

# Merton Council

## Planning Applications Committee

### Membership

#### Councillors

Linda Kirby (Chair)

John Bowcott (Vice-Chair)

David Dean

Abigail Jones

Philip Jones

Peter Southgate

Geraldine Stanford

Najeeb Latif

Imran Uddin

Andrew Judge

#### Substitute Members:

Daniel Holden

John Sargeant

Laxmi Attawar

Stephen Crowe

Joan Henry

A meeting of the Planning Applications Committee will be held on:

**Date: 14 July 2016**

**Time: 7.15 pm**

**Venue: Council chamber - Merton Civic Centre, London Road, Morden  
SM4 5DX**

This is a public meeting and attendance by the public is encouraged and welcomed. If you wish to speak please see notes after the list of agenda items. For more information about the agenda and the decision making process contact [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk) or telephone 020 8545 3356

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# Planning Applications Committee

## 14 July 2016

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| 1  | Apologies for absence  |          |
| 2  | Declarations of Pecuniary Interest   |          |
| 3  | Minutes of the previous meeting  | 1 - 10   |
| 4  | Town Planning Applications - Covering Report   | 11 - 14  |
|    | Officer Recommendation:<br>The recommendations for each individual application are detailed in the relevant section of the reports.  |          |
| 5  | Brook House, 1a Cricket Green, Mitcham, CR4 4LA  | 15 - 28  |
|    | Application No: 16/P0080 Ward: Cricket Green   |          |
|    | Recommendation: Subject to any resolution at Full Council on 13th July pertaining to the issue of affordable housing contributions, grant permission subject to a S106 obligation/Unilateral Undertaking and conditions. |          |
| 6  | 32 Daybrook Road, Merton Park, SW19 3DH  | 29 - 36  |
|    | Application No: 16/1061 Ward: Merton Park  |          |
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| 7  | 12 Hartfield Road, Wimbledon, SW19 3TA   | 37 - 60  |
|    | Application No: 16/P1374 Ward:   |          |
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| 8  | Southey Bowling Club, 559 Kingston Road, SW20 8SF  | 61 - 80  |
|    | Application No: 16/P4083 Ward: Dundonald   |          |
|    | Recommendation: Subject to any resolution at Full Council on 13th July pertaining to the issue of affordable housing contributions, grant permission subject to a S106 obligation/Unilateral Undertaking and conditions. |          |
| 9  | 17 Ridge Road, Mitcham, CR4 2ET  | 81 - 90  |
|    | Application No: 16/1918 Ward: Graveney   |          |
|    | Recommendation: Subject to any resolution at Full Council on 13th July pertaining to the issue of affordable housing contributions, grant permission subject to a S106 obligation/Unilateral Undertaking and conditions  |          |
| 10 | Unit 18, Mitcham Industrial Estate, Streatham Road, SW20 8SF   | 91 - 106 |

Application No: 16/0517 Ward: Graveney

Recommendation: GRANT Planning Permission subject to Conditions

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| 11 | Planning Appeal Decisions  | 107 - 110 |
|    | Officer Recommendation:<br>That Members note the contents of the report. |           |
| 12 | Planning Enforcement - Summary of Current Cases                          | 111 - 116 |
|    | Officer Recommendation:<br>That Members note the contents of the report. |           |
| 13 | Viability Brief  | 117 - 130 |

#### **Declarations of Pecuniary Interests**

Members are reminded of the need to have regard to the items published with this agenda and, where necessary to declare at this meeting any Disclosable Pecuniary Interest (as defined in the The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Council's Assistant Director of Corporate Governance.

#### **Members of the Design and Review Panel (DRP)**

Members of the Planning Applications Committee (PAC), who are also members of the DRP, are advised that they should not participate in an item which has previously been to DRP where they have voted or associated themselves with a conclusion reached or recommendation made. Any member of the PAC who has also sat on DRP in relation to items on this PAC agenda must indicate whether or not they voted in such a matter. If the member has so voted they should withdraw from the meeting.

## NOTES

- 1) **Order of items:** Please note that items may well be not considered in the order in which they are shown on the agenda since the items for which there are many observers or speakers are likely to be prioritised and their consideration brought forward.
- 2) **Speakers:** Councillors and members of the public may request to speak at the Committee. Requests should be made by telephone to the Development Control Admin. Section on 020-8545-3445/3448 (or e-mail: [planning@merton.gov.uk](mailto:planning@merton.gov.uk)) no later than 12 Noon on the last (working) day preceding the meeting. For further details see the following procedure note.
- 3) **Procedure at Meetings:** Attached after this page is a brief note of the procedure at Planning Application Committee meetings in relation to
  - a. requests to speak at meetings; and
  - b. the submission of additional written evidence at meetings. Please note that the distribution of documentation (including photographs/drawings etc) by the public during the course of the meeting will not be permitted.
- 4) **Copies of agenda:** The agenda for this meeting can be seen on the Council's web-site (which can be accessed at all Merton Libraries). A printed hard copy of the agenda will also be available for inspection at the meeting.

## Procedure at meetings of the Planning Applications Committee

- 1 Public speaking at the Planning Applications Committee
- 2 Submission of additional written evidence at meetings

### 1 Public speaking at the Planning Applications Committee

- 1.1 The Council permits persons who wish to make representations on planning applications to speak at the Committee and present their views. The number of speakers for each item will be at the discretion of the Committee Chair, but subject to time constraints there will normally be a maximum of 3 objectors (or third party) speakers, each being allowed to speak for a maximum of 3 minutes.
- 1.2 Following the issue of the agenda, even if a person has previously indicated their wish to address the Committee, they should contact either
  - the Planning Officer dealing with the application (or e-mail: [planning@merton.gov.uk](mailto:planning@merton.gov.uk)) or
  - the Development Control Admin. Section on 020-8545-3445/3448 (9am – 5pm); or
  - the Development Control hotline 020-8545-3777 (open 1pm – 4pm only).
- 1.3 Requests to speak must be received by 12 noon on the day before the meeting, and should include the person's name, address, and daytime contact phone number (or e-mail address) and if appropriate, the organisation they represent; and also clearly indicate the application, on which it is wished to make representations.
- 1.4 More speakers may be permitted in the case of exceptional circumstances/major applications, but representatives of political parties will not be permitted to speak. (See also note 1.10 below on Ward Councillors/Other Merton Councillors.)
- 1.5 If a person is aware of other people who wish to speak and make the same points, then that person may wish to appoint a representative to present their collective views or arrange that different speakers raise different issues. Permission to speak is at the absolute discretion of the Chair, who may limit the number of speakers in order to take account the size of the agenda and to progress the business of the Committee.
- 1.6 Applicants (& agents/technical consultants): Applicants or their representatives may be allowed to speak for the same amount of time as the sum of all objectors for each application. (For example, if objectors are allowed to speak for three minutes each, then if there was only one objector, the applicant may be allowed to speak for a maximum of 3 minutes; but if there were 2 objectors, the applicant may be allowed to speak for a maximum of 6 minutes and so on.)
- 1.7 Unless applicants or their representatives notify the Council to the contrary prior to the Committee meeting, it will be assumed that they will be attending the meeting and if there are objectors speaking against their application, will take the opportunity to address the Committee in response to the objections.

- 1.8 When there are no objectors wishing to speak, but the application is recommended for refusal, then the Applicants or their representatives will also be allowed to speak up to a maximum of 3 minutes.
- 1.9 Applicants will not be allowed to speak if their application is recommended for approval and there are no objectors speaking. An exception will be made if an applicant (or their representative) wishes to object to the proposed conditions; and in this case they will be allowed to speak only in relation to the relevant conditions causing concern.
- 1.10 Speaking time for Ward Councillors/Other Merton Councillors: Councillors, who are not on the Committee, may speak for up to a maximum of 3 minutes on an application, subject to the Chair's consent, but may take no part in the subsequent debate or vote. Such Councillors, however, subject to the Chair's consent, may ask questions of fact of officers.
- 1.11 Such Councillors, who are not on the Committee, should submit their request to speak by 12 noon on the day before the meeting (so that their name can be added to the list of speaker requests provided to the Chair). Such requests may be made to the Development Control Section direct (see 1.2 above for contact details) or via the Councillor's Group office.
- 1.12 Points of clarification from applicants/objectors: If needed, the Chair is also able to ask applicants/objectors for points of clarification during the discussion of an application.

## **2 Submission of additional written evidence at meetings**

- 2.1 The distribution of documentation (including photographs/drawings etc) during the course of the Committee meeting will not be permitted.
- 2.2 Additional evidence that objectors/applicants want to provide Committee Members (i.e. Councillors) to support their presentation (when speaking) must be submitted to Merton Council's Development Control Section before 12 Noon on the day before the relevant Committee meeting.
- 2.3 If an applicant or objector wishes to circulate additional information in hard copy form to Committee Members, they are required to provide 16 hard copies to the Planning Officer dealing with the application before 12 Noon on the day before the meeting.
- 2.4 Any queries on the above should be directed to:
  - [planning@merton.gov.uk](mailto:planning@merton.gov.uk) or;
  - the Development Control hotline 020-8545-3777 (open 1pm – 4pm only).
  - Contact details for Committee Members and all other Councillors can be found on the Council's web-site: <http://www.merton.gov.uk>

# Agenda Item 3

All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library or online at [www.merton.gov.uk/committee](http://www.merton.gov.uk/committee).

## PLANNING APPLICATIONS COMMITTEE

16 JUNE 2016

(7.15 pm - 11.45 am)

PRESENT Councillor Linda Kirby (in the Chair), Councillor John Bowcott, Councillor Philip Jones, Councillor Geraldine Stanford, Councillor Andrew Judge and Councillor Laxmi Attawar, Councillor Joan Henry, Councillor Daniel Holden, Councillor Stephen Crowe, and Councillor John Sargeant

Also Present Councillor Suzanne Grocott (left after Item 11)  
Neil Milligan  
Sue Wright  
Jonathan Lewis  
Chris Chowns  
Lisa Jewell

### 1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies were received from Councillors Imran Uddin, Abigail Jones, Peter Southgate, and Najeeb Latif.

The Chair thanked the following substitutes for attending Councillors Laxmi Attawar, Joan Henry, Daniel Holden, John Sargeant, and Stephen Crowe.

### 2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

No Declarations of Pecuniary Interest were made.

Councillor John Bowcott made a statement to inform the Committee that he Chaired the Design Review Panel meeting that considered two of the applications on the agenda (Item 07 and 14) but he did not take part in the debate or vote on the proposal.

### 3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

The minutes of the meeting on 23 May 2016 were agreed as a true record.

### 4 TOWN PLANNING APPLICATIONS - COVERING REPORT (Agenda Item 4)

The published Agenda and Supplementary Agenda tabled at the meeting form part of the Minutes:

- a) Supplementary Agenda: A list of modifications for agenda items 5, 11, 12, 13, 14 and 17 was published as a supplementary agenda.

- b) Verbal Representations: The Committee received verbal representations detailed in the minutes for the relevant item.
- c) Order of the Agenda – The Chair amended to order of items to the following: 15,5,7,8,11,13,17,9,14,6,10,12,16

5 100 ASHEN GROVE, WIMBLEDON PARK, SW19 8BN (Agenda Item 5)

Proposal: Change of use from communal alleyway to part of private curtilage of 100 Ashen Grove and rerouting of existing alleyway with security gate and new fencing (existing garage to be demolished).

The Committee noted the Officers report and presentation, verbal representations from two objectors to the application and the applicant, and additional written representations summarised in the Supplementary Agenda – Modifications Sheet.

The Committee noted that there was no public right of access to this path and the land ownership rights was a separate civil issue not covered by the planning legislation. Members asked if an additional condition could be added to require the relocation of the existing security gate to the new alleyway entrance.

RESOLVED

- A. The Committee agreed to GRANT Planning Permission subject to Conditions.
- B. The Committee agreed that an additional Condition be added on the relocation of the existing Security Gate.
- C. The Director of Environment & Regeneration be given delegated authority to agree the detailed wording of the additional condition.

6 LAND ADJ TO NEW MALDEN GOLF CENTRE LTD, BEVERLY WAY, NEW MALDEN, KT3 4PH (Agenda Item 6)

Proposal: Erection of high ropes and skytrail structure, ancillary building and associated parking and landscaping.

The Committee noted the Officers report and presentation. Members noted that the development would promote recreation, ecological improvement and biodiversity.

RESOLVED

The Committee GRANTED Planning Permission subject to conditions.



7 ALBANY HOUSE, 300 BURLINGTON ROAD, NEW MALDEN, KT3 4NH  
(Agenda Item 7)

Proposal: Demolition of existing MOT garage (Sui generis) and carpet shop (A1) and the erection of 41 residential units (C3), 25 car parking spaces, 63 cycle parking spaces and associated landscaping.

The Committee noted the request from MOTEST Ltd to extend the time limit for assistance in finding new premises to 9 months.

Members discussed parking at the development and the possibility of a CPZ in the area, The Transport Planning Officers said he was content with the parking on the development and that a CPZ on Cavendish Road was being considered but was it was for the future. The Committee were content to leave consideration of a CPZ to Officers.

Members noted that the developers had offered 20% (8 units) of affordable housing from the development . Officers confirmed that they would seek to deliver these 8 units and if any change to this occurred the application would be brought back to Committee for consideration.

Members noted that refuse areas on site were readily accessible and of adequate size.

RESOLVED

- A. The Committee agreed to GRANT Planning Permission subject to a section 106 agreement for affordable housing and Conditions.
- B. The Committee requested that the Heads of Terms be changed such that the applicant has 9 months to assist MOTEST Ltd to find suitable, appropriate and equivalent premises for their operation.
- C. The Director of Environment & Regeneration be given delegated authority to agree the detailed wording of the above change.

