

Merton Council

Planning Applications Committee

30 April 2014

Supplementary agenda

13. Modifications Sheet (for various items)

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Planning Applications Committee – 30th April 2014 **Modifications sheet.**

Item 3. – Minutes of the meeting held on 27th March 2014

No modifications.

Item 5. – 92 Ashridge Way, Morden, SM4 4ED – 14/P0279

No modifications.

Item 6. – 68 Bathgate Road, Wimbledon Village, SW19 5PH – 14/P0010

Agenda Item (Page 27)

Change date of committee meeting from 27th April to 30th April 2014

Item 7. – 88 Bushey Road, Raynes Park, SW20 0JH – 13/P1802

Recommendation (page 47)

Amend to read c) Planning conditions.

Checklist information (page 48)

External consultations. Amend by adding “and neighbouring Boroughs”.

Consultations (page 52).

Insert the following:

Environmental Health

No objection subject to conditions being attached to control external lighting, site contamination assessment and remediation, sound proofing plant and machinery, kitchen ventilation extract systems. The WSP Air Quality Assessment 30/5/2013 concluded a negligible impact on receptors for the operational phase, according to the trip generation figures applied. There was a medium risk for the construction phase, the mitigation measures should be implemented on site as set out in the report (Conditions attached to recommendation regarding construction phase impacts and operational impacts vis-a-vis trip generation and sustainable modes of travel).

London Borough of Wandsworth.

No objection.

London Borough of Sutton.

No objection.

Royal Kingston of Kingston Upon Thames (RBKT).

Raise objections and have requested that their letter (received 30/04/14) is made available to members (attached).

RBKT have concerns that the applicant has not demonstrated full compliance with the requirements of the NPPF and in particular the sequential test.

RBKT has an adopted Area Action Plan for Kingston Town Centre, and has recently prepared an updated Borough-wide retail study. The study refers to

an identified need for new and enhanced retail facilities (50,000sqm gross of comparison goods retail floorspace) and identifies three sites (Proposal Sites 1,2 & 3) as being appropriate to accommodate a significant proportion of that need. The Retail Study acknowledges that key Proposal Sites have not come forward for redevelopment, but remain appropriate locations to accommodate new retail floorspace.

RBKT are currently preparing a development framework for the Eden Quarter area which encompasses two key Proposal Sites and have the active support and cooperation of the key landowners.

The Council's Retail Study forecast that development in this area would not come forward before 2019/20, but development is now likely to come forward sooner than anticipated, and submission of a planning application in summer 2014 for the comprehensive redevelopment of the Eden Walk Shopping Centre that will involve substantial new retail floorspace is expected.

RBKT considers Next's view that "in Kingston, it is widely acknowledged that there is pent up retail expenditure demand that cannot be accommodated within the town centre – particularly following the delay of the Eden Quarter proposals (originally led by Hammerson)" is incorrect in respect of the ability of the town centre to accommodate new retail floorspace.

Concerns also raised about the impact of the proposal on the neighbouring town centres - on planned public/private investment, on centre vitality and viability and consumer choice.

The impact of trade diversion to Next would be most keenly focused on the retailers selling goods of similar range to Next - homeware/fashion stores in Kingston, and the Tudor Williams Department Store in New Malden would experience harmful impact through trade diversion to an out-of-centre Next store with free parking.

Reliability of trade diversion assessments questioned and are considered likely to be underestimates given that the highest concentration of comparator stores are located in Kingston, and New Malden. Trade diverted from centres in Kingston Borough, and Wimbledon will have a harmful impact on the vitality and viability of these centres by threatening the viability of the stores that will experience the loss of trade and will result in less money being available for future investment in the stores, with consequential impact on the centres that they anchor.

Next's sequential assessment has failed to fully assess a key town centre site that could be capable of accommodating a flagship Next store - the planned redevelopment of Eden Walk Shopping Centre (Kingston Town Centre Area Action Plan Proposal Site 2). The impact assessment underplays the trade loss likely to be experienced by New Malden and Kingston town centres, and trade diversion is unacceptable given the potential availability of the Eden Walk site in Kingston town centre.

Proposals fail the sequential test, has harmful impact implications, and in accordance with the NPPF the application should be refused.

Planning considerations (page 57).

Paragraph 7.13 Amend end of paragraph. Delete “retail impact and insert “the sequential approach”.

Insert response to RBKT’s consultation response after paragraph 7.14.

