
Planning, Design and Access Statement

Land at Riverhill Yard, Old Malden Lane, Surrey,
KT4 7PU

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Contents

1.	Introduction	1
2.	The Site and Surroundings	3
3.	History and Use of the Site	5
4.	The Proposed Development and Operations	10
5.	Policy Context	13
6.	Planning Considerations	14
7.	Summary and Conclusion	27
	Appendices	29
	Appendix 1.0	30
	Enforcement Committee Report (LPA Ref. EN/11470)	30
	Appendix 2.0	31
	Relevant Planning and Enforcement History	31

1. Introduction

- 1.1. This Planning, Design and Access Statement has been prepared by Savills, on behalf of NSS (Worcester Park) LLP and Pines & Needles, in support of a full planning application for the redevelopment of land at Riverhill Yard, Old Malden Lane, Surrey, KT4 7PU ('the site').
- 1.2. The Site falls within the administrative area of the Royal Borough of Kingston upon Thames ('the LPA').

Description of Development

- 1.3. Pines and Needles are Christmas Tree specialists, who are seeking to redevelop the Site to support their forestry business. They wish to utilise the Site to propagate and grow Christmas Trees, and subsequently use the Site as a storage base for the distribution of the trees across London to supply their temporary retail units during the festive period.
- 1.4. The description of development is as follows:

"Use of the site for a nursery for the propagation and growing of saplings and the associated storage and distribution of Christmas trees and the installation of a single storey modular office, storage containers, poly tunnels, hard and soft landscaping, the creation of a new vehicle access and the creation of a riverside path along the Hogsmill River"

Purpose of this Document

- 1.5. This Planning, Design and Access Statement describes the application proposals and relates them to the relevant planning policy framework. The Proposed Development comprises major development and therefore in accordance with Regulation 9 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), a Design and Access Statement is required. Information on the design and access is provided to aid the LPA in their consideration of the application.

Accompanying Reports

- 1.6. This statement describes the development proposals and demonstrates the planning case in support of the proposals in the context of the relevant planning policy framework. It should be read in conjunction with the accompanying application drawings and the following reports:

- Arboricultural Implications Report, prepared by SJA Trees;
- Ecological Appraisal, prepared by FPCR;
- Flood Risk Assessment, prepared by SLR Consulting Ltd;
- Transport Statement, including Delivery and Servicing Plan and Operational Waste Management Plan, prepared by TTP Consulting;
- Soft Landscape Plan and UGF Masterplan, prepared by FPCR;
- Noise Impact Assessment, prepared by Savills; and
- Statement of Community Involvement, prepared by Thorncliffe.

2. The Site and Surroundings

- 2.1. The 1.76 hectare site is situated within the administrative district of the Royal Borough of Kingston upon Thames but immediately adjacent to the boundary with Epsom & Ewell. The Site is designated as Metropolitan Open Land.
- 2.2. The site is situated to the north-west of Old Malden Lane and accessed from the junction of Worcester Park Road and Cromwell Rd. The A240 / Kingston Rd lies a short distance to the west. The Hogsmill River forms the south-west boundary beyond which is a new housing development. Immediately to the west lies a sports field, beyond which is the Surbiton Raceway. To the north is a single residential dwelling and garden and the River Club, a private sports and leisure facility. To the north-west and using the same access road lies the Surbiton Sports Club and a small housing development of approximately 35 dwellings.



Figure 1: Site Location Plan

- 2.3. The majority of the site is hardstanding with a substantial band of trees and hedgerow and a man-made bund surrounding it.
- 2.4. The Site does not fall within a Conservation Area, but is within an Archaeological Priority Area.
- 2.5. Five of the trees on the site, one group and one woodland are covered by a Tree Preservation Order ('TPO'). These are TPO nos. 01 of 1989 and 08 of 1982 and together protect a total of: 11no. individual trees, 2no. groups of trees and 1no. woodland on and adjacent to the Site.
- 2.6. As stated, the Site is entirely within Metropolitan Open Land and forms part of a Green Chain.
- 2.7. The site is situated within Flood Zone 2 & 3.

3. History and Use of the Site

- 3.1. It is clear that the site is previously developed land. It has a complex planning history which records significant amounts of development since the 1980's. Since the LPA's planning enforcement actions around 2012, the site has been vacant and has attracted a great deal of criminal and anti-social behaviour.
- 3.2. The LPA's records report that the site originally functioned as a garden centre throughout the 1980's. In 1996, a Lawful Development Certificate was granted for the existing use of the site as a garden centre with structures and hard standing for the sale and display of plants and gardening accessories and car parking, as shown in the image below.

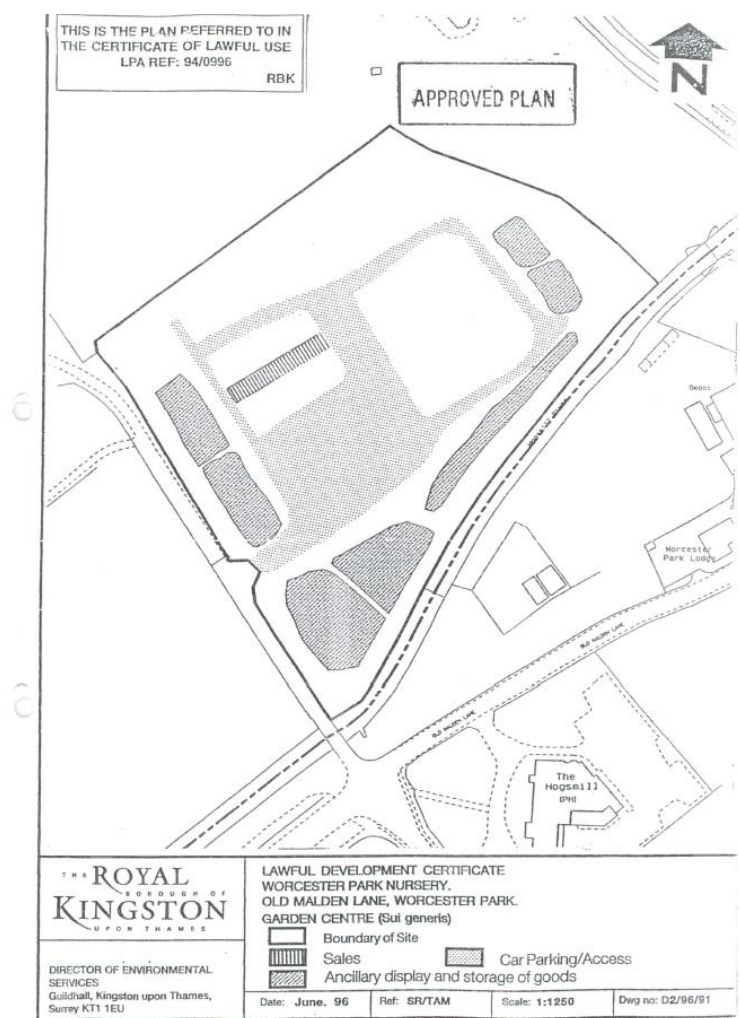


Figure 1: Approved Site Plan (LDC App 94/0996)