8 20 CHURCH LANE, MERTON PARK, SW19 3PD (Agenda Item 8)

Proposal: Demolition of existing concrete shed in rear garden and erection of a single storey wooden outbuilding to be used as an office ancillary to main dwelling house.

The Committee noted the Officers Report and verbal presentation, and verbal presentations by two objectors to the application and the applicant.

Members discussed the issue of rooflights. While they did not resolve to refuse if the roof lights were not relocated they indicated that they raised no objection to officers seeking relocation to the garden side of the building before issuing permission. The

Committee noted that the applicant was happy to discuss the positioning of the roof lights with Officers.

Officers explained that issues with noise could be dealt with by other legislation, administered by LBM Environmental Health Team.

Members noted that the proposal was for accommodation 'ancillary' to the main dwelling house, and not self contained, with the result that elements of the proposal such as the shower could not be opposed by conditions. Members noted that if in future the use appeared to show permanent residents/tenants in the building then this would be counter to the proposed permission.

RESOLVED

The Committee agreed to GRANT Planning Permission subject to Conditions.

9 231 COOMBE LANE, RAYNES PARK, SW20 0RG (Agenda Item 9)

Proposal: Application for the erection of single storey and two storey front and rear extensions; the incorporation of the garage into the main house involving an increase in the footprint and alterations and enlargements to the existing garage roof to create a new garage and garden room; the erection of a rear roof extension including alterations to the roof and internal alterations to the main house.

The Committee noted the Officers report and verbal presentation, and noted comments that this proposal would improve the house as a backdrop to the Conservation area.

Members asked if an additional condition could be added to phase of the development, so that the extension could not be occupied until the new garage is built. Officers advised that a condition could be attached if members considered that it met the key tests for imposing conditions and that by not attaching the condition the appearance of the resulting building would be unacceptable if only partially constructed.

RESOLVED

- A. The Committee agreed to GRANT Planning Permission subject to conditions
- B. The Committee requested that Officers add an additional condition. regarding phasing of the development
- C. The Director of Environment & Regeneration be given delegated authority to agree the detailed wording of the additional condition.

10 CRANLEIGH TENNIS CLUB, CRANLEIGH ROAD, MERTON PARK, SW19 3LX (Agenda Item 10)

Proposal: Use as a day nursery (Use within Class D1) in addition to existing use as a tennis/social club (Use within Class D2)

The Committee noted the Officers report on the planning application.

RESOLVED

The Committee agreed to GRANT Planning Permission subject to conditions

11 52 GLADSTONE ROAD, WIMBLEDON, SW19 1QT (Agenda Item 11)

Proposal: Conversion of existing 2-bed house into 1 x 2 and 1 x 3 bedroom flats, involving erection of a single storey rear extension, two storey side infill extension, replacement of existing hipped roof with gable ended roof with rear mansard roof extension with increase in ridge height by 200MM and 2 x dormer windows and two roof lights to front roof elevation and erection of rear external staircase to provide access to the garden.

The Committee noted the Officers Report and additional information in the Supplementary Agenda – Modifications, and the Officers verbal presentation, a verbal representation by an objector to the application and by the applicant and his architect, and a by the Ward Councillor – Councillor Suzanne Grocott.

The Committee noted that the neighbouring property, Number 54 and 54A had an extant planning permission for similar changes to the roofscape as those proposed at 52. Officers suggested that if the large rear window at the first floor was unacceptable that the size could be reduced or it could be part obscured by condition, but Members decided not to request such a condition. Members asked about the closing of the gap between numbers 50 and 52 and noted that the proposed wall would not touch the wall at number 50, and any party wall agreement was outside of Planning requirements.

RESOLVED

The Committee agreed to GRANT Planning Permission subject to Conditions and the submission of an affordable housing viability appraisal unless that requirement is subsequently dropped by the Council in due course.

12 BROWN & ROOT HOUSE, 125 HIGH STREET, SW19 2JG (Agenda Item 12)

Proposal: Amendments to conditions, attached to planning permission reference 10/P2784 for the demolition of the existing multi-storey car park, conversion of and alterations / extensions to the tower block to provide a mixed use development of 213 dwellings, 3 units (598 m<sup>2</sup> in total) for use within Classes A1 (retail), A2 (Financial

and professional services) and A3 (Restaurants/cafes), 523 m<sup>2</sup> for community use (Use within Class D1) 301 m<sup>2</sup> for use as offices (Class B1) or community use ( Class D1), creation of public open space together with car and cycle parking provision and landscaping.

The Committee noted the officers report and presentation and the information in the Supplementary Agenda. The Item was deferred from the 23 May 2016 PAC meeting so that Officers could provide additional detailed information on the size of the apartments in relation to the London Plan space standards.. Also so that a Legal view could be provided on whether all the variations could be considered under the terms of a section 73 application.

Officers reported that the view from the Legal Team was that it was acceptable to consider the proposed variations under the terms of a section 73 application, and that the provision of additional units, notwithstanding that this would need to be the subject of a separate application, shouldn't be a bar to this.

Officers asked the Committee to note the information in the Supplementary Agenda regarding the re-classification of the units from 4 person units to three person units. The result of this being that the shortfall in floorspace of the units was now less. The Committee noted that 149 units were still below the London Plan space standards.

Councillor Andrew Judge spoke about the importance of the outcomes of this development for Colliers Wood, and the importance of the Officer negotiations on s106 and affordable housing contributions.

## RESOLVED

The Committee agreed to GRANT the planning permission subject to any direction from the Mayor of London the completion of a signed Section 106 Unilateral Undertaking/Legal Agreement and conditions.

### 13 LAND ADJ TO 5 HILLVIEW, WEST WIMBLEDON, SW20 0TA (Agenda Item 13)

Proposal: Erection of a three-storey end of terrace building comprising two self-contained flats (1 x 1 bedroom (2 person) and 1 x 2 bedroom (3 person))

The Committee noted the Officers report and additional information in the Supplementary Agenda – Modifications, the Officers verbal presentation, and verbal presentations from two objectors to the application and the Agent/Architect.

The Transport Planning Officer commented that he had no concerns regarding parking in the vicinity, and the proposal would not adversely affect visibility.

Members asked about the three windows of number 5 obscured by the application and noted that they were to a bathroom, a cupboard and a secondary second window to a bedroom.

Members discussed the suitability of the proposed materials, and requested that an additional condition be added by Officers, such that material samples should be approved by Officers prior to use.

#### RESOLVED

- A. The Committee agreed to GRANT Planning Permission subject to conditions
- B. The Committee agreed to request that Officers add a condition that requires samples of all materials to be approved by Officers
- C. The Director of Environment & Regeneration be given delegated authority to agree the detailed wording of the above extra condition.

#### 14 MORDEN PARK POOL, LONDON ROAD, MORDEN (Agenda Item 14)

Proposal: Erection of a new leisure centre with access, parking, landscaping and ancillary work together with change of use of a parcel of land from recreational land to car parking for disabled users, and the demolition of existing Morden Park pools, reinstatement of landscape and transfer to Metropolitan Open Land (MOL).

The Committee noted the Officer Report, the additional Supplementary Urban Design Comments in the Supplementary Agenda – Modifications Sheet, and the Officers verbal presentation.

The Committee noted that the application covered the full extent of the facilities. Members were pleased to see the old facility being replaced but there were concerns expressed regarding the design of the new building. Councillor Bowcott expressed disappointment that the expert views of the DRP were neither rebutted nor taken into account, and although the building is functional internally it is unsatisfactory externally. Councillor Judge said that internal configuration was very important and that this proposal was a good outcome.

Members were concerned about the process of consultation between the DRP and the Officers and design consultants. Members asked that there be a continuing discussion with the design consultants regarding the external materials with these being muted as much as possible.

The Chair spoke about the application and how complex it was to fit all the required facilities into the limited space within budget constraints.

RESOLVED

The Committee agreed to GRANT Planning Permission subject to conditions. Councillor Bowcott requested that it be recorded that he voted against this decision on Design Grounds.

15 10 ST MARY'S ROAD, SW19 7BW (Agenda Item 15)

Proposal: Application for s.73 variation of Condition 2 (Approved plans) in relation to LBM Planning Permission 13/P3848 for the construction of a replacement house. Revisions in respect of (i) siting of house 1.8m further into rear garden and away from the front boundary – retrospective and (ii) incorporation of changes previously approved under 14/P3534 for increased size master bedroom, 1.5 square metre increase in floorspace and alteration of roofslope to 55 degree pitch.

The Planning Applications Committee noted the Officers report and presentation and additional information in the Supplementary Agenda- Modification sheet which included two plans. In addition the Committee noted verbal representations from 3 objectors to the application, and a verbal representation by the applicant.

The Committee noted that the massing and scale of the building was the same as the approved design, but the siting of the building had been changed. Members asked about the history of the building and when Officers first became aware of the departure from the approved scheme, and noted that Enforcement Officers became involved in April 2015. Members noted that the extant permission for 8 St Marys Road would alter the relationship with number 10 as constructed.

RESOLVED

The Committee agreed to GRANT the variation of condition

16 31 SALCOMBE DRIVE, SM4 4LD (Agenda Item 16)

Proposal: Single Storey Rear Extension

The Planning Committee noted the Officers report that detailed the planning application.

RESOLVED

The Planning Committee GRANTED Planning Permission subject to Conditions

17 16 SPENCER HILL, WIMBLEDON, SW19 4NY (Agenda Item 17)

Proposal: Demolition of existing house and erection of a five bedroom detached house with basement accommodation.

The Committee noted the Officers Report and additional information in the Supplementary Agenda, and Officers verbal presentation, a verbal presentation by an objector to the application and the Agent/Architect to the application.

The Architect/Agent replied to the Objectors concerns regarding the preservation of an ivy hedge and wisteria, saying that they intended to retain these and all hedges and trees on site.

The Committee noted that Officers had requested amendments from the applicant on a number of issues and that they were now happy with the footprint and height of the proposal.

RESOLVED

The Committee agreed to GRANT Planning Permission subject to Conditions.

18 PLANNING APPEAL DECISIONS (Agenda Item 18)

The Committee noted the report on Planning Appeals

19 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 19)

The Committee noted the report on Planning Enforcement

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## Agenda Item 4

### **Committee: PLANNING APPLICATIONS COMMITTEE**

Date: 14<sup>th</sup> July 2016

Wards: ALL

**Subject:** TOWN PLANNING APPLICATIONS – Covering Report

Lead officer: James McGinlay - Head of Sustainable Communities

Lead member: COUNCILLOR LINDA KIRBY, CHAIR OF PLANNING APPLICATIONS COMMITTEE

Contact officer: For each individual application, see the relevant section of the report.

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### **Recommendations:**

A. The recommendations for each individual application are detailed in the relevant section of the reports. (NB. The recommendations are also summarised on the index page at the front of this agenda).

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## **1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY.**

1.1. These planning application reports detail site and surroundings, planning history, describe the planning proposal, cover relevant planning policies, outline third party representations and then assess the relevant material planning considerations.

## **2. DETAILS**

2.1 This report considers various applications for Planning Permission and may also include applications for Conservation Area Consent, Listed Building Consent and Advertisement Consent and for miscellaneous associated matters submitted to the Council under the Town & Country Planning Acts.

2.2. Members' attention is drawn to Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 2.3 In Merton the Development Plan comprises: The London Plan (March 2015) the Merton LDF Core Planning Strategy (July 2011), the Merton Sites and Policies Plan (June 2014), and The South West London Waste Plan (March 2012). The National Planning Policy Framework (“NPPF”) which came into effect in March 2012 and the National Planning Policy Guidance, published in March 2014 are also of particular relevance in the determination of planning applications.
- 2.4 Members’ attention is also drawn to Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act), regarding applications for Listed Building Consent which places a statutory duty on the Council as local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.
- 2.5 With regard to Conservation Areas, Section 72(1) of the 1990 Act provides that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance” of the conservation area when determining applications in those areas.
- 2.6 Each application report details policies contained within the Development Plan. For ease of reference and to introduce some familiarity, the topics covered by the policies are outlined in brackets. In the event that an application is recommended for refusal the reasons will cover policies in the Development Plan.
- 2.7 All letters, petitions etc. making representations on the planning applications which are included in this report will be available, on request, for Members at the meeting.
- 2.8 Members will be aware that certain types of development are classed as "Permitted Development" and do not require planning permission.
- 2.9 The Council’s Scheme of Management provides for officers to determine generally routine, applications, including householder applications, applications for new housing that have not been the subject of local interest at consultation stage and with which there is an associated S106 undertaking, provided that it would not contain any heads of terms or contributions that are not a standard requirement of the Local Plan or (for proposals where a standard requirement has been subject to modification through negotiation or otherwise) depart significantly from the standard requirement of the Local Plan; and applications for advertisement consent.
- 3. SUSTAINABLE DEVELOPMENT AND ENVIRONMENTAL IMPACT ASSESSMENT**
- 3.1 There is a need to comply with Government guidance that the planning process should achieve sustainable development objectives. It is for this reason that each report contains a section on sustainability and environmental impact assessment requirements.

- 3.2 Resolution 42/187 of the United Nations General Assembly defined sustainable development as "development which meets the needs of the present without compromising the ability of future generations to meet their own needs. The NPPF states that "the purpose of the planning system is to contribute to the achievement of sustainable development" and that "there are three dimensions to sustainable development: economic, social and environmental".
- 3.3 The NPPF states that "pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life", and that "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".
- 3.4 It is also important that relevant applications comply with requirements in respect of environmental impact assessment as set out in the Town & Country Planning (Environmental Impact) Regulations 2011 (As amended). Each report contains details outlining whether or not an environmental impact assessment was required in the consideration of the application and, where relevant, whether or not a screening opinion was required in the determination of the application. Environmental impact assessments are needed in conjunction with larger applications in accordance with relevant regulations. In some cases, which rarely occur, they are compulsory and in others the Council has a discretion following the issue of a screening opinion. In practice they are not needed for the large majority of planning applications.