Sequentially Preferable Sites

RBKT point to a proposed scheme that may happen in the Eden Walk Shopping Centre in Kingston town Centre in the near future and that a planning application may be submitted in the summer of 2014. However, the response is not evidenced by:

- Showing details of pre-application advice (should one have taken place);
- Setting out the landowners intentions for this site and if there is intention for this site to include a large retail store;
- Showing the layout of the site to demonstrate that this Next store could be accommodated on this site; and,
- To show that this proposed scheme would be delivered in a reasonable timescale.

Paragraph 4.41 – 4.46 and 5.10 of the Nathaniel, Litchfield and Partners ‘Proposed Next Store, Raynes Park – Retail Critique’ (30 January 2014) [NLP] makes clear that in December 2010, Next consolidated their two stores into one large store in Kingston town centre. For this reasons, it is NLP’s view that a ‘further relocation into a new store is unlikely to be viable taking into account disposals and relocation costs and the likely uplift in turnover/ profit”.

Impact Assessment

RBKT have highlighted concerns with regard to potential impact of the proposal on planned public/ private investment on centre vitality and viability and consumer choice, particularly in Kingston and New Malden town centres. Tudor Williams Department Store is located in New Malden, and Kingston are concerned also with impact of this Next store on this shop particularly. Officers would note that evidence to support this comment has not been provided.

RBKT estimate that the turnover of Kingston town centre is £680 million and New Malden is £32 million. Table 10 of the NLP report shows that the trade diversion of the Next Store on the London Borough of Kingston as a whole would be 2.6 million (0.38%); with the majority of impact on Kingston town centre and with the rest of the impact spread out throughout the London Borough of Kingston. On the basis of the available evidence, the impact of the Next Store would therefore not affect the Tudor Williams Department Store only. Moreover, Kingston had not submitted evidence to show that as a result of this Next store in Bushey Road, that the Tudor Williams Department Store would close down as a result.

Conclusion

Based on the comments submitted by Kingston (that were not supported by evidence) and based on the evidence available to the Council as at 30th April 2014, the evidence would not suggest that a Next store could be provided on the Eden Walk shopping centre in Kingston and that it would be developed within a reasonable timeframe to be occupied by Next or that this proposal would have a significant impact on Kingston or New Malden town centres.

Officers are unable to concur with the comments from RBKT and consider that on this basis it would be unreasonable to defer consideration of the application

Paragraph 7.39 Amend to delete reference to a planning agreement and insert "...a "Grampian condition" requiring the applicant to enter into an agreement under S278 of the Highways Act is recommended as an appropriate mechanism to secure these improvements prior to occupation of the building".

Planning Obligations (page 65).

Paragraph 9.8 Amend to read "The proposed development will generate additional trips by pedestrians and cyclists to the application site that is located adjacent to a complex road junction. As existing access arrangements are considered inadequate and in order to ensure the safety of pedestrians, cyclists and car drivers, improvements to these access arrangements as an integral part of the overall highway improvements proposals is considered appropriate. The mechanism for delivering these improvements has been the subject of discussion between Council officers, the applicant and the GLA/TfL and it is considered that it may reasonably be dealt with via a "Grampian condition".

Paragraph 9.9 Delete.

Conclusion (page 65)

Paragraph 10.1. Amend to delete reference to planning obligations.

Recommendation (page 66)

Delete c) and subsequent points 1, 2 and 3 relating to a S106 and replace with a condition as follows:

Prior to the commencement of the use of the building hereby approved the applicant shall have entered into an agreement under S278 of the Highways Act to provide for improvements to the site access including the reconfiguration of the existing signalised junction adjacent to the site entrance; the widening of the bell mouth where the site access road meets Bushey Road, the widening of Bushey Road along the north side of the flyover adjacent to the site access, the realignment of the existing U-turn facility beneath the flyover, and the introduction of traffic signals at the site access junction. Such details and drawings, to be included in the agreement

shall be submitted to and approved in writing by the Local Planning Authority [in consultation with Transport for London]. Such works as are approved under the provisions of the agreement shall be completed and shall have been certified in writing as complete by or on behalf of the local planning authority prior to commencement of the use of the building.

Reason for condition: In the interests of the safety of vehicles and pedestrians and to comply with policies 6.3, 6.9 and 6.10 of the London Plan (2011), policy CS20 of the Merton LDF Core Planning Strategy (2011) and policy RN.3 of the Merton Unitary Development Plan 2003.

Conditions (page 66).

Insert at Condition 8. Standard Condition B.1 Material to be approved preceded by “Notwithstanding what is shown on the approved plans”.