- 3.3. Following this, at some time in the late 1990's or early 2000's, the site was vacated. Then from the early 2000's it was used for a variety of storage purposes with associated operational development. Between 2012 and 2014 a variety of applications for Certificates of Lawful Existing Use or Development were granted and refused and enforcement actions taken. Officer's reports from this time are very useful in understanding how the site was used, notably the enforcement committee report dated 22nd May 2013 (ref. EN/11470), which includes the following site description:
- 3.4. *"Approximately 85% of the site is comprised of hardstanding. Upon this hardstanding lies structures for the storage of scaffolding, including numerous metal containers and scaffold racks, porta-cabins/mobile homes, aggregate storage and loading bays, machinery (such as hoppers), and various structures for used for the storage of tools and building materials. There is also provision for numerous vehicles to park on the site. Raised earth mounds are also present within and around the perimeter of the site"* (Paragraph 2, Page 1). The full report is included in Appendix 1.
- 3.5. Aerial photographs and annotated sketch plans from that report show the extent of development.

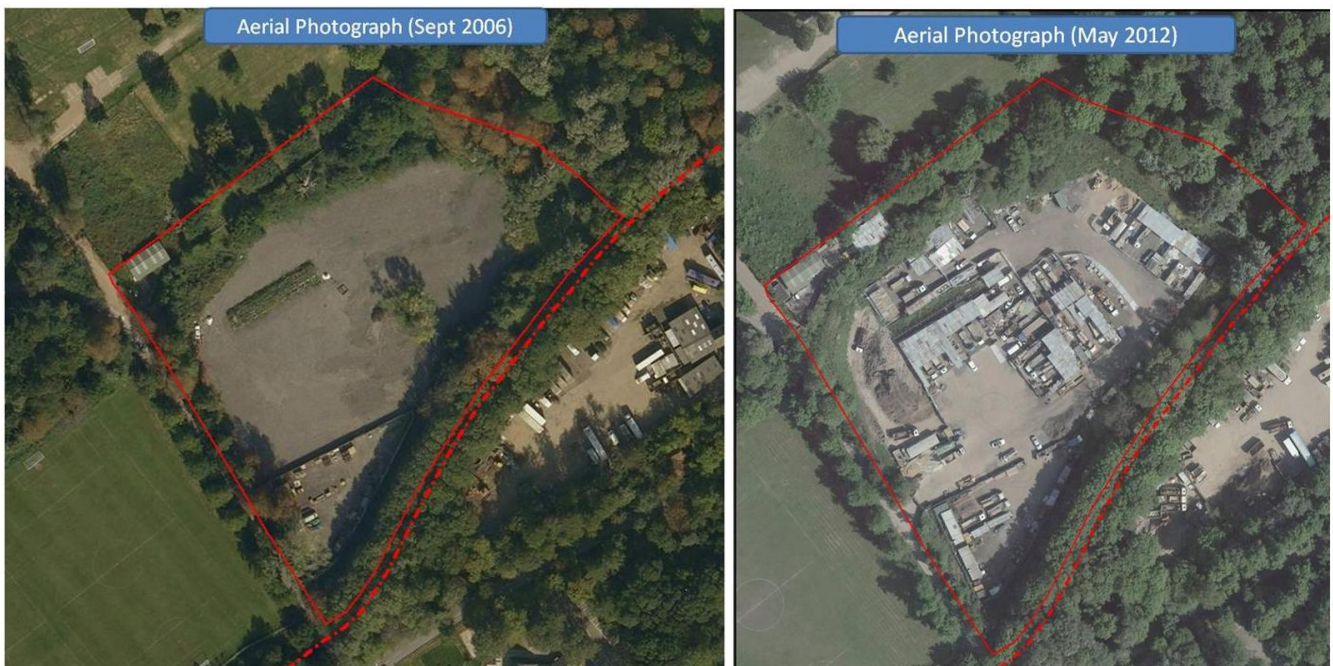
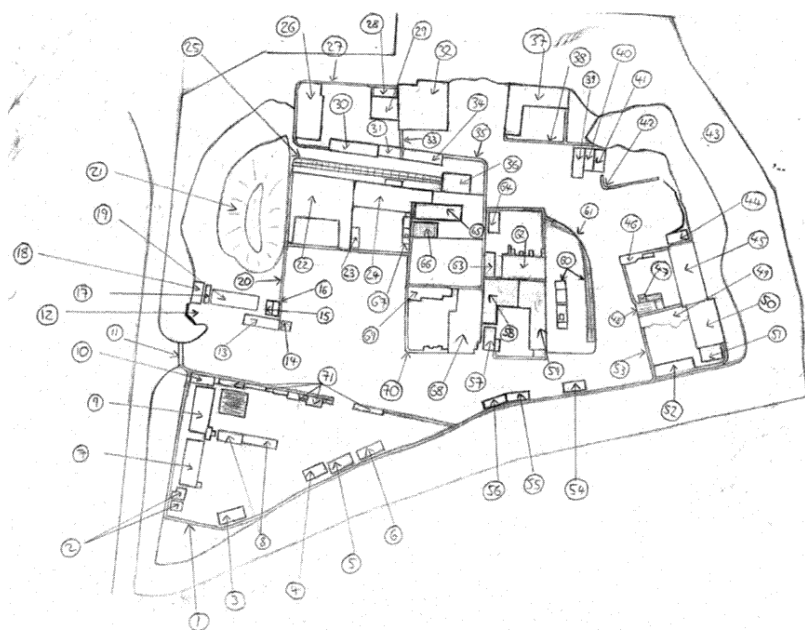


Figure 2: Aerial Photos of the Site (Enforcement Committee Report ref. EN/11470)