#### **4 ALTERNATIVE OPTIONS**

- 4.1. None for the purposes of this report, which is of a general nature outlining considerations relevant to the reports for specific land development proposals.

#### **5. CONSULTATION UNDERTAKEN OR PROPOSED**

- 5.1 Not required for the purposes of this report.

#### **6 TIMETABLE**

- 6.1. As set out in the body of the report.

#### **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 6.1. None for the purposes of this report unless indicated in the report for a particular application.

#### **7 LEGAL AND STATUTORY IMPLICATIONS**

- 7.1. As set out in the body of the report.

#### **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 8.1. These applications have been considered in the light of the Human Rights Act ("The Act") and in particular, the First Protocol of Article 1 (Protection of Property); Article 6 (Rights to a Fair Trial) and Article 8 (Private and Family

Life) which came into force on 2 October 2000.

- 8.2. Consideration has been given to the impact of each application on the people living and working in the vicinity of that particular application site and to the impact of the proposals on the persons who have made written representations on the planning merits of the case. A full assessment of material planning considerations has been included in each Committee report.
- 8.3. Third party representations and details of the application proposals are summarised in each Committee report. It may be that the policies and proposals contained within the Development Plan and/or other material planning considerations will outweigh the views of third parties and/or those of the applicant.

## **9 CRIME AND DISORDER IMPLICATIONS**

- 9.1. As set out in the body of the report.

## **10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

- 10.1. As set out in the body of the report.

## **11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- 11.1 None for the purposes of this report.

## **12. BACKGROUND PAPERS**

- Background papers – Local Government (Access to Information) Act 1985
- Planning application files for the individual applications.
- London Plan (2015)
- Merton LDF Core Planning Strategy (2011)
- Merton Sites and Policies Plan (2014)
  
- Appropriate Government Circulars and Guidance Notes and in particular the NPPF and NPPG.
- Town Planning Legislation.
- The Mayor of London's Supplementary Planning Guidance.
- Merton's Supplementary Planning Guidance.
- Merton's Standard Planning Conditions and Reasons.
- Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (As amended).

**PLANNING APPLICATIONS COMMITTEE**  
**14<sup>th</sup> JULY 2016**

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>Item No:</u> <u>DATE VALID</u>
	16/P0080	09/02/2016
<b>Address/Site:</b>	Brook House, 1A Cricket Green, Mitcham CR4 4LA	
<b>Ward:</b>	Cricket Green	
<b>Proposal:</b>	Extension to roof to provide 6 residential units (2 x 1-bedroom and 4 x 2-bedroom) and alterations to the external elevations	
<b>Drawing No.'s:</b>	'Proposed Site Plan C1165-301 Rev C2', 'Proposed Roof Plan 15-C1165-922 Rev P5', 'Proposed Roof Extension Level Plan 15-C1165-940 Rev P3', 'Proposed West Elevation 15-C1165-941 Rev P3', 'Proposed North Elevation 15-C1165-942 Rev P3', 'Proposed East Elevation 15-C1165-943 Rev P3', 'Proposed South Elevation 15-C1165-944 Rev P3', 'Substation Plinth & Housing Design GAD-400'	
<b>Contact Officer:</b>	Felicity Cox (020 8545 3119)	

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**RECOMMENDATION**

**Subject to any resolution at Full Council on 13th July pertaining to the issue of affordable housing contributions, grant permission subject to a S106 obligation/ Unilateral Undertaking and conditions.**

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**CHECKLIST INFORMATION**

- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 50
- External consultations: 0
- Controlled Parking Zone: No

## **1. INTRODUCTION**

- 1.1 This application is being brought to the Planning Applications Committee for determination due to the level of public interest and the site's location within a Conservation Area.

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site comprises a three storey, modern brick building known as Brook House. Construction works are currently underway to convert the former office building into 46 residential units following determination of a "prior approval" application (see section 4 - Planning History). The site lies on the north-eastern side of Cricket Green, Mitcham and is within the Mitcham Cricket Green Conservation Area and is in an Archaeological Priority Zone.
- 2.2 The building is not listed, however is noted to be located next to the three storey Mitcham Court which is on the LBM Local List of Buildings of Historical or Architectural Interest. Mitcham Court is currently used as a school. To the south of the site, on the opposite side of the footpath (Cold Blows) is a two storey house that has been converted into a day care nursery and numerous single and two storey buildings accommodating NHS clinics at Birches Close.
- 2.3 The Mitcham Cricket Green to the west of the site is designated as metropolitan open land, open space, green corridor, green chain and within the Wandle Valley Regional Country Park.
- 2.4 Access to the site is via both the front elevation from Cricket Green and via the rear elevation from Chatsworth Place.

## **3. CURRENT PROPOSAL**

- 3.1 The current proposal is for an extension to the roof to provide 6 new residential units (2 x 1-bedroom and 4 x 2-bedroom self-contained flats) and alterations to the external façade.
- 3.2 The original scheme submitted proposed a mansard style roof with dormers which created 9 residential units. Following consultation, the current scheme was submitted that reduced the number of flats to 6 and reduced the extent of changes to the existing roofline. The proposal also removed the originally proposed dormer windows.
- 3.3 The current proposal is to alter the pitch of the roof by 2.5 degrees to create sufficient ceiling height internally for the new flats. The ridge of the roof would be approximately 43mm higher than the height of the existing ridge. The proposal retains the central entrance and tower with faceted roof, although does increase the pitch of this roof element to match the alterations proposed to the primary hipped roof. Conservation grade Velux rooflights are proposed to the all roofslopes.
- 3.4 The existing stairwells on the northern and southern side elevations would also be increased in height to facilitate staircase access to the new roof storey of the building, though this will be set below the ridge height of the main roof.

- 3.5 Proposed materials include the use of reclaimed slate from the existing roof and new slate factor matched to the existing.
- 3.6 Other external alterations to the façade include a new smooth white render finish to the second floor with brickwork soldier courses. Feature white render elements are also proposed on the ground and first floors, the central element on the principal façade of the building and to the stair cores.
- 3.7 A new substation is proposed to contain the required updated electrical intake by the statutory electricity authority. The substation will have dimensions 2.8m wide x 2.8m deep, 2.2m to eaves and 2.4m to peak of roof (gable roof) and will be located in the north-western corner of the front car park (Cricket Green frontage). The substation will be of simple construction and finished in Green GRP (Glass-fibre Reinforced Plastic).

#### **4. PLANNING HISTORY**

- 4.1 The site has the following relevant planning history:

15/P4281 - ALTERATIONS TO ELEVATIONS COMPRISING INSTALLATION OF REPLACEMENT WINDOWS IN CONNECTION WITH THE CHANGE OF USE OF THE OFFICE BLOCK TO RESIDENTIAL USE PERMITTED UNDER PRIOR APPROVAL DECISION REFERENCE 15/P0671 - Grant Permission subject to Conditions

15/P0671 PRIOR APPROVAL IN RELATION TO THE CHANGE OF USE OF OFFICE SPACE ON GROUND, FIRST AND SECOND FLOORS (CLASS B1a) TO RESIDENTIAL (CLASS C3) CREATING 46 x SELF-CONTAINED FLATS - Prior Approval Not Required

14/P0273 PRIOR APPROVAL IN RELATION TO THE CHANGE OF USE WITHIN A CONSERVATION AREA OF OFFICE SPACE ON GROUND, FIRST AND SECOND FLOORS (CLASS B1) TO RESIDENTIAL (CLASS C3) CREATING 21 x SELF-CONTAINED FLATS, COMPRISING 10 x 1 BED, 9 x 2BED AND 2 x 3 BED FLATS - Prior Approval Not Required

11/P2839 - CHANGE OF USE FROM (CLASS B1) OFFICES TO (CLASS D1) EDUCATIONAL USE - Grant Permission subject to Conditions

#### **5. CONSULTATION**

- 5.1 Fifty (50) neighbouring properties were consulted by letters, a site notice was displayed and a press notice was published.
- 5.2 Four representations were received; three from residents and one objection from the Mitcham Cricket Green Community & Heritage Group. Comments to the proposal were as follows:
- Extra traffic and disturbance when combined with the prior approval conversion of the building
  - Negatively visual impact on view from Mitcham Cricket Ground, adjoining Mitcham Court building and will be more visible from a distance

- Roof adds bulk to already large building and results in loss of balance, presenting as a higher building
  - New full length windows are unbalanced and out of proportion with the building
  - Proposal does not promote high quality sustainable design
  - Insufficient provision of parking and additional parking stress on surrounding area
  - Other external works such as rendering considered to improve visual impact of the building
  - Errors in supporting documentation provided by applicant
  - Dormer windows will be intrusive and result in loss of privacy
  - Loss of light from new roof
  - Contributions and CIL will not negate impact on schools, leisure and public open space from the development
- 5.3 Re-consultation was undertaken following receipt of amended plans. Two further objections were received (one from a resident who submitted during the original consultation period and one objection from the Mitcham Cricket Green Community & Heritage Group). The objections reiterated the above comments in addition to the following:
- The amended roof form would still be visually harmful to the building and conservation area by disrupting the roof elevations and increasing the perceived height;
  - Amended roof design is not consistent with other roof styles in conservation area;
  - Concerns over impacts of new broadband street cabinet located out the front of the property and new electricity substation;
  - No strong commitments made to energy and water efficiency and the sustainability of the construction materials
- 5.4 Transport Officer: No objections. Level of parking provision and cycle provision for new flats is considered acceptable.
- 5.5 Environmental Health – No objections or comments.
- 5.6 Conservation Officer – objected to original proposal on basis that design, scale, bulk and massing of the mansard roof addition with overly large dormer windows will have negative impact on character of conservation area. In response to the issues raised by the conservation officer, the applicants submitted a revised scheme that reduced the extent of changes to the roof profile and removed the dormer windows.
- 5.7 Tree Officer – recommended the substation is located outside of root zone of lime trees along southern boundary so as to not impact on the existing trees. In response to these comments, the applicants have relocated the location of the substation to the north-western corner of the site away from the trees.



## **6. POLICY CONTEXT**

- 6.1 NPPF - National Planning Policy Framework (2012):  
Part 6 Delivering a wide choice of high quality homes  
Part 7 Requiring Good Design.
- 6.2 London Plan (2015).  
3.3 Increasing housing supply;  
3.4 Optimising housing potential;  
3.5 Quality and design of housing developments.  
5.3 Sustainable design and construction.  
6.9 Cycling  
7.4 Local character  
7.6 Architecture  
7.8 Heritage assets and archaeology
- 6.3 Merton Sites and Policies Plan (July 2014).  
DM D2 Design considerations in all developments  
DM D3 Alterations and extensions to existing buildings  
DM D4 Managing Heritage Assets
- 6.4 The site is designated as 'Site Proposal 53' on Merton's Sites and Policies Plan and Policies Maps which amongst other uses, including a nursing home or hotel, identifies residential uses as a suitable alternative use for the building.
- 6.5 The site proposal identifies that protecting the residential amenity of the adjacent properties and respecting the character of this part of the conservation are key issues to be addressed as part of any development of the site.
- 6.6 Merton Core Strategy (2011).  
CS 2 Mitcham Sub-Area  
CS 8 Housing choice;  
CS 9 Housing provision;  
CS 14 Design;  
CS 15 Climate change  
CS 18 Active transport  
CS 20 Parking, servicing and delivery
- 6.7 Supplementary Planning Guidance:  
Merton Council Supplementary Planning Guidance – Design (2004)  
London Housing Supplementary Planning Guidance (2016)

## **7. PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations include assessing the principle of development, the need for additional housing and housing mix, impact of the proposal upon the character of the building and Mitcham Cricket Green Conservation Area, the standard of the residential accommodation, affordable housing, the impact on residential amenity and impact on car parking and servicing.

### Principle of Development

- 7.2 The Sites and Policies Plan 2014 'Site Proposal 53' states that the allocated use of the site is any or a mix of community (including education D1 Use Class), nursing home/care home (C2 Use Class), hotel (C1 Use Class) and/or residential (C3 Use Class) uses.
- 7.3 Core Planning Strategy Policy CS9 encourages the development of additional dwellings within residential areas in order to meet the London Plan target of 42,389 additional homes per year from 2015-2036 (Merton - 411 per year). The National Planning Policy Framework 2012 and London Plan policies 3.3 & 3.5 promote sustainable development that encourages the development of additional dwellings locations with good public transport accessibility.
- 7.4 Policy CS 2 seeks to improve the overall environment of the Mitcham area surrounding the Mitcham Town Centre by providing quality shopping, housing, community facilities and good transport links. Policy CS 2 states that council seeks to achieve this by improving the quality and mix of housing and conserving and enhance the historic environment, including around the Cricket Green.
- 7.5 The site has a PTAL rating of 4 which is considered to be very good and is surrounded by residential development. The building is subject to Prior Approval in relation to conversion from office to residential units (46 units) which is currently under construction.
- 7.6 The proposal would provide 6 additional flats in an area of good public transport accessibility, helping to provide a mix of dwelling types within the local area and making a further contribution to housing targets. Thus, the principle of the extension to the building for the purpose of additional flats is considered acceptable.

### Character and Appearance

- 7.7 London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3 require well designed proposals that will respect the appearance, materials, scale, bulk, proportions and character of the original building and their surroundings.
- 7.8 Mitcham Cricket Green Conservation Area was originally designated in 1969 and the particular features which merit the designation include its historical background, the number of listed buildings and the character and diversity of buildings generally and the generous open spaces. The Mitcham Cricket Green Conservation Area Appraisal and Management Plan identifies that one of the most dominant features of the conservation area is the visual impact of the large areas of green space, around which built form is clustered creating well defined edges. The Cricket Green has a very open layout, with the buildings that surround it varying in age, style, materials and building line.
- 7.9 Brook House stands at a prominent site along Cricket Green which features several statutory and locally listed buildings fronting the Mitcham Cricket

Green, including the locally listed Mitcham Court directly adjoining the site, in addition to Elm Lodge (listed) and The Birches (locally listed) within close proximity to the site.

