cooling; 5.10 - Urban Greening; 5.11 - Green roofs and development site environs; 5.12 - Flood risk management; 5.13 - Sustainable drainage; 5.14 - Water quality and wastewater infrastructure; 5.15 - Water use and supplies; 5.16 - Waste net self-sufficiency; 5.18 - Construction, excavation and demolition waste; 5.21 - Contaminated land; 6.3 - Assessing effects of development on transport capacity; 6.9 - Cycling; 6.10 - Walking; 6.11 - Smoothing traffic flow and tackling congestion; 6.12 - Road network capacity; 6.13 - Parking; 7.1 - Lifetime neighbourhoods; 7.2 An inclusive environment; 7.3 - Designing out crime; 7.4 - Local character; 7.5 - Public realm; 7.6 - Architecture; 7.7 - Location and design of tall and large buildings; 7.13 - Safety, security and resilience to emergency; 7.14 - Improving air quality; 7.15 - Reducing noise and enhancing soundscapes; 7.17 - Metropolitan open land; 7.19 - Biodiversity and access to nature 7.21 - Trees and woodlands; 7.29 - The River Thames; 8.2 - Planning obligations; 8.3 - Community infrastructure levy.

Draft London Plan (consultation draft December 2017, including early suggested changes published August 2018):

GG1 - Building strong and inclusive communities; GG2 - Making the best use of land; GG3 - Creating a healthy city; GG4 - Delivering the homes Londoners need; GG6 Increasing efficiency and resilience; D1 - London's form and characteristics; D2 - Delivering good design; D3 - Inclusive design; D4 - Housing quality and standards; D5 - Accessible housing; D6 - Optimising density; D7 - Public realm; D8 - Tall buildings; D10 - Safety, security and resilience to emergency; D11 - Fire safety; D13 - Noise; H1 - Increasing housing supply; H5 - Delivering affordable housing; H6 - Threshold approach to applications; H7 - Affordable housing tenure; H12 - Housing size mix; H15 - Specialist older persons housing; S1 - Developing London's social infrastructure; S2 - Health and social care facilities; S6 - Public toilets; E7 - Industrial intensification, co-location and substitution; G3 Metropolitan Open Land; G5 - Urban greening; G6 - Biodiversity and access to nature; G7 - Trees and woodlands; SI1 - Improving air quality; SI2 - Minimising greenhouse gas emissions; SI3 - Energy infrastructure; SI4 - Managing heat risk; SI5 - Water infrastructure; SI7 - Reducing waste and supporting the circular economy; SI12 - Flood risk management; SI13 - Sustainable drainage; SI14 - Waterways - strategic role; T1 - Strategic approach to transport; T2 - Healthy Streets; T4 - Assessing and mitigating transport impacts; T5 - Cycling; T6 - Car parking; T6.1 - Residential parking; T9 - Funding transport infrastructure through planning; DF1 - Delivery of the Plan and Planning Obligations.

With due regard to paragraph 48 of the NPPF, the emerging London Plan will be given weight in the decision making process according to its stage of preparation (i.e. the more advanced the preparation, the greater the weight that may be given). Whilst there is a version of the Draft London Plan showing Minor Suggested Changes on the GLA's website (from August 2018), the GLA have been proposing a whole raft of changes in response to and during the EIP hearing sessions that have recently been taking place (from January to May 2019). It is difficult to have an oversight and full picture as to what the final version of the Plan and its policies would look like. Therefore, whilst the draft new London Plan is a material planning consideration, the plan and the assessments that inform it may be subject to change or deletion and as a consequence, little weight can be given to the emerging London Plan.

Local Plan (2018):

LP1 - Local Character and Design Quality; LP2 - Building Heights; LP7 - Archaeology; LP8 - Amenity and Living Conditions; LP10 - Local Environmental Impacts, Pollution and Land Contamination; LP13 - Green Belt, Metropolitan Open Land and Local Green Space; LP15 - Biodiversity; LP16 - Trees, Woodlands and Landscape; LP17 - Green Roofs and Walls; LP18 - River corridors; LP20 - Climate Change Adaptation; LP21 -

Flood Risk and Sustainable Drainage; LP22 - Sustainable Design and Construction; LP23 - Water Resources and Infrastructure; LP24 - Waste Management; LP28 - Social and Community Infrastructure; LP29 - Education and Training; LP30 - Health and Wellbeing; LP31 - Public Open Space, Play Space, Sport and Recreation; LP 34 - New Housing; LP35 - Housing Mix and Standards; LP36 - Affordable Housing; LP37 - Housing Needs of Different Groups; LP 39 - Infill, Backland and Back Garden Development; LP 42 - Industrial Land and Business Parks; LP44 - Sustainable Travel Choices; LP45 - Parking Standards and Servicing; Site Allocation SA26

**London Plan Supplementary Planning Guidance:**

Accessible London: Achieving an Inclusive Environment SPG (October 2014); Affordable Housing and Viability SPG (2017); Character and Context SPG (June 2014); Housing SPG March (2016); Sustainable Design and Construction SPG (April 2014); The control of dust and emissions during construction and demolition SPG (July 2014).