Number on Map	Description of 'development'	Number on Map	Description of 'development'
1	SW Compound Fence	36	Roofed Scaffold structure + blue container
2	Diesel and Oil tanks	37	Roofed Scaffold Racks
3	Metal Container	38	Fencing and Gates
4	Scaffold racks with roof	39	Light Blue container
5	Scaffold racks with roof	40	Dark Green container
6	Metal Storage boxes	41	Light Green container
7	Portacabin	42	Gates/fencing
8	Scaffold Racks with roof	43	Aggregate storage bay
9	Portacabin	44	White/Cream hopper
10	Green metal Container	45	Scaffold racks
11	Entrance Gates	46	Scaffold Storage
12	Aggregate storage bay	47	Scaffold Storage
13	Green Hopper	48	Grey container
14	Green Metal container	49	Scaffold storage/materials
15	Green metal container	50	Covered Scaffold racks
16	Green/Yellow container	51	Uncovered scaffold racks
17	Green metal container	52	Covered racks/storage
18	Kennel and shelter	53	Gates/Fencing
19	Mess Hut/Mobile home	54	Grey container
20	Gate/fencing	55	Orange container
21	Earth/Aggregate mound	56	Black container
22	Covered Scaffold Racks	57	Green container
23	Covered metal/timber scaffold storage structure	58	Open Scaffold Racks
24	Covered Scaffold Racks	59	Covered scaffold racks + kennel
25	Derelict Greenhouse	60	Various stored materials
26	Covered Scaffold Racks	61	Fencing
27	Gates/Fencing	62	Covered Scaffold Racks
28	Blue Container	63	Rusting dark grey container
29	Covered Racks	64	Light Grey container
30	Covered scaffold racks	65	Mess hut/mobile home
31	Green and Orange Container	66	Blue Container
32	Workshop	67	Timber storage structures
33	Gates	68	Covered scaffold racks
34	Scaffold Racks	69	Open Scaffold Racks
35	Fencing and Gates	70	Gates and Fencing
		71	Building materials

Figure 3: Annotation of Development (Enforcement Committee Report ref. EN/11470)

3.6. Whilst some of this development was considered unlawful and the subject of enforcement action, some was lawful and received Certificates of Lawful Development or planning permission. This included grant of a Certificate of Lawful Development on 14th January 2013 (ref. 12/16515/LDE) for the retention of existing operational development on site comprising hardstanding, compound fence, 2 x permanently stationed steel containers, permanently station diesel tank and 2 x oil tanks, 2 x office cabins, perimeter bunding, aggregate storage and loading bay and 3 x scaffolding racks.

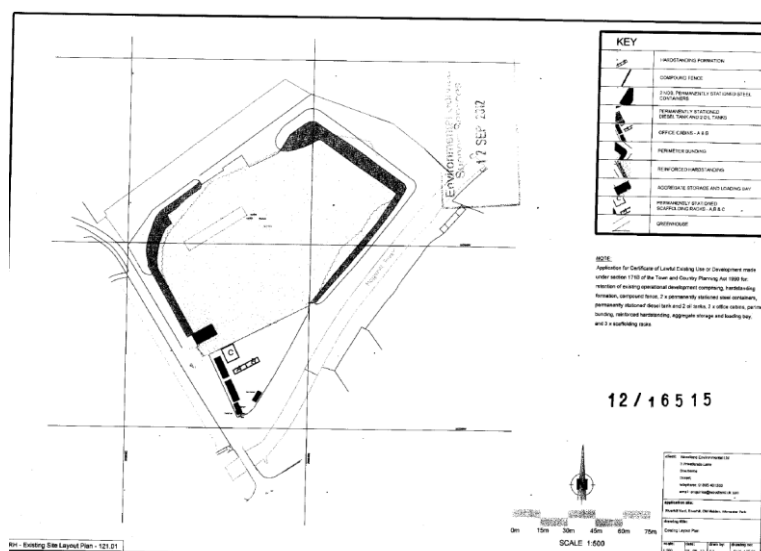


Figure 4: Site Layout Plan (LDC ref. 12/16515/LDE)

- 3.7. On 25th March 2014 the Council granted a Certificate of Lawful Existing Development (ref. 14/16053/LDE) “Retention of existing operational development comprising a greenhouse structure”. The plans submitted with the application show the greenhouse in the centre of the site.

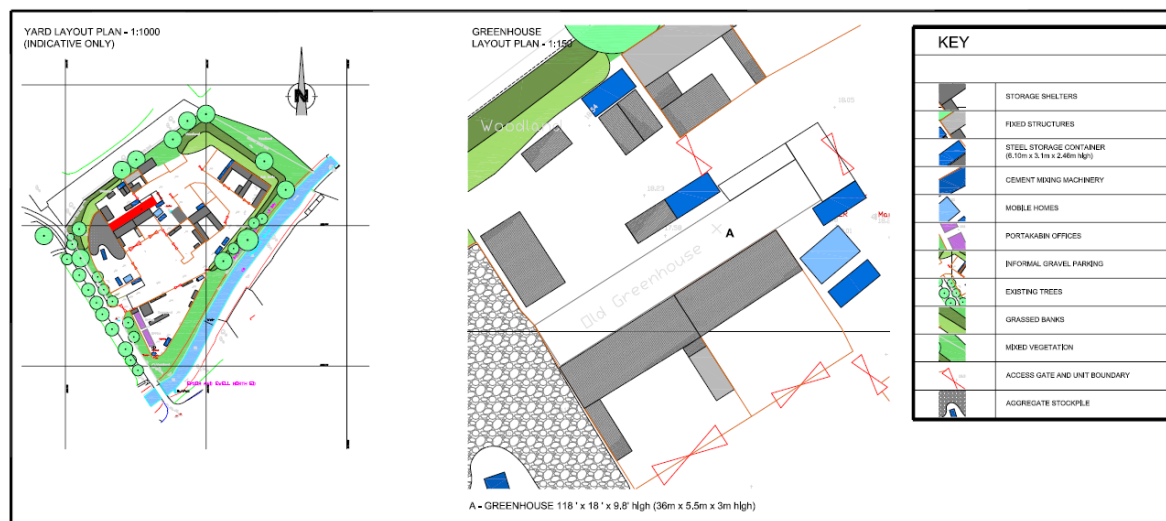


Figure 5: Site Layout Plan (LDC ref. 14/16053/LDE)

- 3.8. On 26th November 2015 Prior Approval (ref 15/16658/PNO) was granted on land in the north-west of the site for “Change of use from storage (B8) to residential (C3) to provide a dwellinghouse”.