- 7.10 SPP Policy DM D4 states that proposals for new development in conservation areas are required to preserve or enhance the character and appearance of the conservation area and development proposals are expected to complement the character and appearance of the wider setting, by careful consideration of how the proposed density, scale, design and materials relate to the urban setting in which the development is placed.
- 7.11 Brook House is a later 20<sup>th</sup> century office building. It is set back from the building line of the historic buildings which enables Brook House to take a less prominent position and creates a background for the Statutory Listed and Locally Listed Buildings.
- 7.12 The revised scheme has addressed initial concerns regarding scale, massing and character by proposing a roof design that is more sympathetic to the building's existing hipped roof form with central entrance tower. The increase in roof pitch of the existing roof as opposed to an overly bulky and top heavy mansard roof more closely reflects the existing roof form. The use of rooflights as opposed to dormer windows further helps minimise the bulk and mass of the roof extensions.
- 7.13 Whilst the proposal will increase the pitch of the roof of Brook House, the design overall retains the key characteristics of the existing roof profile, including the existing ridge height and central entrance tower feature of the original building. The proposal will increase the visual presence of the roof, however is considered to achieve a massing, design and scale that continues to complement the conservation area.
- 7.14 Taking into consideration the setback of Brook House behind the Date Valley School and relative height of this building, the proposed changes to the roof are not considered to be overbearing on this locally listed building and will still allow for Brook House to take a secondary presence to the listed buildings along Cricket Green. Overall the proposal is considered to be sympathetic to the character of the host building and will preserve the character of the conservation area in accordance with the above policies.
- 7.15 The location of the substation was revised following comments from the LBM Tree Officer. The revised location will allow for the retention of the row of trees along the southern boundary of the site. Landscape screening is proposed around the substation (to be secured by condition) and it is therefore considered that the substation will be sufficiently concealed so to preserve the visual amenities of the conservation area.

#### Neighbouring Amenity

- 7.16 London Plan Policy 7.6 (Architecture) requires that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and

overshadowing. SPP policy DMD2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion or noise.

- 7.15 The design proposes skylights as opposed to roof dormers, and consequently is considered to give rise to limited opportunity for overlooking into adjoining properties.
- 7.16 The existing building is a three storey building that is undergoing conversion to residential units. Given the separation distances to the nearest three-storey dwellings to the east and orientation of these buildings (nearest building has secondary high-set windows facing Brook House with primary windows facing north), the additional accommodation within the roofspace and change to the roof profile is not considered to result in adverse overlooking, overshadowing, loss of daylight or noise levels on these dwellings.
- 7.17 The adjoining buildings to the south are a combination of a Nursery and an NHS clinic. When viewed from these buildings, the extension will be screened via the existing row of mature trees along the southern boundary and is therefore not considered to have adverse amenity impacts on these properties.
- 7.18 The adjoining building to the north is a school. Taking into consideration that the front wall of Brook House is setback behind Mitcham Court, the change to the pitch of the roof is not considered to substantially increase overshadowing or result in a significant loss of sunlight or daylight to this building. The proposal is therefore not considered to be harmful to the amenities of the occupiers of the adjoining properties in accordance with Policy DMD2.

#### Standard of residential accommodation

- 7.19 Policy DM D2 and DM D3 of the Site and Policies Plan states that all proposals for residential development should safeguard the residential amenities of future occupiers in terms of providing adequate internal space, a safe layout and access for all users; and provision of adequate amenity space to serve the needs of occupants. Policies CS 8, CS9 and CS14 within the Council's Adopted Core Strategy [2011] states that the Council will require proposals for new homes to be well designed.
- 7.20 Policy 3.5 of the London Plan 2015 states that housing developments should be of the highest quality internally and externally and should ensure that new development reflects the minimum internal space standards (specified as Gross Internal Areas) as set out in Table 3.3 of the London Plan (Amended March 2016).
- 7.21 The proposed flats all meet the minimum gross internal floor area requirements of the London Plan, as shown in the following table. Both the single and double bedrooms comply with the National Housing standards room size requirements (7.5m<sup>2</sup> and 11.5m<sup>2</sup> respectively).

Flat No.	Bedroom/Spaces	GIA Proposed (m2)	GIA Required (m2)
Flat 1	1b, 2p	53	50
Flat 2	2b, 4p	73	70
Flat 3	2b, 3p	62	61
Flat 4	1b, 2p	53	50
Flat 5	2b, 4p	70	70
Flat 6	2b, 4p	73	70

7.22 Policy DM D2 requires that all proposals for residential development provide adequate private amenity space to meet the needs of future occupiers. The London Plan states that a minimum of 5 square metres of private outdoor space should be provided for 1-2 person flatted dwellings. In terms of larger units, an extra square metre should be provided for each additional occupant.

7.23 Whilst 5 - 7 square metres of amenity space would normally be required for each of the flats, the proposed flats are not family sized units. Given the site is located adjacent to Mitcham Cricket Green which will provide residents with expansive open space for recreation, it is considered that the absence of outdoor private amenity space would not be the basis to withhold permission in this instance.

7.24 Potential overlooking between the new flats within the internal 'courtyard' area of the building has been addressed through the provision of high-level windows with a minimum sill height of 1.7m above ground level to the new bedrooms. The windows will be obscured glass and openable to allow for ventilation. Electrically openable roof lights are also proposed to the bedrooms to provide additional light and ventilation.

7.25 It is considered that all rooms will maintain reasonable outlook, access to daylight and sunlight, and ventilation. It is therefore considered that the proposed flats would provide a satisfactory standard of accommodation in accordance with the above policy requirements.

#### Transport and parking

7.26 Core Strategy policy CS20 requires that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management.

7.27 Sites and Policies Policy DM T3 states that development should only provide the level of car parking required to serve the site taking into account its accessibility by public transport (PTAL) and local circumstances in accordance with London Plan standards unless a clear need can be demonstrated.

7.28 Brook House has a PTAL of 4 and has two parking courts at ground level accessed from Cricket Green and Chatsworth Place. Spaces 1-18 are to the front of Brook House accessed off Cricket Green, with spaces 19-51 to the west and north of Brook House (rear) and accessed via Chatsworth Place. Parking spaces 46-51 (6 spaces) will be allocated to the six new dwellings.

- 7.29 Given the good PTAL rating of the site, the provision of 6 spaces for the 6 new units, and the provision of 51 spaces overall for the combined 52 units being created under the current conversion and this proposal, is considered appropriate to ensure that no additional parking stress results from the proposed development. The applicant has provided a Traffic Impact Assessment in support of the application. LBM Transport and Highways were consulted and commented that the level of parking provision was acceptable.

Refuse storage and collection

- 7.30 Policy CS20 of the Core Strategy [July 2011] states that the Council will seek to implement effective traffic management by requiring developers to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway.
- 7.31 The refuse collection for the proposed dwellings will continue on-street from Chatsworth Place as currently occurs. The bins will be located adjacent to the entrance to the western car park off Chatsworth Place, which is within the recommended distances of 10m as outlined in the Manual for Streets and the LBM's Waste and Recycling Storage Requirements Guidance Note. This is considered to be unobtrusive and will facilitate safe refuse collection from the street in accordance with policy.

Cycle storage

- 7.32 Core Strategy Policy CS 18 and London Plan policy 6.9 call for proposals that will provide for cycle parking and storage. A new 1 bedroom flat would be required to provide 1 bicycle space, and new two bedroom flats would be expected to provide a store for at least 2 bicycles.
- 7.33 The current scheme makes provision for 41 cycle parking spaces in a secure communal storage area at the southern end of the site, for both the converted lower levels and new units within the roof. As there was no obligation to provide cycle parking under the prior approval previously issued, it is considered that 10 spaces can be allocated to the new units to ensure compliance with this policy.

Affordable Housing

- 7.34 LDF policy CS.8 seeks the provision of a mix of housing types including affordable housing. Financial contributions towards affordable housing for schemes creating between 1 and 9 additional units are sought under the terms of adopted policy. In May this year the Court of Appeal decision upheld the Government's position that local planning authorities should not pursue requirements for affordable housing financial contributions on small sites (1-10 dwellings). In the event that Full Council (13th July) resolves that the Council considers Merton should currently stop seeking affordable housing contributions from small sites of 10 homes / 1,000 square metres or less within planning decisions then no contribution would be sought on this application. In the event that such a resolution is not endorsed then permission would be granted subject to the completion of a S106 to secure such a financial contribution.

## **8. CONCLUSION**

- 8.1 The proposal would provide six additional flats to the existing residential building in an area of good public transport access and local services. It is considered that the modifications to the roof are of an appropriate design, scale and massing to preserve the character of the conservation area. The design of the flats meets minimum standards required for Gross Internal Area, and is considered to provide an acceptable standard of accommodation for future occupiers. The proposal is not considered to result in adverse amenity impacts on neighbours, and is therefore recommended for approval.

### **RECOMMENDATION:**

**Subject to any resolution at Full Council on 13th July pertaining to the issue of affordable housing contributions, grant permission subject to a S106 obligation/ Unilateral Undertaking and conditions.**

### **Heads of terms (subject to any resolution at Full Council on 13th July)**

1. An off-site contribution towards affordable housing (To be confirmed).
2. The developer agreeing to meet the Councils costs of preparing drafting and monitoring the Section 106 Obligations.

### **Conditions**

- 1) A1 Commencement of works
- 2) A7 Built according to plans; 'Proposed Site Plan C1165-301 Rev C2', 'Proposed Roof Plan 15-C1165-922 Rev P5', 'Proposed Roof Extension Level Plan 15-C1165-940 Rev P3', 'Proposed West Elevation 15-C1165-941 Rev P3', 'Proposed North Elevation 15-C1165-942 Rev P3', 'Proposed East Elevation 15-C1165-943 Rev P3', 'Proposed South Elevation 15-C1165-944 Rev P3', 'Substation Plinth & Housing Design GAD-400'
- 3) B3 External materials to be approved
- 4) C04 Obscured Glazing (Opening Windows)  
  
Before the development hereby permitted is first occupied, the windows facing in the internal courtyard shall be glazed with obscured glass and non-openable up to 1.7m and shall be maintained as such thereafter.
- 5) C07 Refuse & Recycling (Implementation)
- 6) D10 External Lighting
- 7) H04 Provision of Vehicle Parking
- 8) H07 Cycle parking to be implemented.

9) No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority demonstrating that the development has achieved not less than the CO2 reductions (ENE1) (a 25% reduction compared to 2010 part L regulations), and internal water usage (WAT1) (105 litres/p/day) standards equivalent to Code for Sustainable Homes level 4. Reason for condition: To ensure the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies 5.2 of the Adopted London Plan 2015 and CS 15 of the Adopted Merton Core Planning Strategy 2011.

10) Non-Standard Condition

No development shall take place until full details of a landscaping and planting scheme to screen the new substation has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the commencement of the use or the occupation of any building hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the appearance of the development in the interest of the amenities of the area, and to comply with the following Development Plan policies for Merton: policies 7.4 and 7.8 of the London Plan 2015, policies CS13 and CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D4 of Merton's Sites and Policies Plan 2014.

11) NPPF Informative

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To view Plans, drawings and documents relating to the application please follow [this link](#)

Please note that this link, and some of the related plans, may be slow to load



# NORTHGATE SE GIS Print Template



Text Details **Brook House, Cricklet Green**

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## PLANNING APPLICATIONS COMMITTEE 14th JULY 2016

	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	16/P1061	06/04/2016
<b>Address/Site :</b>	32 Daybrook Road, Merton Park, SW19 3DH	
<b>(Ward)</b>	Merton Park	
<b>Proposal:</b>	The proposal is for the erection of an outbuilding in the rear garden to be used as a garage/store room.	
<b>Drawing No's</b>	Site location plan, proposed block plan and drawing KOM/607-4	
<b>Contact Officer:</b>	Leigh Harrington (020 8545 3836)	

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### RECOMMENDATION

**Grant planning permission subject to conditions.**

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#### CHECKLIST INFORMATION

- Head of agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted - No
- Number of neighbours consulted - 5
- Press notice - No
- Site notice - Yes
- External consultations - No
- Density - N/A
- Number of jobs created N/A

#### **1. INTRODUCTION**

- 1.1 This application is brought before the Planning Applications Committee due to the level of objection.

#### **2. SITE AND SURROUNDINGS**

- 2.1 The application site is a mid-terrace house located on the west side of Daybrook Road in Merton Park. The rear garden includes a hardstanding area at the rear which is accessed via a vehicle accessway from Daybrook Road which services a number of these houses that back onto the Council car park beyond the site. The house benefits from a single storey rear extension and rear roof dormer extension. The site is not within a conservation area

### **3. CURRENT PROPOSAL**

- 3.1 The proposal is for the erection of an outbuilding in the rear garden to be used as a garage/store room. The proposal reflects a reduction in scale of a recently refused scheme for a garage/outbuilding in the rear garden (See Planning History section - 15/P4686).
- 3.2 The garage would be full width with a length of around 6.6m (the refused scheme was approximately 7.6m long). A standard garage door would allow for a vehicle to access the garage from the rear vehicle accessway. A standard door and window would be included in the garden facing elevation. The brick built structure would have a tiled pitched roof with 2m high eaves (the refused scheme was 2.5 m to the eaves) and a 3.4m high ridge line (the refused scheme was 4m to the ridge).

### **4. PLANNING HISTORY**

- 4.1 15/P4429 Prior approval refused for 5m deep extension.

