



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

Via Email
No ref

27 August 2021

Dear Sir / Madam,

Prior Approval – New dwellinghouses on detached buildings in commercial or mixed use – 53-59 High Street, New Malden

On behalf of our client, Rocco Homes, please find enclosed a prior approval application under Schedule 2 Part 20 Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended in 2021) for the following:

‘Prior approval for new dwellinghouses on a detached building in commercial or mixed use’

SCHEME SUMMARY

The proposal involves the prior approval application for an upward extension of the existing building by two storeys to allow for residential dwellings. The proposal will provide a total of 15 flats, comprising 5 x 1 bed dwellings and 10 x 2 bed dwellings.

This application should be read alongside the planning application for the removal of the third floor, as well as a prior approval for a change of use and planning application for external alterations.

SITE CONTEXT

The Tudor Williams site is a rectangular plot of land located on the corner of the High Street and Cambridge Road. There is a servicing street at the rear named Sussex Place. It has site area of approximately 989m².

The site is less than 200m from New Malden Train Station and is well connected by bus and walking/cycling routes. It has a PTAL Rating of 4 (Good).

It is located within the New Malden District Centre and a Shopping Frontage.



The site is not protected in that it is neither listed (statutorily or locally) nor located within a Conservation Area.

The site does not fall within or adjacent to any conservation areas. There are no statutory listed buildings affecting the site and none in the immediate context except for the Grade II War Memorial that lies to the north east of the site. The terrace of properties on the opposite side of the High Street are locally listed. This includes 40-64 High Street (evens).

The Groves Conservation Area is to the north of the site and the Presburg Conservation Area falls to the south and they both fall within 750m of the site.

The former Tudor Williams provided approx. 1,970sqm of retail floorspace. It previously traded over ground, first and second floor with management offices on the third floor.

The existing building is 3-4 storeys, comprising of mostly brick with an amalgamation of previous structures. There have been minor alterations and extensions with the property being substantially rebuilt in the 1960s.

Class AA Compliance

Permitted development changes which came into effect on 01 September 2020 included the right, subject to a number of criteria, to construct up to two additional storeys of new dwellings, immediately above the topmost storey of a detached building without the need to apply for planning permission.

It is important to note that in the interpretation section of Part 20 it defines 'detached' and a 'terrace building' as:

"detached" means that the building does not share a party wall with a neighbouring building;

"terrace building" means a building which is not detached

A party wall surveyor has confirmed that the building is not connected by a 'party wall' just two walls next to each other. The building does not share a party wall with its neighbour and is therefore, under the above considered to be 'detached'.

Compliance with Class AA

As set out AA.1 there are certain criteria which need to be complied with before prior approval is considered and the compliance against each is set out below:

- (a) The building is more than three storeys in height.
- (b) the building was not constructed before 1st July 1948 or after 5th March 2018. Historical research and a structural site survey have been undertaken to examine the age of the

building and it was confirmed that it was rebuilt in the 1960s, so this criterion is complied with.

- (c) the building is currently in commercial use and the change of use under prior approval will occur following the extension being constructed.
- (d) the additional storeys would be constructed on the principal part of the building.
- (e) the floor to ceiling height of the additional storeys would not exceed 3m or any storey height of the principal part of the existing building
- (f) the new dwellings would be flats so this criterion is complied with.
- (g) the height of the highest part of the roof of the extended building would not extend the height of the highest part of the roof of the existing building by more than 7 metres, measuring exactly 7m.
- (h) the height of the highest part of the roof of the extended building would not be greater than 30m, measuring at 17.530m.
- (i) the development would not include visible support structures.
- (j) the development would not consist of engineering operations other than works within the existing curtilage of the building to (i) strengthen existing walls, (ii) strengthen existing foundations or (iii) install or replace water drainage electricity gas or other services.
- (k) and (l) there is no plant proposed.
- (m) and (n) the development will not extend beyond the curtilage of the existing building, would not be on land forward of a wall forming the principal elevation of the existing building or be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building.
- (o) the building does not lie within any protected areas.

(2) Before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the local authority will be required as to -

- a) transport and highways impacts of the development;
- b) air traffic and defence asset impacts of the development;
- c) contamination risks in relation to the building;
- d) flooding risks in relation to the building;
- e) the external appearance of the building, including—
 - i. the design and architectural features of —
 - aa. the principal elevation; and
 - bb. any side elevation that fronts a highway; and
 - ii. the impact of any works under paragraph AB(3)(c) or (d);
- f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;

- g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;
- (h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;
- (i) impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area;
- (j) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State,
- (k) where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building.