Condition 10. Amend to read:

“The net sales area of the building hereby approved, excluding the coffee shop, to include... (then as per Committee report).

Condition 11. Amend to read:

Excluding the coffee shop, the fashion related sales floor space...(then as per Committee report).

Condition 25. Amend end of condition to read “..and the retail unit shall not be occupied until the approved remediation measures have been completed in full”. Insert at end of condition: “The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation”.

Additional conditions.

D.5 – Sound proofing plant and machinery.

D6 - Kitchen Ventilation Extract Systems. Amended standard condition to read “Use of the ancillary café shall not commence until...(then as per standard condition).

D.9 - No external lighting.

Informatives.

Insert INF19 – kitchen ventilation extract system.

Insert NPPF Informative at end of Informatives on Page 72.

Drawings (page 74).

Replace Site plan drawing 11003-050-002 Rev C on page 74 with 11003-050-002 Rev E.

Item 8. – 3-5 Dorien Road, Raynes Park, SW20 8EL – 13/P4058

Ward (Page 85)

Amend - the site is in the Dundonald ward and not in the Raynes Park ward as listed.

Recommendation (page 85)

Add "...or Unilateral Undertaking" at the end of the recommendation.

Table 2 (page 89)

Current site is 0.05 hectares with 195 square metres of B1 floor space lost, the earlier site is 0.04 hectares with 151 square metres of B1 floor space lost.

Consultation (page 91).

Add as paragraph 5.1.1. Three further objections have been received [the results of a local survey by an objector has also been circulated to members] objecting to the proposal on the grounds already reported and for the following additional reasons:

- The whole existing factory building should be redeveloped;
- The restriction on parking permits will not help overnight parking demand;
- A lot of local people were not aware of the application;
- Planning obligations should be used to improve education provision and for local leisure provision

Planning considerations (page 96).

Add following as paragraph 7.18.1

"The design of the development has been amended to reflect the reasons for the earlier refused application and the comments from the appeal inspector. The original proposal had a single entrance door on the Dorien Road frontage and the amendments include four new individual entrance doors along the frontage to ensure that the development appears as individual houses and to reflect the spacing of nearby properties. The design and appearance of the front elevation has also been amended from the original elevation which had bays at uneven positions to the currently proposed front elevation that has bays of a uniform width and spacing that reflects the design and appearance of nearby. The range of window sizes and shapes on the front elevation has also been reduced as part of the revised proposal. The bulk and massing of the building has been reduced with the earlier proposed gable end roof changed to a hip end roof to reduce any potential impact on the first floor windows to the rear of properties fronting Kingston Road".

Planning considerations (page 100).

Add following as paragraph 7.42.1

The changes to the internal layout of the development include the removal of the previously proposed long internal corridor that provides access to all of the proposed units and the removal of the single aspect accommodation. The proposal provides all of the accommodation as dual aspect, it maximises the number of residential units at ground floor level that are provided with individual private front entrances and now provides all the units at ground floor level with direct access to rear amenity space.

Recommendation (page 104).

Add "...or Unilateral Undertaking" at the end of the recommendation.

Page 108 add standard condition requiring the submission and approval of details of external facing material [condition 19].