**Reason: The proposed single storey rear extension, by reason of design, position, scale, bulk and massing, would be unduly visually dominant and intrusive resulting in a loss of sunlight and daylight to adjoining properties and as such would be harmful to the amenity of neighbouring occupiers at 30 & 34 Daybrook Road. The proposals would be contrary to London Plan 2015 policies 7.4 & 7.6, policy CS.14 of the Merton LDF Core Planning Strategy (2011) and policy DM D2 of the Merton Sites and Policies Plan (2014).**

- 4.2 15/P4686 Planning permission refused for the erection of detached, single storey outbuilding, with wc and shower, for use ancillary to main dwellinghouse.  
**Reason: The proposed outbuilding by reason of its design, height, scale, bulk and massing and siting is considered an unneighbourly form of development which would be visually intrusive, overly dominant and harmful to the amenity of neighbours and is unsympathetic to the design, scale, bulk and proportions of the surrounding buildings and character of the local area contrary to the principles of policy DM D2 of the Adopted Sites and Policies Plan 2014 and CS 14 of the Merton Core Strategy 2011**
- 4.3 16/P0167 Planning permission granted for the erection of a single storey rear extension.

### **5. CONSULTATION**

- 5.1 The application was advertised by means of neighbour notification letters and a site notice.
- 5.2 Four letters of objection have been received from six neighbours raising the following concerns:-
- Visually intrusive, over-intensive and obtrusive form of development
  - Far larger than any other garage in the area
  - The excessive height will cause loss of light

- Plans don't show the rear extension, this will leave very little garden space which is out of character with the area
- Trees in neighbouring gardens not shown on the plans
- Plants and trees have gone and the garden is now an ugly desert which could cause flooding issues as loss of wildlife.
- The design and materials are more like a mini house which could be used for living space.

### 5.3 The John Innes Society

- The proposed building is 3.4 metres high and appears to have a footprint, taking into account external rather than internal dimensions, of about 38sq.m. It occupies the entire width of the back garden of 32 Daybrook Road and as such it is larger and higher than any other local outbuilding. Similar buildings have been refused permission in rear gardens in the area, including one in this location which was only slightly larger.
- We cannot see how this proposal complies with policies DM D2 and DM D3 of the Sites and Policies Plan (2014) or Policy CS14 of Merton's LDF Core Planning Strategy (2011). Its size, siting and design would be unduly prominent and visually intrusive to the neighbours, especially as it is so close to their boundaries, and it would be out of character with the surrounding pattern of development.
- This building would be large enough to be used as a separate dwelling. We note it appears to have cavity walls which would not be normal for a garage or garden store. The temptation will be for a future residential use, which would be contrary to Council policies, and lead to further pressure on Enforcement.
- One also has to question why such a large building is required for a garage and storage. It is far larger than needed for normal domestic needs and could encourage commercial use, which again would be contrary to Council policies in a residential area and put pressure on Enforcement.

5.4 The applicant submitted a response to the neighbour comments stating that there will still be 9-10m of lawns and flower beds when complete and that there is no intention of using the structure for habitable purposes.

## 6. POLICY CONTEXT

6.1 The relevant policies in the Council's Adopted Sites and Policies Plan (July 2014) are:

DM D1 (Urban design)

DM D2 (Design considerations)

DM D3 (Alterations and Extensions to Buildings)

6.2 London Plan 2015  
7.4 (Local character)

6.3 Merton Core Strategy 2011  
CS 13 (Open space and nature conservation)  
CS 14 (Design)

## **7.0 PLANNING CONSIDERATIONS**

- 7.1 The planning considerations in this case relate to the scale, design and use of the proposed outbuilding and the impact on neighbour amenity and the appearance of the area.

### Scale and design.

- 7.2 SPP policy DM D2 and Core Strategy Policy CS 14 require well designed proposals to respect the siting, rhythm, scale, proportions, height, materials and massing of surrounding buildings. The proposal has been reduced in size from the previously refused scheme in terms of both footprint and ridge height. Whilst larger than other garages in the area officers consider that the proposed garage would read as a domestic outbuilding from views from neighbouring properties and gardens and that the design and scale are now appropriate for the location and use and that previous concerns relating to its domestic appearance have been satisfactorily resolved.

### Neighbour amenity.

- 7.3 SPP policy DM D2 and DM EP2 require proposals not to impact on neighbour amenity in terms of loss of light, outlook, privacy, visual intrusion and protection from noise and disturbance. The garage would be located at the far end of the garden and therefore loss of light to habitable rooms and loss of privacy are not considered an issue. The height of the outbuilding has been reduced over the previously refused scheme such that the eaves height is now only 2m and the highest part, the 3.4m ridge line would be set 3.3m in from the front and rear elevations which would reduce the overall visual impact of the proposal. The roof would be tiled which could be considered more attractive than a flat roof and it has been set at a low slope angle, again to reduce the visual impact and the impact of any loss of light to neighbouring gardens. There were concerns relating to possible residential use of the building and whilst such a use would require planning permission, a condition making the use of the garage incidental to the main dwelling is recommended.

### Garden loss.

- 7.4 Objections have been received relating to the loss of garden area. Had the roof height been below 2.5m then a garage with a larger footprint could be constructed under permitted development and the approved single storey rear extension is only 1m longer than the distance allowable under permitted development. Therefore the proposals represent less risk to the garden area than could be the case under permitted development and the proposals will still allow for the retention of more than 50sqm of garden space which is the minimum required garden space that is considered acceptable for a family home. The applicant has also stated that the intention is to retain a garden area with lawn and flower beds between the house and the garage and this is welcomed.

**8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

- 8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of an Environmental Impact Assessment (EIA).

**9 CONCLUSION**

- 9.1 The proposal represents a significant reduction in the size, scale and bulk of the previously submitted scheme and removes features that would have meant the building was capable of residential use. The footprint is less than would be possible under permitted development had the roof been lower and indeed the highest point of the roof is only 0.9m above permitted development. The design is now that which is commensurate with a garage in terms of size and scale such that it is not considered out of keeping with other garages in the area and will not have a negative impact on the character and appearance of this location nor upon the amenity of neighbouring residents. In view of these considerations the proposals are recommended for approval subject to the imposition of suitable conditions.

**RECOMMENDATION: Grant planning permission subject to conditions.**

A1 - Commencement of Development

A7 - Construction in accordance with plans; Site location plan, proposed block plan and drawing KOM/607-4

B3 - Materials as specified

D9 - No external lighting

E6 – Incidental residential use

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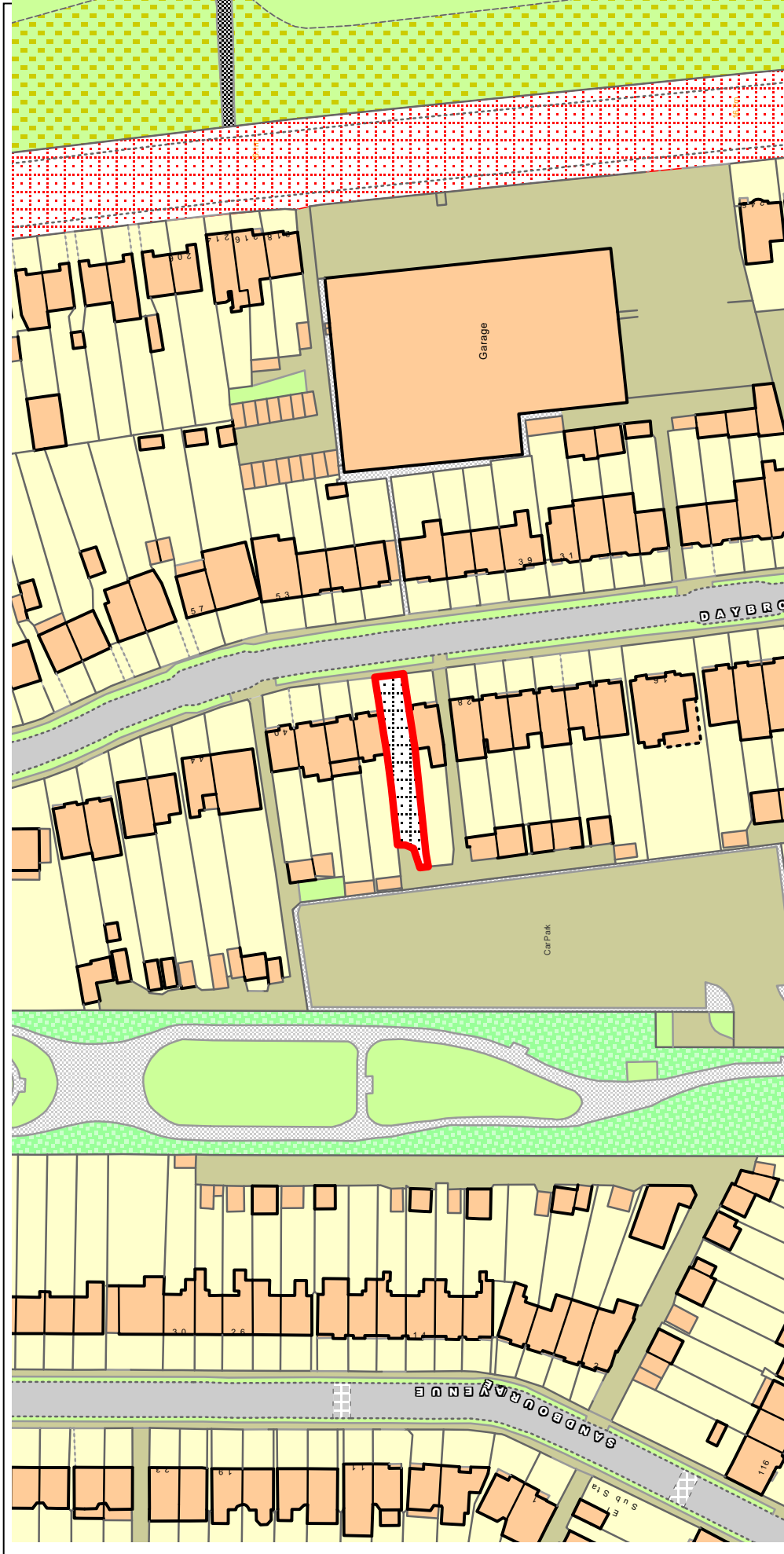
To view Plans, drawings and documents relating to the application please follow [this link](#)

Please note that this link, and some of the related plans, may be slow to load

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# NORTHGATE SE GIS Print Template



Text Details 32 Daybrook Road, Merton Park, SW19 3DH

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**PLANNING APPLICATIONS COMMITTEE**  
**14<sup>th</sup> JULY 2016**

**Item No:**

**UPRN**

**APPLICATION NO.**

**DATE VALID**

16/P1374

14/04/2016

**Address/Site:**

12 Hartfield Road, Wimbledon, SW19 3TA

**(Ward)**

Dundonald

**Proposal:**

Demolition of existing building and erection of a replacement seven storey building comprising a 140 bed hotel (Use Class C1) with ancillary restaurant use on the ground floor (Use Class A3).

**Drawing Nos:**

769-L01-P3, 769-GE01-P4, GE02-P5, GE03-P3, GE04-P3, GE05-P3, GS01-P4, GS02-P4, GS03-P4, GS04-P4, GAB1-P4, GA00-P4, GA01-P4, GA02-P4, GA03-P4, GA04-P4, GA05-P5, GA06-P5 & GARF-P4

**Contact Officer:**

David Gardener (0208 545 3115)

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**RECOMMENDATION**

**GRANT Planning Permission Subject to Conditions and S106 Agreement**

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**CHECKLIST INFORMATION**

- Heads of agreement: Upgrade of pedestrian crossing facilities, Carbon emissions offset contribution, Permit free
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: Yes
- Number of neighbours consulted: 312
- External consultations: Crossrail 2

**1. INTRODUCTION**

- 1.1 The application has been brought before the Planning Applications Committee due to the number of objections received.

## **2. SITE AND SURROUNDINGS**

- 2.1 No.12 Hartfield Road is currently occupied by the Slug and Lettuce bar, falling within an A4 Use Class (drinking establishments). It forms part of a wider commercial frontage of properties on the north-east side of Hartfield Road. It is designated as lying within Wimbledon town centre in the Merton Sites and Policies Plan (July 2014) as well as within a secondary shopping frontage. It is a two storey property opposite the junction with Hartfield Crescent. It has a 32m street frontage with a central main entrance and has a gross internal floorspace of 958sqm.
- 2.2 On the left and right hand side of the frontage elevation are 2 undercrofts providing an in/ out vehicular access arrangement to a rear servicing area.
- 2.2 The buildings along Hartfield Road comprise an eclectic mix of styles and are of varying heights. Wimbledon Bridge House, which is a seven storey office building sits on the opposite side of the road to the application site at the corner of Hartfield Crescent. Pinnacle House also sits opposite on the other corner of Hartfield Crescent and is a five storey office building currently in the process of being upgraded and increased in height to 8 storeys. A further taller building on the southern side of Hartfield Road is Regency Court, which is 5 storeys. Victorian shop buildings can be found along the Broadway to the north-west of the site. The adjacent building is 3 storeys high with a 4<sup>th</sup> storey within a mansard roof. To the south-east is the relatively recent retail comprehensive retail development based around the piazza and walkway linking the Broadway to Hartfield Road – the adjacent building is 3 storey with a high parapet above with a further height increase beyond. The older buildings to the north-west contain a mixture of residential and commercial uses. Victorian two-storey residential streets are located beyond Hartfield Road in Hartfield Crescent and Graham Road, whilst industrial units line the eastern side of Beulah Road.
- 2.3 No.12 Hartfield Road is not located in a conservation area. It adjoins the Merton (Wimbledon Broadway) Conservation Area, which is located to the north and west of the application site. The application site also has excellent public transport links (PTAL rating of 6a) being sited in very close proximity to both Wimbledon tube, railway and tram station and the town centre bus station.