**Richmond Supplementary Planning Guidance/Documents:**

Affordable Housing SPD (March 2014); Car Club Strategy (2006); Contaminated Land (2003); Design Quality SPD (February 2006); Front Garden and other Off-Street Parking Standards (2006); Kew Village Planning Guidance SPD (July 2014); Planning Obligations (in conjunction with Borough CIL - 2014); Nature Conservation and Development (undated); Refuse and Recycling Storage Requirements SPD (2015); Residential Development Standards (2010); Security by design (2002), Small and Medium Housing Sites (2006); Sustainable Construction Checklist Guidance Document SPD (January 2016); Thames Strategy - Kew to Chelsea (June 2002); Trees: landscape design, planting and care SPG (November 1999); and Trees: legislation and procedure SPG (November 1999).

**Building Regulations:**

The applicant is advised that the erection of new buildings or alterations to existing buildings should comply with the Building Regulations. This permission is NOT a consent under the Building Regulations for which a separate application should be made. For application forms and advice please contact the Building Control Section of the Street Scene department, 2nd floor, Civic Centre, 44 York Street, Twickenham, TW1 3BZ. (Tel: 020 8891 1411).

If you alter your proposals in any way, including to comply with the Building Regulations, a further planning application may be required. If you wish to deviate in any way from the proposals shown on the approved drawings you should contact the Development Control Department, 2nd floor, Civic Centre, 44 York Street, Twickenham, TW1 3BZ. (Tel: 020 8891 1411).

**Damage to the public highway:**

Care should be taken to ensure that no damage is caused to the public highway adjacent to the site during demolition and (or) construction. The Council will seek to recover any expenses incurred in repairing or making good such damage from the owner of the land in question or the person causing or responsible for the damage.

**BEFORE ANY WORK COMMENCES** you MUST contact the London Borough of Richmond upon Thames, 44 York Street, Twickenham TW1 3BZ, Telephone 020 8891 1411 to arrange a pre-commencement photographic survey of the public highways adjacent to and within the vicinity of the site. The precondition survey will ensure you are not charged for any damage which existed prior to commencement of your works.

If you fail to contact us to arrange a pre commencement survey then it will be assumed that any damage to the highway was caused by your activities and you will be charged the full cost of repair.

Once the site works are completed you need to contact us again to arrange for a post construction inspection to be carried out. If there is no further damage then the case will be closed. If damage or further damage is found to have occurred then you will be asked to pay for repairs to be carried out.

**Noise control - Building sites:**

The attention of the applicant is drawn to the requirements of section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise and vibration on construction and demolition sites. Application, under section 61 of the Act for prior consent to the works, can be made to the Environmental Health Department.

Under the Act the Council has certain powers to control noise from construction sites. Typically the council will limit the times during which sites are permitted to make noise that their neighbours can hear.

For general construction works the Council usually imposes (when necessary) the following limits on noisy works:-

Monday to Friday 8am to 6pm  
Saturdays 8am to 1pm  
Sundays and Public Holidays- No noisy activities allowed

Applicants should also be aware of the guidance contained in British Standard 5228:2009- Noise and vibration control on construction and open sites.

Any enquiries for further information should be made to the Commercial Environmental Health Team, 2nd Floor Civic Centre, 44 York Street, Twickenham TW1 3AB.

### **IL13 Section 106 agreement**

This planning permission has a Section 106 Agreement which must be read in conjunction with it.

#### **U0035253 CIL Liable**

The applicant is advised that this permission results in a chargeable scheme under the Mayor of London's Community Infrastructure Levy.

#### **U0035259 Community Toilet Scheme**

To find out how your business can join the scheme email [communitytoilets@richmond.gov.uk](mailto:communitytoilets@richmond.gov.uk).

#### **U0036304 Drinking water**

The applicant is advised to give consideration to providing a drinking water fountain for public use in combination with community use of the ground floor toilets and cafe/bar/restaurant facilities.