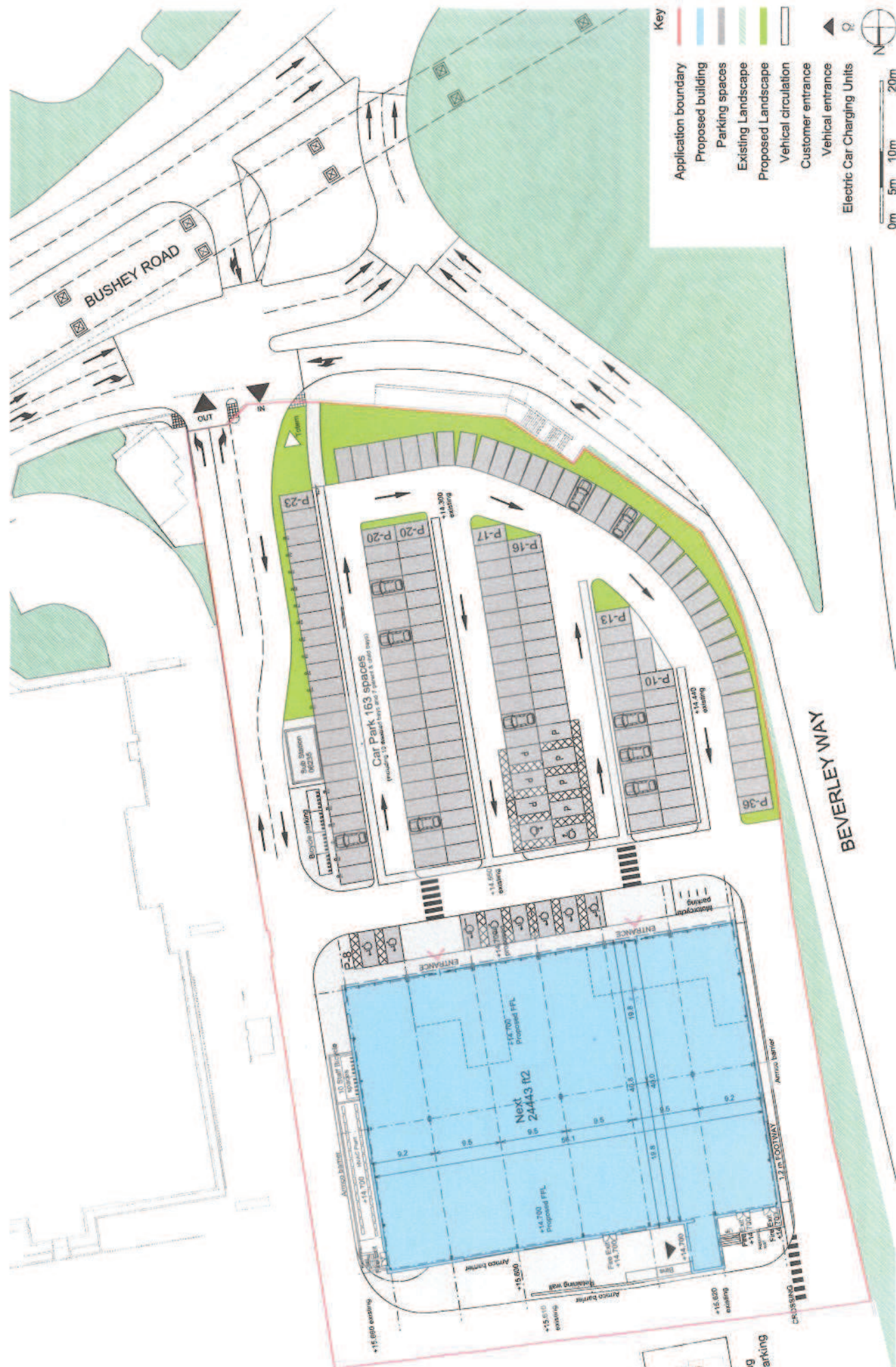
Item 9. – Raynes Park Playing Fields, Grand Drive, SW20 9NB – 14/P0348
No modifications.

Item 10. – 61 Home Park Road, Wimbledon Park, SW19 7HS – 14/P0006

Page 173 – Amend Tree Officer's section to 'No objection subject to conditions in respect of the approved tree survey, tree protection, and site supervision (trees) being added to any approval.

Page 180 - add the following conditions: F4 (Approved Tree Survey) and F8 (Site Supervision (Trees))

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Client Friends Life Limited
 Date 27 November 2013
 Dwg No. 11003_050_002

Project 88 Bushey Rd_Phase II
 Title Site Plan_revE
 Scale 1:500@A3

75 Wells Street London W1T 3QH. Telephone. 020 7580 5886. www.esa-td.com

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30th April 2014

Dear Mr Lewis,

Proposed NEXT retail store, 88 Bushey Road, Raynes Park, London, SW20 0JH

Thank you for consulting the Royal Borough of Kingston on the proposal for a 5,970 sqm Next retail store selling homeware and fashion goods at 88 Bushey Road, Raynes Park. Further to your email notification, which we received on 4 April 2014, Kingston Council has reviewed the application in light of the National Planning Policy Framework, and we have concerns that the applicant has not demonstrated full compliance with the requirements of the NPPF.

We note that the application is recommended for approval at the 30th April Committee meeting, and we request that this Council's objection to the application on the grounds set out below is reported to the Planning Committee.

NPPF Paragraph 23 states that Local Planning Authorities should promote competitive town centres and allocate a range of suitable sites to meet the scale and type of retail development that is needed. The NPPF also states (paragraph 24) that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered (our emphasis). The NPPF is clear at paragraph 27 that where a proposal fails to satisfy the sequential test, it should be refused.