## **3. CURRENT PROPOSAL**

- 3.1 The applicant seeks planning permission for the demolition of the existing two-storey building (Use Class A4) and erection of a seven storey building comprising 150 bedroom hotel (Use Class C1) with ancillary restaurant (Use Class A3).
- 3.2 A total of 4,876sqm of GIA space is proposed. The restaurant use would be located at ground floor with floor to ceiling glazing and doors opening up to the street as well as the main hotel lobby with five floors of hotel bedrooms

above. The building would have a maximum height of 27.1m to the top of the roof level plant enclosure which has a much smaller footprint than the main roof and is recessed back from the street frontage. The roof of the top floor would be 25.3m above ground level (AGL).

- 3.3 The building would have a T-shaped footprint with part of the rear of the building extending back to join with the rear wall of Nos. 17 to 21 The Broadway. The 2 upper levels would be set back behind the fifth storey on the front elevation. There is also a reduction in storey height on each side of the main façade adjacent existing buildings. The rear elevation steps down from seven to five storeys.
- 3.4 The vehicular access undercrofts either side of the main facade are retained.
- 3.4 The principal material for the main façade is a pale coloured linear brick with metal framed glass to each side above the undercrofts as well as the recessed upper floors. Brass and brass finish cladding provides emphasis to the double height main entrance and brass finish metal louvres provide solar shading.
- 3.5 The proposal does not provide any car parking spaces. It includes the provision of 8 long stay cycle parking spaces for employees within the development and a further 4 short stay spaces on the street frontage outside the hotel.
- 3.6 The original application submission has been amended at officers' request and following consultation to set the main façade up to fifth floor level 0.5m further back from the street, and set both upper floors 1.5m back above 5<sup>th</sup> floor eaves level. The massing has been re-balanced either side of the main brick front façade, with an increase to the left and a reduction to the right to reflect the topography and relationship to the corner. The rear part of the building abutting No. 8-10 Hartfield Road has been reduced in depth by 1.5m. The resultant layout reduces the number of hotel bedrooms from 150 to 140.

#### **4. PLANNING HISTORY**

- 4.1 No.12 Hartfield Road forms part of a mixed-use redevelopment, which provided six retail shop units (Class A1 use) at ground floor level and first floor and mixed retail/ leisure uses (Class A1/D2 use) at second floor level within a terrace of three-storey buildings erected in The Broadway, and a two-storey building erected in Hartfield Road for multiple uses (Class A1/A2/ A3), plus rear servicing and access. (Gross floorspace: A1 = 3214 sqm, A1/A2/A3 = 986 sqm, A1/D2 = 1607 sq. m - total development = 5807 sqm). It should be noted that there have also been a number of subsequent applications for advertisement consent at the application site in recent years.
- 4.2 In January 2016, a pre-application request was made for the demolition of existing building and the erection of a building comprising a hotel use class (C1) with ancillary restaurant use class (A3) at ground floor level.

## **5. RELEVANT PLANNING POLICY**

- 5.1 Adopted Merton Sites and Policies Plan and Policies Maps (July 2014): DM D1 (Urban design and the public realm), DM D2 (Design considerations in all developments), DM D4 (Managing heritage assets), DM R4 (Food and drink/leisure and entertainment uses), DM E1 (Employment areas in Merton), DM E4 (Local employment opportunities), DM R4 (Protection of shopping facilities within the designated shopping facilities), DM R5 (Food and drink/leisure and entertainment uses), DM R6 (Culture, arts and tourism development), DM T1 (Support for sustainable transport and active travel), DM T2 (Transport impacts of development), DM T3 (Car parking and servicing standards)
- 5.2 Adopted Core Strategy (July 2011) : CS.6 (Wimbledon Town Centre), CS.7 (Centres), CS.12 (Economic development), CS.14 (Design), CS.15 (Climate Change), CS.18 (Active Transport), CS.19 (Public Transport), CS.20 (Parking, Servicing and Delivery)
- 5.3 London Plan (March 2015) (as amended by Minor alterations: March 2016) 4.6 (Support for and enhancement of arts, culture, sport and entertainment), 5.2 (Minimising carbon dioxide emissions), 5.6 (Decentralised energy in development proposals), 5.3 (Sustainable Design and Construction), 5.9 (Overheating and cooling), 6.3 (Assessing effects of development on transport capacity), 6.9 (Cycling), 6.13 (Parking), 7.2 (An inclusive environment), 7.4 (Local character), 7.6 (Architecture), 7.7 (Location and design of tall and large buildings), 7.8 (Heritage Assets and Archaeology)
- 5.4 National Planning Policy Framework (NPPF)
- 5.5 Merton's Tall Buildings Background Paper 2010

## **6. CONSULTATION**

- 6.1 The application was originally publicised by means of a site notice and individual letters to occupiers of neighbouring properties. In response, 23 letters of objection were received including an objection from the Wimbledon East Hillside Residents' Association (WEHRA). The letters of objection are on the following grounds:
- Too large and too tall in relation to adjoining buildings, sets dangerous precedent, unacceptable impact on historic buildings at Nos. 2 – 11 Hartfield Road and character of area
  - Excessive noise, traffic and disturbance to local residents, impact on air quality, loss of daylight/sunlight, adds to disruption caused by cumulative impact of proposals in area
  - Pressure on parking
  - Increase canyon-like character of Hartfield Road, would make this part of Hartfield Road into a wind-tunnel, overshadowing

- Demolition of recently built building is not sustainable
- Not a suitable location for a hotel, would also drive current residents from Wimbledon Town Centre, impact from hotel visitors
- Wimbledon Town Centre does not need any more drinking establishments or restaurants. Excessive number of rooms proposed when combined with the Premier Inn proposal on The Broadway
- Visually intrusive when viewed from surrounding streets, impact on skyline when viewed from Queen's Road and Merton (The Broadway) conservation area
- Does not emit a sense of community or create a more "human" interaction between the building, the street and pedestrians

## 6.2 Wimbledon East Hillside Residents' Association (WEHRA)

6.2.1 The proposed building is too high for this site given Hartfield Road has its own, more intimate elevation, much lower and or a more intimate, human scale. The design is too ordinary and does not enhance the public realm. The proposal has a generic design, with no attention paid to the street scene and Victorian shopfronts and homes nearby. There is no demand for a second large hotel given the close proximity of other hotels and the proposed Premier Inn on The Broadway. There are other uses such as retail, which the land would be better used for.

6.2.2 The proposal should be refused outright on its lack of parking and this would impact on the amount of available pay and display parking in the area at present. The proposal should also be refused outright due to its impact on the environment as it has little regard to the Core Planning Strategy which aims to make Merton a municipal leader in improving the environment, reducing pollution and consuming fewer resources. With regards to Crossrail 2 it also appears that the Landlord wishes to further enhance the value of the asset, by improving future earnings at the expense of local people, which is unacceptable.

## 6.3 Design and Review Panel

6.3.1 At pre-application stage, an eight storey scheme was reviewed by the DRP in January 2016. The Panel's comments were as follows:

The Panel found this an interesting proposal which was clearly work in progress. It offered a number of pointers to consider further in the development of the design. The Panel were generally supportive of the architectural approach.

The glazed elements either end of the façade were noted and the Panel were concerned that the exterior and interior of the building should relate honestly to each other. The light coloured brick façade was felt to be prone to poor weathering in the hostile street environment and it was felt there was no clear Wimbledon precedent for this, so a warmer colour was suggested. This brick element also seemed to 'float' and could be more clearly linked to the ground.

The top of the building appeared to two 'tops' in that there were two different set-back elements with different appearance. It was felt that this did not work well visually and would benefit from simplifying and possibly the removal of the top storey. It was felt important that the street width to building height ratio was not altered to such a degree as to make the street feel narrow and canyon-like at this point. This could possibly be achieved by careful attention to the positioning of the eaves levels for the main building – such as setting back the 6<sup>th</sup> storey - and the set-back elements, as well as the removal of the top storey.

The Panel felt that the hotel lobby interior could be reworked to be more open and welcoming and that the exterior needed to be more evident in the street scene as well as from Beulah Road if possible. It was also felt that there should be some facility for taxi/drop-off facilities on-street if possible.

The Panel noted that the pavement was quite wide and opportunity should be taken, in conjunction with the Council if necessary to soften this harsh environment, not just by the planting of trees but by other more imaginative means of planting. It was also suggested that a canopy could be provided to make this part of the street more welcoming.

The Panel also noted that there were flats in adjacent buildings and their privacy, daylight and sunlight, and rights of light needed to be protected. This may require a change in the massing. Also, the Panel were keen to understand how privacy would be maintained in hotel rooms with fully glazed frontages without compromising the external appearance of the building. The building also had to ensure it related well to the adjacent conservation area and in views from Queens Road.

VERDICT: **AMBER**

#### 6.4 Future Merton - Urban Design

##### 6.4.1 Initial comments

The initial comments in relation to originally submitted plans were as follows: The applicant and their design team have provided a clear, robust and thorough appraisal of the site's context in their design and access statement, supplemented by a heritage townscape and visual impact appraisal. The proposals are well thought through but would benefit from some further amendments around set-backs and massing composition at the upper floors.

6.4.2 The council's design team, as well as Design Review Panel are supportive of the architectural approach and detailing of the proposals.

6.4.3 The use of brick as the principal material adds a sense of permanence and gravitas to the scheme that other forms of cladding don't achieve. The brick and metal elements pick up on the local vernacular, in a contemporary way. The choice of slim linear brick is a welcome, modern addition to Wimbledon's repertoire.



- 6.4.4 The DNA of Wimbledon's historic architecture follows a clear hierarchy, which has been lost in most late 20<sup>th</sup> Century schemes in Wimbledon. It has to some extent, been re-established in the Centre Court rotunda and Piazza development adjacent to the application site.
- 6.4.5 Similar to DRP's comments on the brick detailing, the colouring should be closer to yellow London Stock and less pale, as indicated in the design and access statement, which will weather better and 'bed-in' more successfully into the street scene.
- 6.4.6 The building tries to mitigate its impact when viewed from the conservation area by stepping down at the rear. The stepped floors, combined with the upper set-backs and plant area creates an inelegant form, consisting of too many materials. The rear elevation on the skyline will include frameless glass, metal framed glass, openable windows, anodised metal louvres, brick, metal cladding and the plant. The Hartfield Road elevation has an order to it, but the rear seems to combine too many elements into a small space. The verified views from Queens Road don't really pick up any of the elevation details and only show the mass against the backdrop of Wimbledon Bridge House / Pinnacle House. Consider the roof form of the Centre Court rotunda, the town hall, Wimbledon Bridge House or Pinnacle House, these buildings only have one or two materials in the skyline. The current proposals need rationalised at the upper rear.
- 6.4.7 The deep angled and recessed brick façade on Hartfield Road emphasises the windows and brings a strong rhythm depth and quality to the scheme. The change since DRP to 'ground' the brick façade with columns to the street is a positive change.
- 6.4.8 However in the application details, it is noted that rather than having floor to ceiling windows, which would be preferred, it's proposed that the lower half of the windows are back painted. It is not a good design approach as it will break up the façade and cheapen the overall effect of the building. When is a window not a window? When it's been value-engineered out and back painted. The 6<sup>th</sup> and 4<sup>th</sup> floor set backs have side-facing windows which could limit neighbouring developments in future and should be reconsidered.
- 6.4.9 The proposed building introduces a stronger plot rhythm and greater depth of window reveals and architectural expression which is a welcome improvement on the horizontal, flat, singular mass of the existing building.
- 6.4.10 The overall height of the building is not unacceptable per se, and is certainly lower in height and more refined in scale and rhythm than Wimbledon Bridge House and Pinnacle House opposite. The buildings opposite occupy an entire urban block each and read as single entities in their own space. The application site is more complex as it is a mid-terrace building and has to address Hartfield Road (which it does successfully) but also has to act as a transition between the larger format buildings on Hartfield Road and the lower scale buildings and conservation area to the rear (the Broadway). The proposals deal with this transition reasonably well, however the upper level

set backs, upper level massing and the plant area would benefit from some refinement to create a singular element in the skyline. The skyline of the proposed scheme reads as stack of various sized and randomly positioned layers rather than a simple and consistent roof form.

- 6.4.11 The massing of the upper floors on the Hartfield Road elevations is weighted towards the east of the site (towards Morrisons), yet the topography of Hartfield Road approaching Wimbledon Bridge rises the other way. The scheme would be improved by rebalancing and reconfiguring the mass of the glazed side elements to follow the topography and rise up the hill. This would also help improve the rear views from the conservation area, by moving some of the mass out of the sightlines of Queens Road.
- 6.4.12 Planning conditions should be applied to ensure that the glazed frontage onto Hartfield Road remains transparent and does not suffer from being covered in vinyl graphics and advertising. The objective is to provide and maintain a genuinely active frontage. Hartfield Road is a harsh street scene and these proposals are an opportunity to animate and bring life to the area as well as green the street scene through street trees or planters as part of any spill-out space and external seating for the restaurant. The public realm will require re-paving and new entry treatments into Broadway Place are recommended to give pedestrians priority over the side road and reduce the dominance of the road space. This should be covered in S106/S278 agreements.
- 6.4.13 The ground floor Hartfield Road elevation respects the established building line, set by 10 Hartfield Road and the adjacent Odeon / Morrisons building. However the proposals appear to show the first and upper floors over-sailing the LBM owned and maintained public footpath. This has the effect of bringing the building frontages closer together across Hartfield Road. This is an air-rights / property licence issue that has not been explored with the Council's Property or Highways team. Furthermore, in terms of good urban design, the increase in building heights changes the proportion of the street width / building height ratio. This would normally go hand-in-hand with the creation of a more generous public realm. Instead, the current proposals bring the building line out compounding a 'canyon' effect would visually narrow Hartfield Road. Pinnacle House, opposite the application site over-hangs the public highway at the upper floors, however this is a refurbishment of an existing building and the over-hang is not a feature the Council would wish to see replicated. The proposals should follow the established building lines and not over-hang the public footway.
- 6.4.14 In summary, it is considered that overall, this is a good quality scheme in terms of architectural approach, but not yet the best quality that can be achieved in terms of massing and composition at the upper levels, and possibly amenity.
- 6.4.15 The applicant is the land owner, representing pension fund with a long term investment interest in Wimbledon. The higher quality the development the better the returns. This holds true for the building as well as at the neighbourhood. Wimbledon will undergo change due to Crossrail 2 and the

foremost factor in local residents and businesses minds is design quality and an uplift in the range of local facilities and attractions. Growth and design will become under increasing scrutiny and its paramount that the council approves the best quality scheme possible. I hope Hermes are willing to consider the amendments to the application and to reach a planning decision soon.