#### **U0035463 Construction Method Statement**

The applicants are advised that when drafting the Construction Management Statement, as secured via condition, each 'point' of the condition should form a sub-heading in the Statement. Where a point is not applicable please state this, with justification.

The applicant is advised to follow the Best Practice detailed within BS 5228:2009+A1:2014 Code of Practice for noise and Vibration Control on construction and open sites and BS 6187:2011 Code of practice for full and partial demolition. Further guidance can be obtained from the commercial environmental health department.

Where piling forms part of the construction process, a low noise and vibration method must be utilised wherever possible, and good practice guidelines should be followed e.g. BS 5228:2009+A1:2014.

The applicant is strongly encouraged to continue their engagement with local residents and stakeholders in the formulation of the detailed CMS.



#### **U0035265 Construction Logistics Plan**

The applicant is reminded that the submission of details of a Construction Logistics Plan (CLP) shall be included as part of the in the Construction Method Statement to comply with the requirement of condition DV49. The CLP shall include the following details:

- a) Identify the steps that will be taken to minimise the impacts of deliveries and waste transport;
- b) commitment to avoid deliveries in peak hours;
- c) demonstrate compliance with Transport for London's guidance on Construction; and Logistics Plans and the Borough's Air Quality Supplementary Planning Guidance.

#### **U0035262 Short stay drop-off space**

Clear parking restrictions should be displayed on or near the short stay drop-off space to ensure that the space will not be used as an additional long stay space for the site.

#### **U0035257 Cycle Parking Provision**

The applicant is reminded that the submission of details for the condition relating to cycle parking should clarify provision for larger cycles.

#### **IH08A Travel Plan**

The applicant is asked to contact Traffic and Transport, London Borough of Richmond upon Thames, 44 York Street, Twickenham TW1 3BZ (Telephone 020 889 1411), regarding the preparation of a "Travel Plan" to show the proposed means of travel by employees and prospective visitors to the site including control of the on-site car parking spaces.

#### **IM09 Disabled parking**

Parking for people with disabilities should be provided in spaces not less than 3.6m wide x 4.8m deep, conveniently located relative to the building entrances and clearly signed for its purpose.

#### **IE06 Details of piling-EHO consultation**

The attention of the applicant is drawn to the requirements of section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise and vibration on construction and demolition sites. Application, under section 61 of the Act for prior consent to the works, can be made to the Environmental Health Department. Where developments include foundations works require piling operations it is important to limit the amount of noise and vibration that may effect local residents.

There are a number of different piling methods suitable for differing circumstances. Guidance is contained in British Standard BS 5228 Noise control on Construction and Open Sites - Part 4: Code of Practice for noise and vibration control applicable to piling operations.

Where there is a risk of disturbance being caused from piling operations then the council under section 60 Control of Pollution Act 1974 can require Best Practicable Means (BPM) to be carried out. This may entail limiting the type of piling operation that can be carried out.

The types of piling operations which are more suitable for sensitive development in terms of noise and vibration impact are;

- \* Hydraulic Piling
- \* Auger Piling
- \* Diaphragm Walling

## **IM01 Disabled persons**

The applicant's attention is drawn to the provisions of the Chronically Sick and Disabled Persons Act 1970 (Section 4,7, 8a) and to the Code of Practice for Access for the Disabled to Buildings (BS 5810: 1979). Attention is also drawn to the provisions of Part M of the Building Regulations - access and facilities for disabled people.

## **U0035260 Solar PV panels and ASHP details**

You are reminded that the final details of the PV panel and ASHP shall not result in an increase to the anticipated carbon dioxide emissions as predicted by the approved by the Energy Statement. Any further reductions to the carbon dioxide emissions would however be welcomed.

## **U0035255 Thames Water**

To the north of the proposed development site sits Kew Biothane SPS. There are also easements and wayleaves running through the east and west of the Site. These are Thames Water Assets. The company will seek assurances that it will not be affected by the proposed development.

The proposed development is located within 15m of a Thames Water Sewage Pumping Station and this is contrary to best practice set out in Sewers for Adoption (7th edition). Future occupiers of the development should be made aware that they could periodically experience adverse amenity impacts from the pumping station in the form of odour; light; vibration and/or noise.

The proposed development is located within 15m of a strategic sewer. Please read the guide 'working near our assets' to ensure your workings will be in line with Thames Water's necessary processes you need to follow if you're considering working above or near pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

There are public sewers crossing or close to your development. The applicant is advised to read the guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. The developer is expected to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).