Kingston Council has up-to-date plans in the form of an adopted Core Strategy and an adopted Area Action Plan for Kingston Town Centre, and has recently prepared an updated Borough-wide retail study. The AAP (Policy K1) refers to an identified need for new and enhanced retail facilities (50,000sqm gross of comparison goods retail floorspace) and identifies three sites (Proposal Sites 1,2&3) as being appropriate to accommodate a significant proportion of that need.

The 2013 Retail Study has reassessed the need set out in the AAP, and has concluded that the level of need across the Borough remains significant – circa 15,000 sqm gross to 2018 and circa 50,000sqm gross by 2023, and states that the majority of this new floorspace should be directed to Kingston town centre. The Study points to continued strong retailer demand, and the continued qualitative deficiencies in Kingston town centre. The Retail Study concludes that Proposal Sites 1,2&3, which have not come forward for redevelopment, remain appropriate locations to accommodate new retail floorspace. The Retail Study recommends that new retail development should provide larger floorplate units in order to accommodate the space needs of stores wanting to display their full range, stores such as Marks and Spencer who currently trade from split sites in Kingston town centre, and potentially a flagship Next store.

The Council are currently preparing a development framework for the Eden Quarter area (which encompasses AAP Proposal Sites 2 & 3) and have the active support and cooperation of the key landowners. The Council's Retail Study forecast that development in this area would not come forward before 2019/20, but development is now likely to come forward sooner than anticipated, and we expect submission of a planning application in summer 2014 for the comprehensive redevelopment of the Eden Walk Shopping Centre that will involve substantial new retail floorspace. Thus, Next's view that *"in Kingston, it is widely acknowledged that there is pent up retail expenditure demand that cannot be accommodated within the town centre – particularly following the delay of the Eden Quarter proposals (originally led by Hammerson)"* is incorrect in respect of the ability of the town centre to accommodate new retail floorspace. This site, as Next and Merton's consultant's NLP acknowledge, is suitable for the proposed Next store, and likely to be viable and available for a flagship Next store. It is our view that the applicant has not adequately considered the potential of the Eden Walk site to accommodate their store requirement, and the potential for this site needs to be fully assessed.

Whilst we consider the sequential test concerns alone constitute grounds for refusal, we do also have concerns about the impact of the proposal on the neighbouring town centres. Our concerns relate to the potential impact of the proposal on planned public/private investment, on centre vitality and viability and consumer choice. In respect of town centre investment any loss of trade (in this case to an out-of-centre store) would make investment in the centres less likely, and given there is a sequentially preferable option in Kingston town centre the proposal should be considered unacceptable. Whilst the Next store's estimated £13m annual turnover is modest in the context of the turnover of Kingston town centre (£680m), it is significant in the context of centres such as New Malden (£32m), a centre where comparison goods retailing is anchored by the Tudor Williams Department Store. However, the impact of

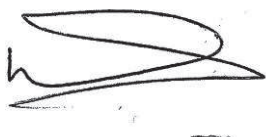
trade diversion to Next would be most keenly focused on the retailers selling goods of similar range to Next. Thus, the large number of homeware/fashion stores in Kingston, and the Tudor Williams Department Store in New Malden would experience harmful impact through trade diversion to an out-of-centre Next store with free parking. We question the reliability of assessments that estimate that just £1.4m to £2.6m of the total £13m turnover will divert from Kingston, and only £0.2m would divert from New Malden. These figures are likely to be underestimates given that the highest concentration of comparator stores are located in Kingston, and New Malden is the centre closest to the proposed store. Kingston and New Malden are therefore likely to experience the bulk of the trade diversion.

We are concerned that the trade diverted from centres in Kingston Borough, and the £4m diversion from Wimbledon will have a harmful impact on the vitality and viability of these centres by threatening the viability of the stores that will experience the loss of trade. Whilst the impact may not threaten the closure of these stores, it will inevitably result in less money being available for future investment in the stores, with consequential impact on the centres that they anchor.

Thus in conclusion, Next's sequential assessment has failed to fully assess a key town centre site that could be capable of accommodating a flagship Next store - the planned redevelopment of Eden Walk Shopping Centre (Kingston Town Centre Area Action Plan Proposal Site 2). The impact assessment underplays the trade loss likely to be experienced by New Malden and Kingston town centres, and trade diversion is unacceptable given the potential availability of the Eden Walk site in Kingston town centre.

Therefore, the proposed development fails the sequential test, has harmful impact implications, and in accordance with the NPPF the application should be refused.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sara Whelan', with a stylized, cursive script.

Sara Whelan
Development, Planning and Regeneration Group Manager

Cc Colin Wilson, GLA