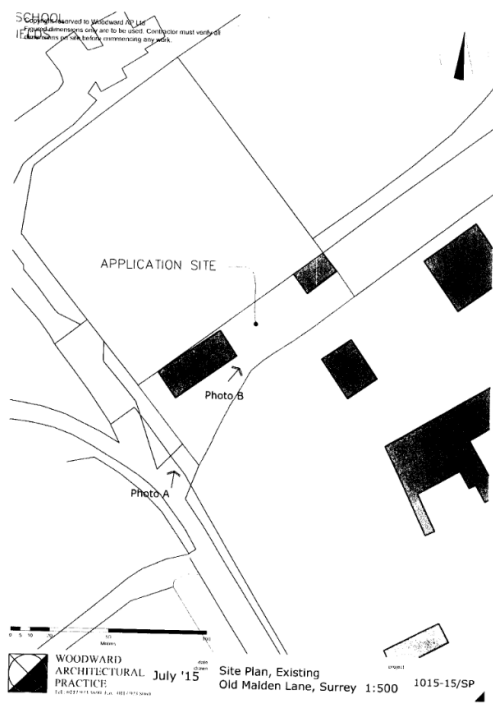


Figure 6: Site Layout Plan (ref. 15/16658/PNO)

- 3.9. The owner of the land is NSS (Worcester Park) LLP (hereafter referred to as 'Newcore'). Newcore has owned the Site since 2017. It was vacant at that time and remained so until recently. Since 2017, Newcore has submitted representations to the LPA Call for Sites in 2017 and the Local Plan Early Engagement in 2019 and has actively sought tenants for the Site through marketing on an all enquiries basis with Carter Jonas between 2017 and 2108 and Farino Cole between 2021 and 2022 to bring a useful purpose for the land and assist with combating anti-social behaviour associated with its vacancy. To this end a planning application was submitted in 2020 for use of the site as a temporary park & ride facility for the Wimbledon tennis tournament.
- 3.10. On 24th April 2020, a planning application (ref. 20/00941/FUL) was submitted on behalf of Newcore and the Wimbledon Lawn Tennis Association for "Temporary change of use of site from Open Storage (Use Class B8) to Park and Ride facility for 3 months" (our emphasis, this description of development taken from the Council's online records).
- 3.11. It is noteworthy that the Council chose to amend the description of development to include reference to an existing open storage Use Class B8. The submitted application form description of development was "Full planning permission for the use of the site as a park and ride facility for a temporary period of 3 months".
- 3.12. Full details of the planning and enforcement history associated with the site is provided in Appendix 2.

4. The Proposed Development and Operations

4.1. This section describes the development proposals. It should be read in conjunction with the application drawings and accompanying reports.

4.2. The description of development is as follows:

“Use of the site for a nursery for the propagation and growing of saplings and the associated storage and distribution of Christmas trees and the installation of a single storey modular office, storage containers, poly tunnels, hard and soft landscaping, the creation of a new vehicle access and the creation of a riverside path along the Hogsmill River”

Use - Christmas Trees

4.3. The proposed development is for the use of the site to grow Christmas trees from seed to sapling and for storage and distribution of Christmas trees and other ancillary equipment and goods.

4.4. The occupier, Pines & Needles, grow Christmas trees and sell them at 35 pop-up sites around London. Pines & Needles have been in operation since 1995 and have a proven track record as a successful and responsible company and a good neighbour.

4.5. For 10 & ½ months of the year the site will be used to propagate and grow Christmas trees from seed to sapling. There will be approximately 200,000 saplings being grown at any one time, each taking 4 years to mature before being transplanted to the companies Scottish plantations. The site will also be used at this time to store the equipment associated with the pop-up sites such as Christmas tree balers, wooden sale huts, fencing and other equipment. During these months the site will be very quiet with only one or two staff on site.

4.6. From mid-November to the end of December the site will be much busier. From mid-November the equipment will be distributed to and erected at the pop-up sites. Christmas trees will be cut at Pines & Needles plantations in Scotland and delivered to the site until mid-December. Until the end of December the trees will be distributed in vans to the pop-up sites for sale to customers. After Christmas and the first week of the new year the pop-up sites will be dismantled and the equipment returned to site for storage.

4.7. The physical development associated with this use will include:

- 1x single storey modular office (454 sqm) to run the business from;
- Storage / shipping containers (349 sqm); and
- 3m fence along western boundary

Access and Parking

- 4.8. Outside of the busiest time of year there will be very little or no vehicle movement.
- 4.9. From mid-November to mid-December Christmas trees will be delivered by HGV lorries up to 6 times a day. These vehicles will approach the site from the A420 / Kingston Road, turn left on to Grafton Rd, left again onto Cromwell Rd, then straight across the Hogsmill river before turning right into the site.
- 4.10. A lay-by will be created off the access road in front of the new access gate ('Gate A') to ensure that these large vehicles spend no time waiting on the access road. Pines & Needles will employ a transport operations manager to ensure that no more than one HGV enters or exits the site at any one time. The vehicles are tracked on their journey and if any conflict is likely, drivers are sent a message to pause their journey to arrive at an appropriate time. HGV's will arrive at the site and leave during daytime hours only.
- 4.11. From mid-November until Christmas Eve, Christmas trees will be distributed from the site to pop-up stores across London. Up to 20 vans will exit and enter the site each day through 'Gate B' in the south-west corner of the site.
- 4.12. Pedestrian and cycle access is provided through the adjacent 'Gate C'.
- 4.13. 6no. loading / unloading bays are provided to facilitate the proposed use. In addition, 8no. car parking spaces can be provided on site to accommodate staff, alongside 14 no. cycle parking stands.

Boundary Treatment and Landscaping

- 4.14. A significant bund, presumed to have been erected prior to 2012, has been removed from the western boundary of the site to assist with the health of the trees along that boundary. A fence of 3 m height will be erected along this boundary.
- 4.15. Pre-existing bunds along the other boundaries of the site are retained with the bund along the northern boundary extended a short distance. Pines & Needles have already sown wildflower meadows along the bunds but further landscaping works will include:

- Biodiverse rich planting on the bunds and the land outside them;
- Green roofs on the storage containers;
- Green walls on the modular office and storage containers;
- A new riverside path accessible to members of the public;

5. Policy Context

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 5.2. For the purposes of Section 38(6), the Development Plan for the site comprises the following:
- The London Plan (adopted 2021); and
 - Royal Borough of Kingston upon Thames Core Strategy (adopted 2012).
- 5.3. Material considerations include: the National Planning Policy Framework ('NPPF') 2021; Planning Practice Guidance ('PPG'); local supplementary planning guidance / documents ('SPG' / 'SPDs'); any other emerging policy and guidance; and site specific circumstances.