A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made at

<https://wholesale.thameswater.co.uk/Wholesale-services/Business-customers/Trade-effluent> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200.

Swimming Pools - Where the proposal includes a swimming pool Thames Water requests that the following factors are adhered to with regard to the emptying of swimming pools into a public sewer to prevent the risk of flooding or surcharging: -  
1. The pool to be emptied overnight and in dry periods. 2. The discharge rate is controlled such that it does not exceed a flow rate of 5 litres/ second into the public sewer network.

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

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide working near our assets to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

Thames Water request details to show that the feasibility for connecting directly to the River Thames has been considered, we do not support the connection of surface water to the public network where the site is in such close proximity to the watercourse.

#### **U0035258 EA Informative**

There shall be no habitable accommodation on the ground floor level as stated in the FRA. The ground floor should be used as less vulnerable use only. There should be a minimum buffer zone of 16 metres from the development and the flood defence embankment to ensure the development does not affect the stability and integrity of the defence and it does not prevent future maintenance and emergency works. Any works that will be carried out within 16m of the flood defence embankment will need a Flood risk activity permit, including any landscaping works. Flood risk activities can be classified as: Exclusions, Exemptions, Standard Rules or Bespoke. These are associated with the level of risk your proposed works may pose to people, property and the environment.

#### **U0035261 Flood Warning and Evacuation Plan**

You are reminded to take advice from the emergency services and the Environment Agency 'Flood line service' when producing an emergency response plan or evacuation plan

#### **U0035263 Archaeology**

A written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

The archaeological field evaluation involves exploratory fieldwork to determine if significant remains are present on a site and if so to define their character, extent, quality and preservation. Field evaluation may involve one or more techniques depending on the nature of the site and its archaeological potential. It will normally include excavation of trial trenches. A limited number of archaeological trenches are recommended to be excavated in the north-western part of the site for the purposes of recording a section through the alluvium and gravel, and to examine the potential survival of the gravel surface.

#### **U0035264 Ecological enhancements**

In seeking to discharge details relating to soft landscaping, the green roof and ecological enhancements, the applicant is advised that:

- a) Policy LP15 and the NPPF require Ecological Enhancements, these need to be provided for bats/birds/invertebrates and it is recommended that swift/bat/sparrow terrace are built in to the fabric of the building, stag beetle loggeries and invertebrate habitat. These should be shown on the EE plan, with details of specs, location, aspects, height and maintenance proposals.
- b) The northern section of the landscaping should have native (pollinator friendly) tree planting and some native shrubs (preferably pollinator friendly) in front.
- c) Consideration should be given to the box tree caterpillar as box blight issues would not make *buxus sempervirens* an ideal choice of species to be used at present.
- d) The green roof is advised to include a combination of wildflowers with brown features, logs, pebbles and water.
- e) There should be no upwards lightspill into the open sky or any tree or vegetation canopies and a dark corridor should be maintained along the towpath. If external illumination is proposed, details will need to be provided to include a lighting plan, specifications of proposed lamps (which should all be as per BCT lighting guidance) and a lux contour map at ground level and at 5 metres high.
- f) Details should be provided for the main lawn landscaping and formal landscaping (full landscaping details including a plan, species, spec and maintenance programmes)

#### **IE03 Restaurant - EHO Consultation**

The applicant is advised to contact Commercial Environmental Health Team, 2nd Floor Civic Centre, 44 York Street, Twickenham TW1 3AB prior to the commencement of any work.

#### **IL02 Advertisements**

The applicant is advised of the need to obtain separate consent under the Town & Country Planning (Control of Advertisements) Regulations 1992 for any advertisements requiring express consent which it is to display on these premises.

#### **IM11 Use of hardwoods**

If hardwood is to be used in the development hereby approved the applicant is strongly recommended to ensure that it is from a recognised sustainable timber source. You are invited to consult the 'Good Wood Guide' produced by Friends of the Earth together with The National Association of Retail Furnishers for advice on this matter.

#### **U0035450 Fire Statement**

The applicant is encouraged to meet the terms of Policy D11 of the Draft London Plan by preparing a Fire Statement. All building users should be able to evacuate from a building with dignity and by as independent means as possible. The installation of lifts which can be used for evacuation purposes (accompanied by a management plan) provide a dignified and more independent solution. The fire evacuation lifts and

associated provisions should be appropriately designed, constructed and include the necessary controls suitable for the purposes intended.