Class AA Conditions Compliance

With regards to criterion a) regarding transport impacts of the development, particularly to ensure safe site access, a Transport Statement has been prepared to support the application.

As the Transport Statement notes, the site is located within a highly sustainable town centre location, with good access to public transport, so it is considered that a car free development is appropriate. The proposed development is well connected for future residents to 'take up' opportunities for sustainable travel in the context of its location.

The site will provide safe and appropriate access to the site for all people. A new residents lobby will be created on the High Street frontage, providing direct access to the stair and lift access.

A secondary residential access point, bin storage and cycle parking are accessible from Sussex Place to the rear of the site. A dedicated access to storage space for the commercial unit is also proposed directly from Sussex Place. Access to the ground floor commercial unit will continue to be from the High Street.

The proposed development will result in a negligible increase in vehicle trips and demand for public transport services. The traffic and transport impact will be negligible in terms of safety, capacity and congestion.

Cycle parking will be provided at the rear and the cycle storage appropriate for the storage of 52 cycles is proposed which provides capacity for the both the conversion and upward extension prior approval application. This is in line with London Plan Standards.

Therefore, in line with Class AA, condition AA.1 (a) transport impacts of the development, particularly to ensure safe site access, have been assessed and are considered acceptable.

With regards to criterion b) the building would not be tall enough to impact on air traffic and would not cause any impact to defence assets.

Taking into account criterion c) and the contaminated risks associated with the site, a Phase II Environmental Assessment has been carried out at the site. Based on the test results, there are no

contamination risks associated with residential development coming forward at the site and remediation will not be required.

With regards to criterion d) and the flood risk associated with the development, a Flood Risk Assessment has been prepared which considers the risk to the site from key sources of flooding. It concludes that the site is considered to be at low risk of flooding from all sources assessed and there will be no increase in flood risk as a result of the development proposed. Therefore, the upward extension proposal will not lead to increased flood risks, no mitigation is required, and the proposal will meet criterion d).

With regards to criterion e) the design and architectural features of the principal elevation and side elevation are shown on the Assael architectural drawings and explained within the Design and Access Statement and are considered an improvement to the existing building and will contribute to the character of the area.

With regards to criterion f) and the provision of adequate natural light in all habitable rooms of the new dwellings, a daylight/sunlight and overshadowing report has been prepared. The results confirm that for internal daylight and sunlight amenity within the scheme itself, 100% of rooms will meet the relevant ADF recommendations for their room use. This confirms that criterion f) has been complied with and all habitable rooms will have adequate natural light.

With regards to criterion g), the impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light has been considered. As the DAS sets out, separation distances between habitable room to habitable room have been assessed for the rooftop extension and there is at least 18.9m distance between habitable rooms on the High Street and therefore the proposals exceed the minimum distances recommended by the GLA's Housing SPG.

The vast majority of properties tested will fully meet the BRE criteria for daylight and sunlight, with only three residential properties experiencing isolated technical transgressions of the BRE numerical targets; 2 Cambridge Road and 61 High Street & 29 Sussex Place.

2 Cambridge Road and 61 High Street experience reductions that exceed guidance to a small number of windows that receive very low levels of daylight in the existing condition and any meaningful form of development will give rise to small absolute reductions which manifest as disproportionately larger relative changes that are unlikely to be noticeable. Therefore, it is considered the amenity of these properties will not be harmed by the proposals.

With regards to criterion h) the assessment of impact of noise from commercial properties a Noise Impact Assessment has been prepared. The results show that the noise between the commercial uses on the ground and first floor and future proposed residential dwellings, without mitigation would comply with the noise regulations. In relation to existing commercial premises surrounding the site, a site visit has demonstrated that there are no commercial units that are likely to generate adverse noise that could impact upon the residential dwellings. It is therefore clear that future and existing commercial premises have a low risk of adverse noise impact on the proposed residential dwellings of this scheme and consequently meet the acoustic requirements of the condition.



With regards to criterion i) the introduction of residential uses will not impact on the carrying on of any trade, business or other use of land in the area as the ground and part of first floor will be retained in commercial use contributing to the vitality and viability of the shopping frontage.