6. Planning Considerations

6.1. This section assesses the Proposed Development against the planning policy framework for the Site.

Principle of Development

6.2. The Site is designated entirely as Metropolitan Open Land. Local Policy CS 3 (The Natural and Green Environment) states the Council will protect and improve Kingston's valued natural and green environment by, *inter alia*, protecting Kingston's open space network from inappropriate development through its open space designations, including the Metropolitan Open Land designation. London Plan Policy G3 (Metropolitan Open Land) affords Metropolitan Open Land the same status and level of protection as Green Belt, and therefore should be protected from inappropriate development in accordance with the national planning policy tests that apply to the Green Belt.

Exceptions to inappropriate development

6.3. Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt but lists seven exceptions. Two of these exceptions are relevant.

- part a) *"buildings for agriculture and forestry"* and
- part g) *"limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development"*.

Forestry

6.4. A significant part of the use of the site will be for the propagation and growing of Christmas tree saplings. Approximately 200,000 trees saplings will be grown on site at any one time for 4 years before being transplanted to Pines & Needles plantations in Scotland where they will be grown for a further 5 to 6 years. Here, they will be cut and transported back to the site for storage and distribution to the pop-up retail sites across London. This is clearly a forestry use and the buildings associated with it may be accepted as one of the exceptions to inappropriate development within the Green Belt as set out at part a) of paragraph 149 of the NPPF.

Previously developed land

- 6.5. The site is previously developed land. As set out in Section 3 of this report it was used as a Garden Centre and Nursery from the 1980's with a Lawful Development Certificate issued in 1996 recording a significant amount of development including a building for retail purposes, areas for storage and sale of garden centre goods and car parking.
- 6.6. The Lawful Development Certificate issued in 2012 allowed for a compound fence of greater than 2m height, 2 steel containers, 1 x diesel and 2 x oil tanks, 2 office cabins, bunds running around the perimeter of the site, an aggregate storage and loading bay and 3 scaffolding racks. Plans from this development are indistinct but we estimate there to have been approximately 300 sqm built footprint on site, not counting bunds or hard standing.
- 6.7. The Lawful Development Certificate issued in 2014 allowed for the retention of a greenhouse structure of 198 sqm.
- 6.8. A grant of Prior Approval in 2015 allowed for the change of use of a B8 building to residential. We estimate this building to be approximately 100 sqm.
- 6.9. Throughout the planning records, Officers have recorded that the site is covered by 85% hardstanding. A good deal of the development listed above has been left on site. Furthermore, in its description of development for the 2020 application for a park and ride facility, the Council tacitly accepted that the existing use of the site amounts to an open storage B8 use through their description of development.
- 6.10. There is, therefore, no doubt the site is previously developed land and one which has had, over time, approximately 500 sqm of buildings or structures on it.

Openness

- 6.11. The site is not open to the public. The images below, taken in 2018, show that the site was in no way visually open with well established trees and hedgerow and a fence in excess of 2m height.



Figure 7: Views towards the Site

- 6.12. The perimeter bunds in excess of 2m height further restrict views into the site from any other vantage points. An Appeal was allowed in Fettle's Wharf Marina, Station Road, Rufford, L40 1TB in September 2020 (ref: APP/P2365/W/20/3247879), which noted that the trees surrounding the Site plus the surrounding built form limited the existing openness of the Green Belt and thus the spatial impact of the proposal. The openness of the MOL of this Site is therefore similarly constrained by the existing surrounding foliage, and any prospective harm is limited and localised.
- 6.13. The proposals include the construction and implementation of a single storey modular office and storage containers amounting to approximately 800 sqm of structures. The pre-existing situation allowed for no openness of the site. As a result the proposals have no greater impact on the openness of MOL than the pre-existing development, the site is clearly previously developed land, and so the proposals fall within the exception to inappropriate development set out at part g) of paragraph 149 of the NPPF.

Very Special Circumstances

- 6.14. If others were to disagree with the conclusion that the proposed development constitutes an exception to inappropriate development within the Green Belt, then Very Special Circumstances exist that allow it to be acceptable. Paragraphs 147 & 148 of the NPPF state that inappropriate development is, by definition, harmful and should not be approved except in 'Very Special Circumstances' ('VSC') and that VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. We set out the VSC below.

Benefits of a 'Good Neighbour'

- 6.15. Since its use as a garden centre (as established lawful in 1996) ended at some point in the late 1990's or early 2000's, the site has been used for open storage until the early 2010's. During this later period, the

LPA undertook a number of enforcement actions against these uses and the operational development associated with them. In the face of these enforcement actions, the site was vacated. Since that time it has been subject to anti-social behaviour, including fly-tipping and alcohol and substance abuse.

- 6.16. Since taking occupation in January 2023, Pines & Needles have cleared the site of fly-tipping and have installed security measures which have successfully stopped most of the criminal and anti-social behaviour associated with the site when it was derelict.
- 6.17. Pines & Needles have also made significant efforts to get to know their neighbours and have made contact with the local sports club, the Riverhill residents association and the local Ward Councillors.
- 6.18. Pines & Needles have been in operation since 1995 and prides themselves on being a good company and a good neighbour, committing to a variety of charitable and environmentally sustainable works. For example, they offer a tree collection service to their customers, and the trees are then converted into woodchips and donated to London Zoo (amongst others), used in gardening projects and sold at cost price to biomass energy stations. The company has a very good understanding of the challenges it may present to its neighbours and works hard to avoid or mitigate the potential impacts of their operations on local residents (further details set out below in the section).
- 6.19. As previously set out, Newcore has undertaken extensive engagement with the LPA through submitting representations on the emerging local plan and extensive marketing to find a suitable use and occupant for this site. Despite this, the constraints of the site have until now proven challenging when considering potential occupants.
- 6.20. Should planning permission be refused, the site would be vacated and, as a result, would return to what it was before, namely a derelict, previously developed site, inaccessible to the public and visually impenetrable but subject to significant anti-social behaviour.

Economic Benefit

- 6.21. The existing site has been a magnet for anti-social behaviour and is visually and physically inaccessible and impenetrable. It has no value for anyone.
- 6.22. Should planning permission be granted the site would be of economic benefit bringing a derelict site into active use. Pines & Needles have a relatively small team of permanent employees split between London

and Scotland but the Christmas period sees the company take on up to 100 temporary staff and has found students to be particularly attracted to the work it offers. All employees are properly contracted and paid at least the minimum wage.

- 6.23. By growing its own trees, of which it sells approximately 40,000 a year, and then collecting and recycling them, Pines & Needles creates a virtuous economic cycle. The finance is locked into the UK economy and the benefits of employment retained for both the London and Kingston economies.