**IM13 Street numbering**

If you wish to name or number a new development, sub-divide an existing property, or change the name or number(s) of an existing property or development, you will need to apply to the London Borough of Richmond Upon Thames. Further details of this process, fees, and the necessary information and forms that need to be submitted can be found on the Council's website [http://www.richmond.gov.uk/street\\_numbering\\_and\\_naming](http://www.richmond.gov.uk/street_numbering_and_naming). Alternately you may contact Peter Cridland, Address Management Manager (020 8891 7889 [peter.cridland@richmond.gov.uk](mailto:peter.cridland@richmond.gov.uk)).

**IT06 Nature Conservation**

When submitting proposals for landscaping the site applicants are advised that in determining the suitability of such proposals the Local Planning Authority will take into account the scope for enhancing the nature conservation interest of the site.

**IT05 Trees - Size of new stock**

The Local Planning Authority would normally expect all new trees to be planted to be a minimum size of SELECTED STANDARD which shall have a sturdy reasonably straight stem with a clear height from ground level to the lowest branch of 1.8m, an overall height of between 3m and 3.5m and a stem circumference measured at 1m from ground level of 10-12cm. The tree shall, according to the species and intended use, have either a well-balanced branching head or a well defined, straight and upright central leader with the branches growing out from the stem with reasonable symmetry.

**U0035254 Fox trappings**

You are reminded that a method statement shall be compiled to guarantee that any demolition works are carried out as per best practice as trapping or harming mammals is against the Wild Mammals Act 1996.

END OF SCHEDULE OF CONDITIONS AND INFORMATIVES FOR APPLICATION  
18/3310/FUL

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## **FUL Applications**

### **Making an Appeal – Summary Guidance**

#### **Whether to appeal**

If the Local Planning Authority (LPA) turn down your application, you should look carefully at the reasons why they turned it down before you make an appeal. You should speak to the LPA to see if you can sort out the problem - perhaps by changing your proposal. An appeal should only ever be a last resort.

#### **Type of appeal:**

Planning Application

#### **Appeal time:**

Within six months of the date of the council's decision letter.

#### **Who can appeal?**

The applicant or their agent may lodge an appeal.

#### **The right of appeal:**

You can appeal against the council's decision:

- If you applied to the Local Planning Authority and they:
  - Refused permission;
  - Gave permission but with conditions you think are inappropriate;
  - Haven't approved the details of a scheme which they or the Secretary of State have already given outline planning permission for or;
  - Have approved the details of a scheme but with conditions you think are inappropriate or unreasonable.
  
- If the LPA rejected a proposal arising from a condition or limitation on a planning permission.
- If the LPA don't decide your application within the time allowed. Normally the time allowed is eight weeks from when they accept your application.
- If the LPA told you they needed more information before they could decide your outline planning application, but you do not want to supply this.

You will make your appeal to the Department for Communities and Local Government of which the Planning Inspectorate is a part. Most are decided by specialist officers in the Planning Inspectorate. Only the person or business applying for consent to display an advertisement may appeal. If the council issues a discontinuance notice, only those on whom the notice is served may appeal.

#### **The appeal process:**

Appeals must be made

- Online at [www.planninginspectorate.gov.uk](http://www.planninginspectorate.gov.uk), or
- Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

It will be expected that all appeal documentation will be submitted electronically.

The process is fully documented on the website of the Planning Inspectorate [www.planninginspectorate.gov.uk](http://www.planninginspectorate.gov.uk), however in summary there are three main types of appeal:

#### **Written procedure:**

Written evidence is considered from the applicant/agent/business and the council. The council will send copies of any letters of objection or support they received when considering your application. Within six weeks of the Inspectorate receiving your appeal forms the council will send a copy of their statement to the Inspectorate. You must make any comment on these within three weeks.

#### **Hearing procedure:**

Hearings allow you and the council to exchange views and discuss your appeal. Before the hearing the council will send a copy of their statement to you and the Inspectorate. You can comment on their statement in writing otherwise the Inspectorate will treat the reasons given in your appeal form as the basis of your case for discussion.

Hearings are usually held in council offices. The Inspector leads the discussion and invites the people involved to put their points across. The Inspector will visit the site unaccompanied before the hearing and will make a further accompanied visit as part of the hearing.

**Inquiry procedure:**

Inquiries are normally for large-scale applications. A public inquiry is a formal procedure in which both parties have legal representation.