With regards to criterion j) the proposals will not impact on a protected view identified in the Directions Relating to Protected Vistas.

Finally, in regard to criterion k), a fire risk assessment has been prepared. This demonstrates that based on the proposed design, the fire safety impacts on the intended occupiers of the building will be appropriately mitigated. The general fire safety strategy will be in line with standard guidance and will not incorporate any fire engineering or alternative design solutions. An appropriate level of fire safety will be provided. The proposal therefore complies with this criterion.

In summary, the upward extension is supported under Schedule 2 Part 20 Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended in 2021). The proposal raises no material impacts in relation to the conditions regarding transport and highways, air traffic and defence, flooding, contamination, loss of light, external appearance, noise, fire risk, impact on views and existing businesses.

Application Submission

In addition to this covering letter, the submission comprises the following documents and drawings:

- Planning application form, signed and dated, prepared by WSP;
- Community Infrastructure Levy Information form, signed and dated, prepared by WSP;
- Site Location Plan NMH-ASA-XX-XX-DR-A-0100-P2, prepared by Assael Architecture;
- Full set of application drawings including the following:
 - NMH-ASA-XX-XX-DR-A-0101-P1 Existing Site Plan
 - NMH-ASA-XX-XX-DR-A-0241-P1 Proposed Site Plan
 - NMH-ASA-XX-00-DR-A-0200-P1 Existing Ground Floor Plan
 - NMH-ASA-XX-00-DR-A-0260-P2 Proposed Ground Floor Plan
 - NMH-ASA-XX-01-DR-A-0201-P1 Existing First Floor Plan
 - NMH-ASA-XX-01-DR-A-0261-P2 Proposed First Floor Plan
 - NMH-ASA-XX-02-DR-A-0202-P1 Existing Second Floor Plan
 - NMH-ASA-XX-02-DR-A-0262-P2 Proposed Second Floor Plan
 - NMH-ASA-XX-03-DR-A-0203-P1 Existing Third Floor Plan
 - NMH-ASA-XX-03-DR-A-0263-P2 Proposed Third Floor Plan
 - NMH-ASA-XX-04-DR-A-0264-P2 Proposed Fourth Floor
 - NMH-ASA-XX-04-DR-A-0204-P1 Existing Roof Plan
 - NMH-ASA-XX-05-DR-A-0265-P2 Proposed Roof Plan
 - NMH-ASA-XX-XX-DR-A-0300-P3 Existing Section A
 - NMH-ASA-XX-XX-DR-A-0301-P3 Existing Section B
 - NMH-ASA-XX-XX-DR-A-0302-P3 Existing Section C
 - NMH-ASA-XX-XX-DR-A-0303-P3 Existing Section D
 - NMH-ASA-XX-XX-DR-A-0360-P2 Proposed Cross Section
 - NMH-ASA-XX-XX-DR-A-0400-P1 Existing North Elevation
 - NMH-ASA-XX-XX-DR-A-0401-P1 Existing East Elevation
 - NMH-ASA-XX-XX-DR-A-0402-P1 Existing South Elevation
 - NMH-ASA-XX-XX-DR-A-0403-P1 Existing West Elevation
 - NMH-ASA-XX-XX-DR-A-0463-P2 Proposed West Elevation
 - NMH-ASA-XX-XX-DR-A-0462-P2 Proposed South Elevation



- NMH-ASA-XX-XX-DR-A-0461-P2 Proposed East Elevation
- NMH-ASA-XX-XX-DR-A-0460-P2 Proposed North Elevation; and
- Design and Access Statement prepared by Assael Architecture;
- Transport Statement prepared by I Transport;
- Fire Risk Assessment prepared by Tri Fire;
- Noise Impact Assessment prepared by Robin MacKenzie;
- Phase II Environmental Assessment prepared by AP Geotechnics;
- Daylight, sunlight and overshadowing assessment prepared by Point 2; and
- Flood Risk Assessment prepared by RPS.

The documents and drawings have been submitted directly to Royal Borough of Kingston Upon Thames and the planning application fee of £344 x 15 = £5,010 has been paid directly to the Royal Borough of Kingston upon Thames via their online system.

We look forward to receiving confirmation that the application has been successfully validated and trust that the information provided will allow the application to be assessed in a timely manner.

Should you require any further information or wish to discuss any aspect of the application, please do not hesitate to contact me or my colleague Philip Villars.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Grace Mollart'.

Grace Mollart