Usable MOL and Other Landscape Improvements

- 6.24. The proposal includes significant landscaping improvements (resulting in a UGF score of 0.47) and a riverside path along the Hogsmill river. Local Policy S1 (Surbiton Neighbourhood) states that the Council will seek to improve access to and the quality of the natural and green environment by, *inter alia*, working with partners to provide for nature conservation, leisure and outdoor recreation; and enhance the Hogsmill Valley Walk and biodiversity along the Hogsmill Valley. London Plan Policy G5 (Urban Greening) also requires all major development proposals to contribute to the greening of London by including urban greening as a fundamental element of site design.
- 6.25. Policy DM5 (Green Belt, Metropolitan Open Land and Open Space Needs) says the Council will, among other things, *“ensure new development contributes to the provision and improvement of the quality, quantity, variety and accessibility of public open space”*. With regard for the MOL, supporting paragraph 8.3.1 of the London Plan states that the *“MOL protects and enhances the open environment and improves Londoners’ quality of life by providing localities which offer sporting and leisure use, heritage value, biodiversity, food growing, and health benefits through encouraging walking, running and other physical activity”*.
- 6.26. The site also forms part of a Green Chain, which supporting paragraph 6.27 defines *“as a series of elongated MOL surrounding the Borough’s major watercourses linking the Green Belt and broader areas of open land within the urban area”*. It is noted that these Green Chains and Corridors allow animals and plants to be found further into the built up area than would otherwise be the case and provide an extension to the habitats of the sites they join (para. 6.27).
- 6.27. In terms of the MOL designation, the LPA’s Green Belt and Metropolitan Open Land Assessment Report (April 2018) identifies the Site within MOL Parcel 25 (also shown in Figure 8). As stated in the report, this

is a relatively large parcel consisting of open sports pitches, an allotment area and scattered built development. It includes a variety of vegetation features, including allotments, woodland areas, riparian features along the river, meadows and amenity grassland, as well as mixed development comprising a primary school, commercial sheds, car parking areas, housing, a mobile home park, hardstanding, and a go karting track amongst others.



Figure 8: Green Belt and MOL Assessment Report (April 2018) - Appendix A

- 6.28. Appendix A of the LPA's Green Belt and Metropolitan Open Land Assessment Report identifies the land adjacent to the Hogsmill River towards the centre of the parcel (which includes the site) as derelict. It details a number of opportunities to promote the positive use of the MOL, which includes improving the derelict and damaged land.
- 6.29. The Proposed Development will assist in delivering an improvement to the existing derelict land through firstly bringing it into positive, active, forestry use, and also delivering extensive landscaping works to improve the quality of the MOL land. These landscaping works include the establishment of biodiverse rich planting on the bunds and the land outside them and the establishment of green roofs and green walls on the storage containers and / or office buildings. These works are set out further in the detailed Landscape Plan and Urban Greening Factor ('UGF') report, prepared by FPCR, and contribute to an UGF score of 0.47, well in excess of the London Plan's 0.3 score guidance for non-residential development.
- 6.30. The Proposed Development also includes the deliver of a new, publicly accessible riverside path along the Hogsmill River, which will deliver an extension to the existing Hogsmill River Walk, improve the quality of

the existing recreational facilities and also the Green Chain in accordance with local and regional policy.

Ecology

6.31. This section should be read in conjunction with the Ecological Appraisal prepared by FCPR. The Ecological Appraisal confirms:

- There are a number of internationally designated Sites of Nature conservation Importance located within 15km of the Site. However, no significant effects are anticipated due to the small-scale nature of the proposals and the intervening distance between the Site and these designated sites;
- There are a number of Sites of Nature Conservation Importance located within 1km of the Site, and the appraisal assesses that no direct impacts are anticipated as a result of the proposals;
- The habitats present within the site are limited in range and diversity with hardstanding and highly disturbed habitats predominating the site. The ephemeral/short perennial vegetation and tall ruderal vegetation present on the site is considered to be of no more than local importance;
- The woodlands surrounding the Site are to be retained and protected throughout the proposals. Whilst a small number of mature trees will be lost to the development, they are considered to be of low value owing to historic disturbance which has been detrimental to their health; and
- The Site provided some degree of suitable habitat for a range of protected/notable species including bats, breeding birds and reptiles. Further surveys are recommended for these species groups.

6.32. The Appraisal notes that the proposal includes the creation of a range of habitats, including species rich shade tolerant grassland habitats around the bund to replace / compensate for any lost vegetation and that the development secures a measurable increase in urban greening. It provides a series of recommendations for further protecting ecological features, including all woodland and mature trees are retained wherever possible and that vegetation clearance works are undertaken following a precautionary working method statement to ensure reptiles and breeding birds are not harmed.

6.33. The Appraisal therefore identifies that through implementing the recommendations, the ecological impact of the development is minimal and that the proposed landscaping and urban greening measures assist in

compensating for any ecological loss.

Conclusion on Very Special Circumstances

6.34. The above section concludes that there are a number of considerations that weigh positively in favour of the scheme and demonstrate VSC. These include:

- Delivering a carefully designed forestry and associated storage and distribution facility to make the most efficient use of and remove the anti-social behaviour associated with a derelict Site;
- The delivery of economic and cultural benefits through the establishment of Pines and Needles within Kingston, which will generate local employment and deliver Christmas Trees to the broader area;
- The delivery of a significant number of landscaping features and urban greening measures to improve the quality of the existing MOL. These features result in a UGF score of 0.47 in excess of the 0.3 London Plan guidance for non-residential development;
- The delivery of a riverside path to enable access to MOL where previously there was none.

6.35. Our conclusion is that the minimal and localised harm is outweighed by other considerations. Therefore Very Special Circumstances do exist and development should proceed in accordance with national and local planning policy regarding MOL.

Other Planning Considerations

Flood Risk and SuDS Strategy

6.36. Local Policy DM 4 (Water Management and Flood Risk) notes that the Council will require development to be designed to take account of the impacts of climate change including: water conservation, the need for summer cooling and increased flood risk from fluvial and surface water flooding. It notes that all new development within Flood Zones 2 and 3 should be supported by a Flood Risk Assessment ('FRA'), which should address all sources of flooding, the future impact of climate change, the findings of the Borough SFRA, national guidance and good practice guidance.

6.37. This section should be read in conjunction with the FRA prepared by SLR Consulting Limited to support this application. The FRA confirms that the Site lies across Flood Zones 1, 2 and 3a, and therefore has between a low and high probability of flooding. It confirms that commercial development is considered as

a development type that is 'less vulnerable' to flooding.