**Making your views known on someone else's appeal:**

The LPA will notify anyone who took part in the consultations when you first applied for permission that you are appealing. For appeals decided by hearing or inquiry the LPA will tell interested people when and where this will be and let them know that they can attend. The Inspectorate will also take account of the views of certain groups who have a right to comment, for example, owners of a site, local amenity groups and so on.

**Costs:**

Normally you and the council will pay for your own expenses in an appeal. You can only claim costs when you can show that the council have behaved in an unreasonable way causing unnecessary expense.

**Who to contact?**

The Planning Inspectorate

Website [www.planninginspectorate.gov.uk](http://www.planninginspectorate.gov.uk)

Email [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

Telephone 0303 444 5000

Write to Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN

London Borough of Richmond upon Thames

Website [www.richmond.gov.uk/planning](http://www.richmond.gov.uk/planning)

Email [planningappeals@richmond.gov.uk](mailto:planningappeals@richmond.gov.uk)

Telephone 020 8891 1411 for advice

Write to The Appeals Officer, Development Control, Civic Centre, 44 York Street, Twickenham TW1 3BZ

**Annex D. Travel Plan**





## Red & Yellow Specialist Extra Care Melliss Avenue - Kew

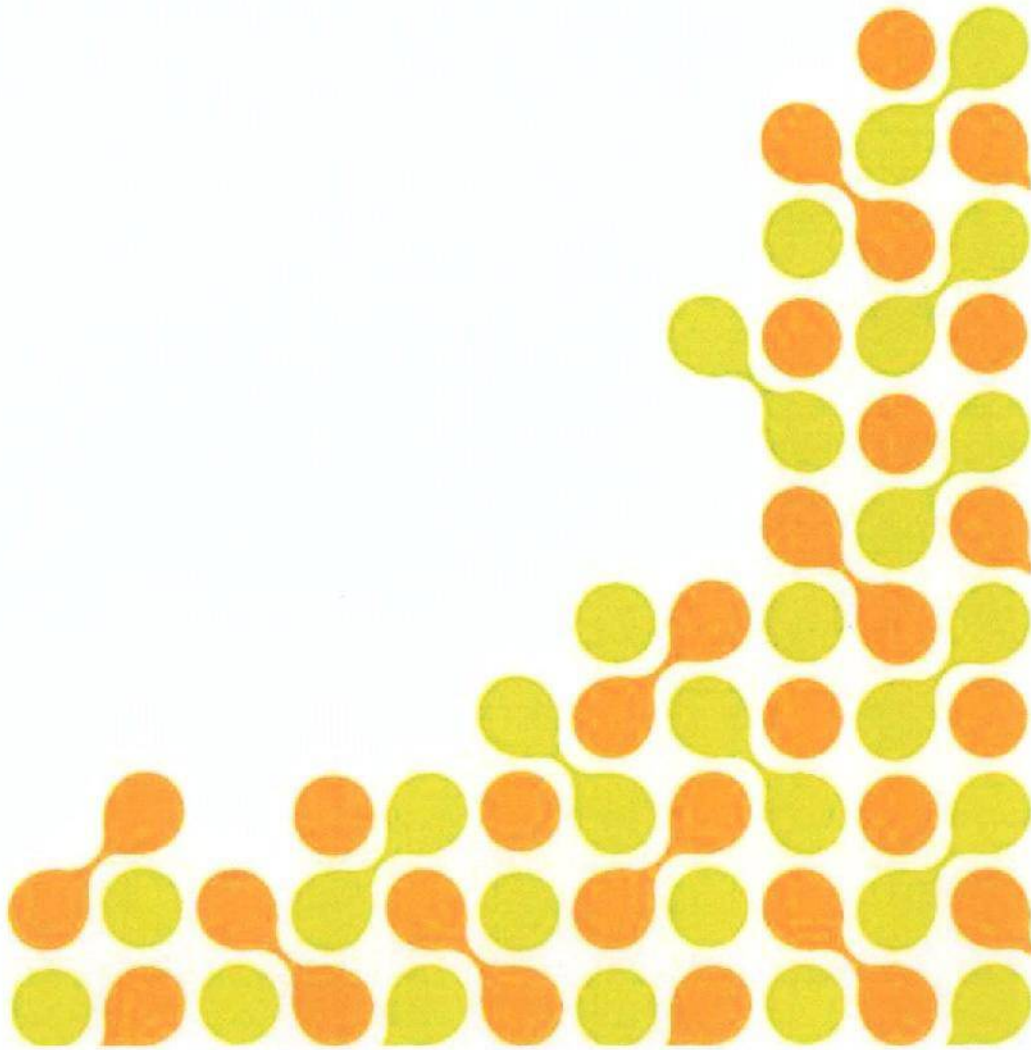
Travel Plan  
October 2018





Travel Plan

**RED & YELLOW SPECIALIST EXTRA CARE, MELLISS AVENUE, KEW**



Document Number: 0203-REP-002-04 Travel Plan  
Status: Approval  
Issue: 04  
Date: 5/10/2018