#### 6.4.16 Response to amended plans

Further to receipt of revised plans, Future Merton have confirmed that the changes respond satisfactorily to the concerns raised above the roofscape, distribution of massing and composition and the need to simplify materials at the rear.

#### 6.5 Future Merton - Transport Planning

6.5.1 Transport planning does not object to the proposal.

6.5.2 The development does not include disabled parking bay. Considering this a car free development in a highly accessible location this would be acceptable however it is recommended that details of the nearest disabled parking bays or possibilities in the vicinity are provided on the hotel website.

6.5.3 The proposals include provision of 1 loading bay at the rear of the site. The swept path analysis and the fact that the access road is one way means that this provision is acceptable and would enable the hotel to be safely serviced without any negative impacts on the road network, traffic flows and pedestrian/cyclist safety.

6.5.4 The application proposes 8 long stay cycle parking spaces for employees within the development with a further 4 short stay spaces in the frontage outside the hotel. This level of provision is in accordance with London Plan standards. The short stay cycle parking provision should be agreed as part of the S278 agreement for reconstruction of the public realm and highway frontage on Hartfield Road.

6.5.5 The pedestrian crossing facilities at Hartfield Road/Hartfield Crescent junction require upgrading to accommodate the increased number of pedestrians using the crossing at the site as a result of the development. Therefore we will be seeking S106 funding to upgrade the crossing facilities in the immediate vicinity of the development through the upgrade of traffic signals enabling the installation of pedestrian countdown facilities, review of pedestrian guard railing and tactile paving – approximate cost £25,000.

6.5.6 Due to the increasing densification of Wimbledon town centre there will be increasing pedestrian footfalls in the area and the council is seeking to maintain available pedestrian footway widths wherever possible. As such, the council would seek to adopt the full width of the footway outside of the hotel including the area shown as private forecourt in the ground floor plans through the S278 agreement. This will ensure that this area will not be enclosed at a

later date. The council will however be able to provide a footway chairs and table licence for the hotel.

6.5.7 The development should be subject to a S106 'permit free' agreement for the site to restrict any employees or staff from applying for a business parking permit.

#### 6.6 Crossrail 2

6.6.1 Does not object to the proposal as the application site is located outside subject to consultation by the Crossrail 2 Safeguarding Direction.

#### 6.7 Future Merton - Flood Engineer

6.7.1 The Council's Flood engineer has assessed the proposal and is satisfied with the details submitted so far subject to appropriate conditions being attached.

#### 6.8 Future Merton – Climate Change Officer

6.8.1 The Council's Climate Change Officer has assessed the proposal and is satisfied with the details submitted so far subject to appropriate conditions being attached and a S106 agreement requiring a cash in lieu payment, which can be used to offset the carbon emissions shortfall.

#### 6.9 Future Merton – Policy

6.9.1 The proposal is acceptable in terms of its economic credentials complying with policy E.4: Increasing Local Employment Opportunities of Merton's Sites and Policies Plan and Policies Maps (July 2014).

### **7. PLANNING CONSIDERATIONS**

#### **7.1 Principle of Development**

7.1.1 There is strong policy support for a hotel use in this location given it is in Wimbledon Town Centre, has excellent public transport links (PTAL 6b), and has good public transport services to central London due to its close proximity to Wimbledon train station. The Adopted Sites and Policies Plan and Policies Maps (July 2014) policy DM R6 supports all proposals for culture and tourism development which are likely to generate a large number of visits in either Merton's Town Centres or other areas of the borough which have a PTAL rating of 4 or above. This policy states that Merton's retail study highlights that the borough needs a range of tourist accommodation and facilities to cater for the leisure tourism and business visitors and to make Merton's tourism and culture sector more viable and sustainable all year round. Research has emphasised that there is a need for high quality hotels with catering facilities with good public transport services to central London.

7.1.2 With regards to Merton's Core Planning Strategy policy CS.6 encourages development that attracts visitors to the area all year round including high

quality hotels and promotes a balanced evening economy through a mix of uses. The proposed development provides visitor accommodation as well as a ground floor restaurant use and is considered to comply with this policy.. Policies CS.7 also encourages developments that attract visitors to the area all year round including high quality hotels whilst policy CS.12 supports development of a diverse local economic base by encouraging the increased provision of the overall number and range of jobs in Merton and seeks to direct 'town centre type uses' especially retail, office and leisure development that generate a large number of trips towards Wimbledon and other centres.

- 7.1.3 Policy 4.5 (London's visitor infrastructure) of the London Plan (March 2015) (Minor alterations: March 2016) states that the Mayor will seek to achieve 40,000 net additional hotel bedrooms by 2036, of which at least 10 per cent should be wheelchair accessible. The submitted details confirm that 10% of the total number of bedrooms would be wheelchair accessible.
- 7.1.4 Policy DM E4 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that the Council will work with developers to increase skills and employment opportunities in Merton by requiring all major development to provide opportunities for local residents and businesses to apply for employment and other opportunities during the construction of developments and the resultant end use. The applicant has submitted a study detailing the economic case of the proposed hotel. The study estimates that the proposed development would generate during the construction stage an average of 85 full time employed (FTE) temporary jobs per annum generated directly from construction over the estimated build period of 15 months. There is therefore the potential to respond to the 35 unemployed residents in Merton claiming Job Seekers Allowance and seeking employment in construction. Allowing for leakage, it is estimated that the construction phase would support 72 direct FTE temporary jobs across London during the construction phase, of which 25 FTE temporary jobs could be local to Merton. In addition, a further 36 FTE temporary indirect and induced jobs could be supported within the supply chain and from onward employee expenditure within the London economy during the construction phase of which 6 jobs could be generated locally to Merton. In terms of its operation, the hotel would support 21 FTE jobs on-site across a range of occupations and this is an opportunity to respond to the 265 unemployed residents in Merton claiming Job Seekers Allowance and seeking employment in accommodation, catering, tourism and administrative occupations.

## **7.2 Design, Massing and Impact on Streetscene and Wider Context**

- 7.2.1 The proposed building would be 25.3m to the top of the recessed 7<sup>th</sup> floor and 27.1m to the top of the much smaller footprint plant room. The building would have a T-shaped footprint with part of the rear of the building extending back to join with the rear wall of Nos. 17 to 21 The Broadway. The top two floors would be at the sides and from the front facade, with the top floor stepped in from the front, rear and each side of the building.

- 7.2.2 The London Plan states that tall buildings are those buildings that are substantially taller than their surroundings, cause a significant change to the skyline or are larger than the threshold sizes set for the referral of applications to the Mayor. Policy 7.7 states that tall buildings should generally be limited to sites in town centres that have good access to public transport.
- 7.2.3 Given the proposed building would have a maximum height of 27.1m it would not require referral to the Mayor of London as its proposed height would fall below the 30m height limit for buildings located outside the City of London. As the buildings on this side of Hartfield Road and those immediately to its north and east are no higher than four storeys it could be viewed as substantially taller than its surroundings although Wimbledon Bridge House and Pinnacle House also form part of its context.
- 7.2.4 In terms of local planning policy, Policy CS.14 of the Core Planning Strategy promotes high quality sustainable design that improves Merton's overall design standard. Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that proposals for development will be expected to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings. More specific guidance is outlined in the Tall Buildings Background Paper (2010) which forms part of Merton's Local Development Framework, as an evidence base in support of the Design Policy outlined in the Core Strategy. This states that in Wimbledon Town Centre, tall buildings should contribute to creating a consistent scale of development based on a range of similar but not uniform building heights. These should be determined by reference to surrounding building heights and townscape characteristics.
- 7.2.5 Wimbledon is the borough's largest town centre, identified as a major centre in the London Plan. The centre has the highest level of public transport accessibility in the borough and this makes the centre a sustainable location for a tall building.
- 7.2.6 The design and massing of the proposal has been developed with the benefit of input from both Design Review Panel (DRP) and the Council's Future Merton Urban Design section. DRP reviewed an eight storey scheme at pre-application stage and were generally supportive of the architectural approach but felt that the setbacks needed simplification and possibly the top storey removed. They suggested measures to avoid making the street feel too narrow and canyonlike including careful attention to the positioning of the eaves levels for the main building – such as setting back the 6<sup>th</sup> storey and removal of the eighth storey.
- 7.2.7 The Council's Urban Design Officer assessed the current application when it was originally submitted. They considered that the overall height of the building was not unacceptable per se and were supportive of the architectural approach and detailing of the proposal. They noted that the proposed building was certainly lower in height and more refined in scale and rhythm than Wimbledon Bridge House and Pinnacle House opposite. They further noted that the buildings opposite occupy an entire urban block each and read as

single entities in their own space and that the application site is more complex as it is a mid-terrace building and has to both address Hartfield Road (which they considered it to do successfully) but also has to act as a transition between the larger format buildings on Hartfield Road and the lower scale buildings and conservation area to the rear (the Broadway). Although they felt that the proposal dealt with this transition reasonably well, they advised that the upper level set backs, upper level massing and the plant area would benefit from some refinement to create a singular element in the skyline. They further considered that the massing of the upper floors on the Hartfield Road elevations (which as originally submitted were weighted towards the east of the site towards Morrisons) would be improved by rebalancing and reconfiguring the mass of the glazed side elements to follow the topography and rise up the hill approaching Wimbledon Bridge. They considered that this would also help improve the rear views from the conservation area, by moving some of the mass out of the sightlines of Queens Road. In addition, they requested that the upper floors should be revised so as to not overhang the public highway to avoid visually narrowing Hartfield Road.

- 7.2.7 In response to comments from the Design and Review Panel received at pre-application discussions, the Council's Urban Design Officer following the original submission of the current application and the consultation responses, some significant changes have been made to the proposal.
- 7.2.8 DRP suggested removal of the 8<sup>th</sup> floor ( and setting back of the 6<sup>th</sup> floor at eaves to reduce perceptions of height within the street scene. The eighth floor was removed prior to the formal planning application submission and the building is set back not just at 6<sup>th</sup> floor but at 5<sup>th</sup> floor eaves level.
- 7.2.9 The massing has been refined to rebalance the building with the height of the side elements now rising with the topography of the hill. The front façade has been set back so that the brick element does not over-sail the public footpath. Careful consideration has also been given to the street width to perceived building height ratio so that the street does not feel too narrow and canyon-like at this point, with the fifth floor and the floor above both set back approx. 1.5m from the solid brick facade and of a lightweight glazed construction. The eaves height has a very strong influence on perceptions of height within the street and this revision combined with contrast between solid brickwork and glazing assists in making the height transition acceptable. The roof form and palette of materials on the rear elevation has been simplified in response to officer concerns.
- 7.2.8 Whilst the proposed seven storey building would be considered a tall building in the context of the Borough of Merton, it will be lower than Wimbledon Bridge House and the soon to be extended Pinnacle House (the proposed building is also lower than the existing Pinnacle House), which are located immediately to the south and west of the application site on the opposite side of Hartfield Road. For example, Pinnacle House will have a maximum height of 34m once its extension has been completed, which is 6.9m higher than the maximum height of the proposed building. Although the building is higher than other buildings on this side of Hartfield Road, and buildings immediately

behind the site fronting The Broadway, it is considered that the building still respects its surrounding context with the rear and sides of the building stepping down so that it better integrates with these buildings in terms of its scale and massing. The distinctive glass volumes on either side of the building also work as a very effective link between the adjoining buildings and the main brick façade with the dark colour of the curtain walling emphasises this transition.

7.2.7 It is considered that the proposed building would be of a high quality featuring a glazed ground floor façade, brick walls, and brass finish detailing to create visual interest. The Council's urban designer commented that the deep angled and recessed brick façade on Hartfield Road emphasises the windows and brings a strong rhythm depth and quality to the scheme. The use of brick as the principal material adds a sense of permanence and gravitas to the scheme that other forms of cladding will not achieve. The brick and metal elements also pick up on the local vernacular, in a contemporary way, whilst the choice of slim linear brick is a welcome, modern addition to Wimbledon's repertoire. The applicant has also confirmed that the colouring of the brick will now be closer to yellow London Stock so that it will weather better and 'bed-in' more successfully in the street scene.

7.2.8 The entrance to the hotel is welcoming and clearly defined with the double height lobby comprising brass portal cladding on its external elevation. The ground floor would have an active frontage connecting the outside with the inside through the use of large glass panes and as such would significantly improve the vitality and viability of this part of Hartfield Road which currently has a rather hostile street environment. To stop this from being eroded a condition will be attached preventing advertising from being applied directly to the inside or outside faces of the ground and first floor windows. The proposal to add street trees to the pavement outside the front of the building would further enhance its appearance. Overall, it is considered that the building is an imaginative and contemporary design and as such will contribute positively to the Hartfield Road street scene, its wider setting and would preserve the character and appearance of the Merton (South Park Gardens) conservation area.