- 6.38. In considering the Proposed Development in relation to the various sources of flooding (and accounting for a climate change allowance), the FRA concludes that the raised embankments along the southeast and northeast site boundaries, and the lane and football pitches which have been raised at some point, prevent regular flooding on the site. Therefore no part of the site floods regularly and the site should not be considered as land or where floodwater has to flow or be stored in times of flood. The FRA concludes that the site should correctly be designated as falling across Flood Zone 1, 2 and 3a and as benefiting from flood defences.
- 6.39. Due to the layout of development on the Site, and building only in Flood Zone 1, the development is considered to pass the Sequential Test. Consideration of the Exception Test is not required for less vulnerable development types such as the operations on the Site.
- 6.40. In terms of the risk of flooding from surface water and ground water, the FRA notes that there is a risk of flooding in the eastern part of the site. It notes this risk will predominantly affect the low areas to the east of the site where no building or raised structures are situated. The area at risk is only used for storage of stock which is resilient to contact with floodwater. This usage is therefore considered to be appropriate and acceptable to the level of risk.
- 6.41. For any residual risk of flooding, for example through the failure of the raised embankments during a fluvial flood event, the FRA recommends a series of mitigation measures, including the development of an emergency flood response plan and the ongoing management of the embankments. The FRA concludes that through implementing these measures the residual flood risk will adequately be addressed.
- 6.42. It is therefore considered that the proposed development is acceptable in terms of flood risk in accordance with Local Policy DM 4 (Water Management and Flood Risk).

Transport

- 6.43. Local Policy DM8 (Sustainable Transport for New Development) supports and promotes the use of sustainable modes of travel to development sites through, inter alia, prioritising the access needs of pedestrians and cyclists in the design of new developments; and providing on-site cycling facilities. This includes protecting and enhancing pedestrian and cycle access routes.

- 6.44. Local Policy DM9 (Managing Vehicle Use for New Development) requires all developments to be supported by a Transport Assessment based on TfL's Best Practice Guidance, and requires all new development to comply with car parking standards and implement parking management schemes.
- 6.45. Paragraph 111 of the NPPF (2021) states that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
- 6.46. A Transport Assessment ('TA') has been undertaken by TTP Consulting in line with policy DM9. It notes that whilst the site will be operational year-round, the 'in season' period will fall between November and January and the 'off season' period will fall between February and October. During the 'in season' period, the TA expects up to 6 HGV trips per day between mid-November and mid-December and 20 LGV trips per day between November and January. In order to manage the traffic operations, Pines and Needles will operate a traffic management system, tracking HGV's from Scotland, to ensure there are only ever 2no. HGV's on site at one time and only 1 HGV will be allowed to arrive or depart from the site at any one time to minimise conflict on the surrounding road network. During the 'off season' period, it is expected that there could be a handful of movements by LGVs, with no HGVs expected.
- 6.47. In terms of other trips, it is expected that there could be up to 20 staff on-site at any time during the 'in season' period and only 1 or 2 member of staff during the 'off season'. No customers can access the site given there is no retail provision.
- 6.48. The TA considers the daily vehicle trip generation negligible / modest and associated with deliveries and staff trips only. Further consideration of the impact of the vehicle trips on highways safety has been considered through vehicle tracking and vehicle splays. Full details can be found in the TA, which concludes that safe access and egress can be ensured from the site.

Car Parking Provision

- 6.49. RBKuT Sustainable Transport SPD (adopted May 2013) references the 2011 version of the London Plan for details of the parking standards for B8 uses. Given the ancillary storage and distribution associated with the proposed development, we consider it reasonable to base the car parking provision on the parking standards for such uses.
- 6.50. London Plan Policy T6.2 (Office Parking), paragraph C states that car parking provision for B8 employment

uses should have regard to the office parking standards and take account of the significantly lower employment density in such developments. A degree of flexibility may also be applied to reflect different trip-generating characteristics.

- 6.51. London Plan table 10.4 details a maximum parking provision of up to 1 space per 100 sqm GIA. Given the modular office and the container floorspace amounts to 803 sqm, 8no. car parking spaces can be provided on-site (including 1no. disabled parking space).
- 6.52. In terms of disabled parking provision, Policy T6.5 (Non-residential disabled persons parking) requires 5% of parking bays to be provided as such within workplaces. This equates to 0.4 disabled parking bays of the 8no. provided and therefore 1no. disabled parking bay can be provided on-site.

Cycle Parking

- 6.53. RBKuT Sustainable Transport SPD (adopted May 2013) identifies a parking standard of 1 cycle parking space per 500 sqm GEA of development, which is aligned also with Table 10.2 of the London Plan (2021). The London Plan (2021) requires 1 cycle parking space to be provided per 500 sqm (GEA) for B8 uses.
- 6.54. The provision of 14no. cycle parking stands therefore exceeds the parking standards to support sustainable modes of transport and is therefore considered acceptable.

Trees

- 6.55. Policy DM10 (Design Requirements for New Developments) states that the Council will expect new development to ensure that trees that are important to the character of the area or covered by Tree Preservation Orders are not adversely affected. It states that where trees are to be lost through development the Council will normally require the planting of two specimens for each tree lost. The Council will refuse applications that adversely impact upon the leafy character of the Borough where commensurate appropriate replacement is not provided.
- 6.56. An Arboricultural Report has been prepared by SJA Trees to support this application. It confirms that 4no. low-quality trees situated in the south of the Site will be removed to facilitate the access route into the development site. The Arboriculturalist undertook a survey of the trees across the site and identified those to be removed as low-quality, category 'C' specimens. The Report confirms therefore that the removal of the trees will represent no alteration to the main arboricultural features of the site and only a minor alteration

to the overall arboricultural character and appearance of the local landscape. It concludes that the impact of the scheme is of a negligible magnitude.

- 6.57. Whilst policy DM10 normally requires the provision of 2no. tree specimens per tree that is lost, this development seeks to enhance the natural environment through other landscaping means. As previously set out, the landscaping strategy provides extensive planting throughout the site to include biodiverse rich planting on the bunds and the land outside them; the provision of green roofs on the storage containers and the provision of green walls on the modular office and storage containers. The other higher-quality trees across the Site will also be protected to ensure that the leafy character of the Site is not adversely impacted.
- 6.58. Given that the proposed development seeks to protect important trees that contribute to the existing character of the MOL site, as well as deliver extensive landscaping and greening measures, it is considered that the removal of 4no. low quality trees will not negatively impact the character of the Site and that commensurate appropriate replacement is provided.