**RED & YELLOW SPECIALIST EXTRA CARE, MELLISS AVENUE, Kew**

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**Document Control**

Issue	Date	Status	Originator	Checked	Approved
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Issue	Date	Comment

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## 1. INTRODUCTION

### 1.1 BACKGROUND

Tyréns UK in association with AKT II has been appointed by Melliss Ave Devco Ltd as transport consultants to prepare a full Travel Plan (TP) for the redevelopment of the former Thames Water Biothane Plant on Melliss Avenue, Kew in London. Tyréns UK has also prepared along with this TP an accompanying Transport Assessment (TA). This document should be read in conjunction with all relevant submitted documentation.

The development site is within the administrative boundary of the London Borough of Richmond upon Thames (LBR) and is located within the existing Kew Riverside Residential development (KRRD), in an area between Melliss Avenue and the River Thames. Melliss Avenue is a privately owned two-lane single carriageway road, which runs through the centre of the KRRD site. It joins the highway network at the junction with Townmead Road and Transport for London (TfL) strategic road network at the priority junction with Mortlake Road.

The development proposal, to which this TP relates, is the demolition of existing buildings and structures on the site to provide a Specialist Extra Care facility (C2 Use Class) for the elderly with existing health conditions. Comprising 89 units, with extensive private and communal healthcare, therapy, leisure and social facilities set within a building of ground plus 3 to 5 storeys including setbacks. Provision of car and cycle parking, associated landscaping and publicly **accessible amenity spaces including a children's play area.**

This TP document **has been prepared in accordance with the Government's latest National Planning Practice Guidance (NPPG) on TP and Transport for London's (TfL's) 'Travel Planning Guidance Note'**.

Details of the relevant contact for this TP are provided in **Table 1** below.

**Table 1: Travel Plan Contacts**

Development Address	Travel Plan Author
Melliss Avenue, TW9 4BD	Name: Roy Kong Email:roy.kong@tyrens-uk.com

### 1.2 TRAVEL PLAN DEFINITION

A TP includes a series of measures and initiatives that will be introduced to provide residents and staff with an enhanced range of transport opportunities, ultimately aiming to reduce levels of single occupancy car use. They form an

important element of the Government's Integrated Transport Strategy and are a means of managing the transport impacts generated by a development.

It is envisaged that the measures included in a TP should demonstrate a holistic approach by incorporating both 'hard' engineering measures and the 'soft' marketing and management measures necessary to address the transport impacts arising from the development.

A TP should include targets, monitoring and management arrangements to ensure that the objectives of the plan are achieved and that it remains sustainable over the longer term.

### 1.3 SCOPE

The proposed development provides on-site car parking in accordance with the parking standard set out within the London Plan and with reference to Lifetime Homes Part M and Wheelchair Housing Design Guidance, which is further referred to within the Mayor's Spatial Planning Guidance (SPG) 2010. A total of 26 car parking spaces and 1 drop off/short term space will be provided on site. 12 out of the 27 car parking spaces are for disabled users.

With regard to car parking, all private roads within the KRRD site are subject to restrictions with parking for permit holders only. Furthermore, an existing **Controlled Parking Zone (CPZ) 'KA' is located along Mortlake Road and around Kew Garden Station**. This CPZ is in operation between 1000 to 2400 from Monday to Friday. Car parking is therefore highly restricted and this is the very starting point of a successful TP, ensuring from the outset that parking for private cars is limited and in doing so, ensuring residents and employees are encouraged to use active modes (walking and cycling) and public transport to travel to and from the site. The emphasis and main aim of the TP is therefore to reduce, where appropriate, private car use and promote the use of other more sustainable modes, for essential and non-essential journeys.

This TP has been prepared in line with the guidance set out within the following key documents:

- Department of Transport's (DfT) 'Delivering Travel Plans through the Planning Process';
- DfT 'Making Residential Travel Plans Work: Guidelines for New Developments'; and
- TfL's 'Travel Planning Guidance Note' (November 2013).

Please note that ATTrBuTE is no longer in use for travel plan assessments. Therefore, it is not included in this Travel Plan.