Noise and Vibration

- 6.59. Policy CS1 (Climate Change Mitigation) and Local policy DM1 (Sustainable Design and Construction Standards) seek to reduce pollution, with policy DM1 stating that new development should minimise noise impacts in line with industry best practice.
- 6.60. A Noise Impact Assessment has been undertaken by Savills to support this application, which has considered the potential adverse noise impacts affecting the 'nearest noise sensitive receptors' (NSRs) to the proposed development site. The assessment demonstrates that the proposed development does not result in maximum Rating Levels exceeding the background sound level (more typically, it is at least 8 dB below the background sound level); it does not introduce new noise sources of an intrusive, incongruous or otherwise distinguishable character; and it does not affect sleep given that the operations are limited to daytime hours. The results therefore show that the operation of the proposed development would likely result in sound levels of a magnitude below the 'Lowest Observed Adverse Effect Level' (LOAEL). As such, adverse noise impacts/effects associated with the operation of the proposed development would be avoided and residential amenity would not be adversely affected.
- 6.61. For the reasons set out above, the noise and vibration impact of the proposed development will not have

unacceptable adverse effects, in accordance with policy DM1.

7. Summary and Conclusion

7.1. This Town Planning Statement has been prepared by Savills, on behalf of NSS (Worcester Park) LLP, in support of a full planning application for the redevelopment of land at Riverhill Yard, Old Malden Lane, Surrey, KT4 7PU ('the Site').

7.2. The description of development is as follows:

“Use of the site for a nursery for the propagation and growing of saplings and the associated storage and distribution of Christmas trees and the installation of a single storey modular office, storage containers, poly tunnels, hard and soft landscaping, the creation of a new vehicle access and the creation of a riverside path along the Hogsmill River”

7.3. This Town Planning Statement has demonstrated that a significant part of the site will be used for the propagation and growing of Christmas tree saplings, which is clearly a forestry use. It has also demonstrated that the Site comprises previously developed land with no greater impact on the openness of MOL given the site is predominantly hardstanding, has an extensive planning history recording a significant amount of development and is constrained by the existing surrounding foliage, fencing and bunds. For these reasons, the proposed development falls within both of the following exceptions to inappropriate development within the Green Belt, as set out in paragraph 149 (a & g) of the NPPF (2021):

- part a) *“buildings for agriculture and forestry”* and
- part g) *“limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development”.*

7.4. If others were to disagree with this, this Town Planning Statement has demonstrated there are 'Very Special Circumstances' ('VSC') whereby the potential harm to the Green Belt by reason of inappropriateness is clearly outweighed by other considerations. It has been argued that the proposals have no greater impact on the openness of MOL than the pre-existing development, and that the impact on the openness is constrained by the foliage, fencing and bunds. Any prospective harm is therefore limited and localised, and outweighed by the following considerations (which amount to 'VSC'):

- The delivery of a carefully designed forestry and associated storage and distribution facility to make the most efficient use of and remove the anti-social behaviour associated with a derelict Site;
- The delivery of economic and cultural benefits through the establishment of Pines and Needles within Kingston, which will generate local employment and deliver Christmas Trees to the broader area;
- The delivery of a significant number of landscaping features and urban greening measures to improve the quality of the existing MOL. These features result in a UGF score of 0.47 in excess of the 0.3 London Plan guidance for non-residential development;
- The delivery of a riverside path to enable access to MOL where previously there was none.

7.5. Our conclusion is that the proposed development is acceptable within the MOL and will deliver a number of significant public benefits. Very Special Circumstances also do exist, as set out above, and therefore development should proceed in accordance with local and national planning policy.

Appendices

Appendix 1.0

Enforcement Committee Report (LPA Ref. EN/11470)

Appendix 2.0

Relevant Planning and Enforcement History

Appendix 2

A desktop search of the planning history records held by the Royal Borough of Kingston upon Thames for the site and surroundings has been undertaken. Relevant applications are shown in Table 1 below.

Table 1: Relevant Planning Applications

LPA Reference	Development Proposal	Status
93/0417/FUL Worcester Park Nurseries Old Malden Lane Worcester Park Surrey	Demolition of existing buildings, erection of horticultural building with parking & Christian meeting room with associated parking. Formation of access roads to new buildings, roadway to Maori Sports Ground & construction of riverside walk	Application Refused 16 October 1993
94/0996/LDE Worcester Park Nursery Old Malden Lane Worcester Park Surrey	Use as Garden Centre with retail sales and associated parking area. (Lawful Development Certificate)	Application Refused 30 November 1995
96/8048/LDE Worcester Park Nursery Old Malden Lane Worcester Park Surrey	Garden centre with retail sales shop, car park, and open display areas (Lawful Development Certificate)	Application Granted 28 June 1996
EN/11470 Worcester Park Nursery, Worcester Park Road, Worcester Park, KT4 7QB	Unauthorised change of use for the storage of scaffolding of building materials and additional operational developments on site.	Case Closed
12/16515/LDE Worcester Park Nursery Worcester Park Road Worcester Park KT4 7QB	Retention of existing operational development on site comprising hardstanding, compound fence, 2 x permanently stationed steel containers, permanently station [sic] diesel tank and 2 x oil tanks, 2 x office cabins, perimeter bunding, aggregate storage and loading bay and 3 x scaffolding racks	Application Granted 14 January 2013
14/16049/LDE Former Worcester Park Nurseries Worcester Park Road Old Malden Kingston KT4 7QB	Retention of existing operational development comprising four scaffolding racks and two storage containers	Application Refused 22 July 2014

14/16051/LDE Former Worcester Park Nurseries Worcester Park Road Old Malden Kingston KT4 7QB	Retention of existing operational development comprising three scaffolding racks	Application Refused 22 July 2014
14/16053/LDE Former Worcester Park Nurseries Worcester Park Road Old Malden Kingston KT4 7QB	Retention of existing operational development comprising a greenhouse structure	Application Granted 25 March 2014
15/16658/PNO Land Adj To Worcester Park Nursery Centre Old Malden Lane Worcester Park KT4 7PY	Change of use from storage (B8) to residential (C3) to provide a dwellinghouse	Prior Approval Granted 26 November 2015
20/00941/FUL Land At Riverhill Yard Old Malden Lane Worcester Park KT4 7PU	Temporary change of use of site from Open Storage (Use Class B8) to Park and Ride facility for 3 months	Application Withdrawn 08 June 2021