Prior to the preparation of this TP, a scoping exercise was carried out by Tyréns UK in conjunction with consultation with the LBR and TfL. An initial transport pre-application meeting was held with an LBR Highways Officer on 26th February 2018 and a further pre-application meeting took place on the 19th June with LBR Planning and Transport Officers. Following these meetings, Tyréns UK prepared a transport scoping note, which was issued to LBR and TfL for comment. A copy of this scoping note has been set out in **Appendix A** of this TP.

## 1.4 BENEFITS

A wide range of benefits can be accrued from the implementation of a TP, including a lower demand for car parking, improved health and wellbeing for residents, staff and visitors as well as reduced environmental effects in the vicinity of the development in terms of air quality, noise and congestion.

A broader range of benefits that can be achieved from the implementation of TP initiatives include:

- Improving accessibility by ensuring that walking, cycling and public transport measures are built into the design from the outset;
- Ensure uptake of active modes is encourage as the first mode of choice over the use of the private car, taxi and ultimately also public transport where possible;
- Helping to reduce greenhouse gas emissions by ensuring that developments are accessible and reduce the need for car use;
- Improving the quality of life for residents through time savings achieved as a result of less congestion and reduced stress levels;
- Reducing the number of car trips that would be predicted for the development without a TP; and
- Providing residents with access to a full range of facilities and services.

## 1.5 REPORT STRUCTURE

Following the introduction, this report set out as follows:

- Chapter 2 provides an overview of relevant national, regional (London) and Local (LBR) transport policy, providing context for the TP and demonstrating



that the development proposals are in accordance with policy from a transport perspective.

- Chapter 3 outlines the existing site context in terms of pedestrian and cycle connectivity, public transport links and highway access;
- Chapter 4 outlines the development proposal;
- Chapter 5 provides indicative travel patterns for the proposed users of the development;
- Chapter 6 provides the aims and objectives of the TP;
- Chapter 7 outlines the targets of the TP;
- Chapter 8 discusses proposed measures and initiatives that will be implemented to meet the targets set out in section 7 of the TP;
- Chapter 9 discusses how the TP will be managed, implemented, monitored and reported.

## 2. TRANSPORT POLICY

### 2.1 INTRODUCTION

This chapter considers the transport policy context pertaining to the development proposals. The relevant policy documents are considered at national, regional (London), and local levels (LBR) under their respective headings. This section also summarises the relevant best practice **guidance on the preparation of TP's** that has been consulted during the preparation of this document.

### 2.2 NATIONAL PLANNING POLICY

#### 2.2.1 NATIONAL PLANNING POLICY FRAMEWORK (2012)

The National Planning Policy Framework (NPPF) was published in March 2012 and supersedes previous national transport planning policy set out in PPG13: Transport.

Paragraph 14 of the NPPF sets out that there is a presumption in favour of sustainable development:

*“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.”*

With regard to determining planning applications, paragraph 14 goes on to state:

*“For decision-taking this means:*

- *Approving development proposal that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
  - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole; or*
  - *Specific policies in this framework indicate development should be restricted.”*

On this basis, planning permission for development should be approved unless a) the proposal is not consistent with the development plan policies; b) where any adverse impacts 'significantly and demonstrably' outweigh the benefits; or c) the policies within the NPPF indicate that the proposal should be restricted.

The key transport tests at a national level are set out at Paragraph 32 of the National Planning Policy Framework (NPPF), which states:

*“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and a Travel Plan. Plans and decisions should take account of whether:*

- *The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

The NPPF states that a TA should consider the impact of the proposals on the surrounding road networks, identifying transport issues relating to proposed development, and outlining measures to mitigate these impacts where necessary. The process should also identify what measures will be required to improve accessibility and safety for all modes of travel. A Travel Plan (TP) is defined as being a long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives through action and is articulated in a document that is regularly reviewed.

#### 2.2.2 NATIONAL PLANNING POLICY FRAMEWORK (JULY 2018)

The Government released an updated version of the NPPF in July 2018. The framework sets out the planning policies for England and how they should be applied. It provides a framework within which locally-prepared plans for housing and developments can be produced. At the heart of the framework is a presumption in favour of sustainable development which should be applied to all plans and decisions. The NPPF is centred on six areas, these are:

- Greater responsibility;
- Maximising the use of land;
- Maintaining protections for the environment;
- Ensuring the right homes are built;
- Ensuring higher quality and design of developments through the introduction of new quality standards; and
- Producing a more transparent planning process.