#### **7.4 Residential Amenity**

7.4.1 Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that proposals for development will be required to ensure provision of appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy, to both proposed and adjoining buildings and gardens. Development should also protect new and existing development from visual intrusion.

7.4.2 Self-contained residential flats are located above commercial units to the north of the application site at Nos. 4-6 & 8-10 Hartfield Road and No.11 The Broadway. The applicant has submitted a daylight and sunlight report which assesses the impact of the proposed development on its surroundings with regards to daylight and sunlight availability to habitable rooms. The Vertical



Sky Component (VSC) is a measure of the skylight reaching a point from an overcast sky. It is important to note that the VSC is a simple geometrical calculation which provides an early indication of the potential for daylight/sunlight entering the space. It does not assess or quantify the actual daylight levels inside the rooms. In this instance, the close juxtaposition of buildings also requires a more detailed approach and therefore the Average Daylight Factor (ADF) is also calculated. This provides a far more comprehensive review of daylight and is judged against the room's use. The British Standard sets the minimum diffuse daylight levels that should be available to the main habitable room windows, such as bedrooms, living rooms and kitchens. The following minimum average daylight factors should be achieved in the main habitable room: 1% in bedrooms, 1.5% in living rooms and 2% in kitchens.

- 7.4.3 No.8-10 Hartfield Road which immediately abuts the northwest flank wall of the proposed hotel is a four-storey building with residential flats on its first, second and third floors. The floor plans from the Councils planning records show the living rooms and bedrooms being located at the front and these rooms would not be impacted by the development. The development would not achieve the minimum average daylight factor (ADF) to the second and third floor kitchen windows at the rear however this would not warrant a refusal of the application given the reductions are small and these kitchen windows currently don't meet the minimum average daylight factors. Given the rear windows face northeast it not considered that the levels of sunlight will be affected.
- 7.4.4 No.4-6 Hartfield Road comprises a total of six flats located at first, second and third floor levels. Bedroom windows are located at the rear of the building. The VSC reduction to the bedrooms of three of the flats would comply with BRE guidelines. With regards to the three other flats the bedroom windows would experience appreciable proportional reductions in VSC and would not achieve the minimum ADF. However, it is considered that this would not warrant a refusal of the application given that bedrooms are less important as they are mainly occupied at night time and this is an urban location where more dense forms of development is focused. The living rooms in which most activity takes place are also located at the front of this building and they would not be impacted by the development. With regards to sunlight, a total of four first floor windows would receive some winter sunlight loss but this is considered to be less important than annual sunlight of which these properties will continue to receive very good sunlight levels after the development.
- 7.4.5 No.11 The Broadway features three flats on the first, second and third floors. Bedrooms are located at the front of the building and these would not be impacted by the development. Living/dining room windows face the development however these are recessed and are already impacted by the flank walls of nearby development. Nevertheless, all these windows will still achieve the minimum BRE VSC requirement. In terms of sunlight, the development would fully comply with BRE guidelines and the properties will continue to receive very good levels of sunlight after the development.

7.4.6 The application site is located in Wimbledon Town Centre. Given the dense surrounding urban environment it is considered that the proposal would not be visually intrusive or overbearing when viewed from surrounding residential properties. No.11 The Broadway would feature flats that have living/dining rooms that face the proposed development however it is considered that the impact on these flats would be acceptable given the windows of these rooms are located approx. 31m from the development and are recessed far back behind the rear wall of the projecting wing of this building. It is also considered that a number of these windows are already severely impacted by the flank wall of No.15 The Broadway. With regards to Nos. 4-6 and 8-10 Hartfield Road it should be noted that all living room windows in these flats will not be affected by the proposal.

## **7.5 Parking and Traffic**

7.5.1 Policy 6.1 of the London Plan (2015) supports development which generates high levels of trips at locations with high levels of public transport accessibility and improves the capacity and accessibility of public transport, walking and cycling. Policy 6.13 states that in locations with high public transport accessibility, car free developments should be promoted and that for hotels, on-site provision should be limited to operational needs, parking for the disabled people and that required for taxis, coaches and deliveries/servicing. At a local level Policy CS.18 promotes active transport and encourages design that provides attractive, safe, covered cycle storage, cycle parking and other facilities (such as showers, bike cages and lockers). In addition, Policy CS.20 requires developments to incorporate safe access to and from the public highway as well as on-site parking and manoeuvring for emergency vehicles, refuse storage and collections, and for service and delivery vehicles.

7.5.2 The applicant has submitted a transport statement and Travel Plan with the application demonstrating that the transport impacts associated with the proposals can be accommodated within the surrounding transport network. No.12 Hartfield Road is well connected and has excellent public transport links (PTAL rating of 6b). The site is served by rail services from Wimbledon station and a number of bus services run along Hartfield Road. The proposal does not include any car parking, including disabled car parking, for employees or customers; however this is considered acceptable given the sites highly accessible location. The applicant would be required to enter into a S106 agreement requiring that the site is permit free restricting any employees or staff from applying for a business parking permit.

7.5.3 Resident's concerns regarding the cumulative impact of having both this development and Pinnacle House (17-25 Hartfield Road), which is located opposite being constructed at the same time have been noted. Works on Pinnacle House are likely to be completed in the first half of 2017, which means there is likely to be little overlap, if any between this development and the Pinnacle House development. Nevertheless, the condition requiring the submission of a construction and logistics plan will require the applicant submits details regarding how construction will be managed, to limit any

impact on surrounding residential properties in the event of the construction of both developments overlapping.

- 7.5.3 A service road, which would have separate entrance and exit points would allow for taxi drop offs at the rear of the hotel, which means cars would not have to stop on Hartfield Road impeding traffic flow. In terms of coach access, the transport statement states that the prospective occupier of the hotel development does not have any requirements for coach drop off. The prospective occupier does not have any coach business and does not encourage arrivals by coach. Therefore coach access at this site is considered to be unlikely. Nevertheless, if coach access is required it is proposed that a coach would use the existing layby located approximately 30m to the east of the site along Hartfield Road to drop off and pick up passengers, which is considered acceptable.
- 7.5.4 It is considered that locating 8 long stay cycle spaces at the rear of the building and 4 short stay spaces at the front is acceptable and would comply with London Plan and local planning policies. With regards to the short stay cycle spaces the applicant will be required to enter into a S278 agreement for the reconstruction of the public realm and highway frontage on Hartfield Road.
- 7.5.4 The pedestrian crossing facilities at Hartfield Road/Hartfield Crescent junction require upgrading to accommodate the increased number of pedestrians using the crossing at the site as a result of the development. The Council's Transport planning department have assessed the proposal and have advised that a financial contribution of £25,000 should be sought to upgrade the crossing facilities in the immediate vicinity of the development through the upgrade of traffic signals enabling the installation of pedestrian countdown facilities and review of pedestrian guard railing and tactile paving. In addition, given the increasing densification of Wimbledon Town Centre there will be increasing pedestrian footfalls in the area and as such the council will seek to maintain available pedestrian footway widths wherever possible. As such the council will also seek to adopt the full footway outside the hotel including the area shown as private forecourt on the ground floor plans through a S278 agreement. This would ensure that this area is not enclosed at a later date.
- 7.5.5 In terms of loading and servicing, it is proposed that the hotel would have a single loading bay at the rear, which would be accessed by the access road. The swept path analysis and the fact that the access road is one way means that this provision is acceptable and would enable the hotel to be safely serviced without any negative impacts on the road network, traffic flows and pedestrian/cyclist safety. A Delivery and Servicing Plan would be secured by condition. A Construction Logistics Plan would also be secured by condition with a requirement that this is approved prior to commencement of works.

## **7.6 Sustainability and Energy**

- 7.6.1 The BREEAM design stage assessment provided by the applicant indicates that the development should achieve an overall score of 60%, which meets the minimum requirements to achieve BREEAM 'Very Good' in accordance

with Merton's Core Planning Strategy Policy CS15 and Policy 5.2 of the London Plan 2015.

- 7.6.2 The development will achieve an Energy Performance Ratio of a 34% reduction in CO2 emissions arising from regulated building emissions. This falls just short of 35% required by Merton's Core Planning Strategy Policy CS15 and Policy 5.2 of the London Plan 2015. The Council's Climate Change Officer has assessed the application and considers that whilst the development falls just short of the emissions reductions target the energy strategy is sound and that sufficient carbon savings have been achieved through the incorporation of on-site CHP and renewables. Alternative suggestions for achieving the emissions shortfall have been discussed with the applicant but no satisfactory solutions could be identified at this stage. In this instance, given all the potential on-site emissions reduction opportunities have been explored a cash in lieu (S106) payment can be used to offset the emissions shortfall. Based on London Plan Policy 5.2 and Mayors Sustainable Design and Construction SPG the method for calculating the S106 contributions for carbon offsets this is calculated at £5,760.

## **7.7 Drainage**

- 7.7.1 The Drainage Strategy proposes to attenuate surface water flows by storage on a 'green/blue roof' on the 6<sup>th</sup> floor of the development in order to reduce the total volume and peak rate of surface water runoff from the roof through a combination of attenuation within the substrate and evapo-transpiration. This has been calculated to provide 23m<sup>3</sup> of attenuation and restrict runoff from the sixth floor roof level to 5 l/s. This takes into account a 40% increase in rainfall intensity for climate change, which is in accordance with the new allowances published by DCLG. Due to the potential risk of failure with a green blue roof drainage membrane it is advised that regular inspection and maintenance is undertaken and a strategy included with the pre-commencement details required should approval be granted.
- 7.7.2 In general, the drainage strategy does not include detailed drainage layout drawings or proposed technical make-up of the green/blue roof, nor does it show pipe layout arrangements which ideally is required upfront as part of a major application however, this information can be subject to condition. It is recommended that an appropriate CCTV survey is undertaken prior to development commencement to confirm the existing connections and condition of the sewer network.

## **8. ENVIRONMENTAL IMPACT ASSESSMENT**

- 8.2 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of EIA submission.

## **9. LOCAL FINANCIAL CONSIDERATIONS**

- 9.1 The proposal would result in a net gain in gross floor space and as such will be liable to pay a Community Infrastructure Levy (CIL). The funds will be

spent on the Crossrail project, with the remainder spent on strategic infrastructure and neighbourhood projects.

## **10. CONCLUSION**

- 10.1 No. 12 Hartfield Road is located in Wimbledon town centre and has excellent transport links (PTAL rating of 6b), which means it is a highly suitable location for a Hotel development. It is considered that the proposed building will respect its context in terms of its height, scale and massing and would be a high quality design, which responds well to its context. It is also considered that the proposal would not have an unacceptable impact on the amenity of occupiers of surrounding residential properties or the surrounding transport network given its sustainable location.

## **RECOMMENDATION**

**GRANT PLANNING PERMISSION subject to the completion of a S106 agreement covering the following heads of terms:**

- 1) Carbon emissions offset contribution (£5,760)
- 2) Upgrade of pedestrian crossing facilities (£25,000)
- 3) S278 agreement to be entered into for Short stay cycle parking facilities and adoption of whole of footway at front of hotel
- 4) Permit free
- 5) Paying the Council's legal and professional costs in drafting, completing and monitoring the legal agreement.

**And subject to the following conditions:**

1. A.1 (Commencement of Development)
2. A.7 (Approved plans)
3. B.1 (External Materials to be Approved)
4. C.7 (Refuse and Recycling (Implementation))
5. C.8 (No use of flat roof)
6. D.10 (External lighting)
7. D.11 (Construction Times)
8. H.6 (Cycle Parking – Details to be submitted)

9. H.7 (Cycle Parking to be implemented)
10. H.8 (Travel Plan)
11. H.9 (Construction Vehicles Traffic Management Plan)
12. H.12 (Delivery and Services Plan to be submitted)
13. H.13 (Construction Logistics Plan to be submitted)
14. L.7 (BREEAM – Pre-Occupation (New build non-residential))
15. Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be used or occupied until evidence has been submitted to the council that the developer has uploaded the appropriate information pertaining to the sites Combined Heat and Power (CHP) system has been uploaded onto the London Heat Map (<http://www.londonheatmap.org.uk/>)

Reason: To ensure that the development contributes to the London Plan targets for decentralised energy production and district heating planning. Development Plan policies for Merton: policy 5.2 and 5.5 of the London Plan 2015 and policy CS15 of Merton's Core Planning Strategy 2011.

16. No development shall commence until the applicant submits to, and has secured written approval from, the Local Planning Authority on evidence demonstrating that the development has been designed to enable connection of the site to an existing or future district heating network, in accordance with the Technical Standards of the London Heat Network Manual (2014).

Reason: To demonstrate that the site heat network has been designed to link all building uses on site (domestic and non-domestic) and to demonstrate that sufficient space has been allocated in the plant room for future connection to wider district heating in accordance with London Plan policies 5.5 and 5.6.

17. Notwithstanding the provisions of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, no advertising shall be applied directly to the inside or outside faces of the ground and first floor windows.

Reason: To ensure a satisfactory appearance of the development and to comply with policy DM D5 of the Adopted Sites and Policies Plan and Policies Maps (July 2014).

18. No external windows and doors shall be installed until detailed drawings at 1:20 scale of all external windows and doors including materials, set back within the opening, finishes and method of opening have been submitted to and approved by the local planning authority. Only the approved details shall be used in the development hereby permitted.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

19. The plant and machinery shown on the approved plans shall not be installed unless or until details of sound insulation/attenuation measures have been submitted to and approved by the local planning authority which ensure that any noise from the plant and machinery (expressed as the equivalent continuous sound level) LAeq (10 minutes), from shall not exceed LA90-10dB at the boundary with the closest residential property. The plant shall be installed in strict accordance with the approved sound insulation/attenuation measures prior to first occupation of any of the residential units hereby approved and shall thereafter be retained. No plant other than that shown on the approved plans shall be installed without the prior written approval of the local planning authority.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

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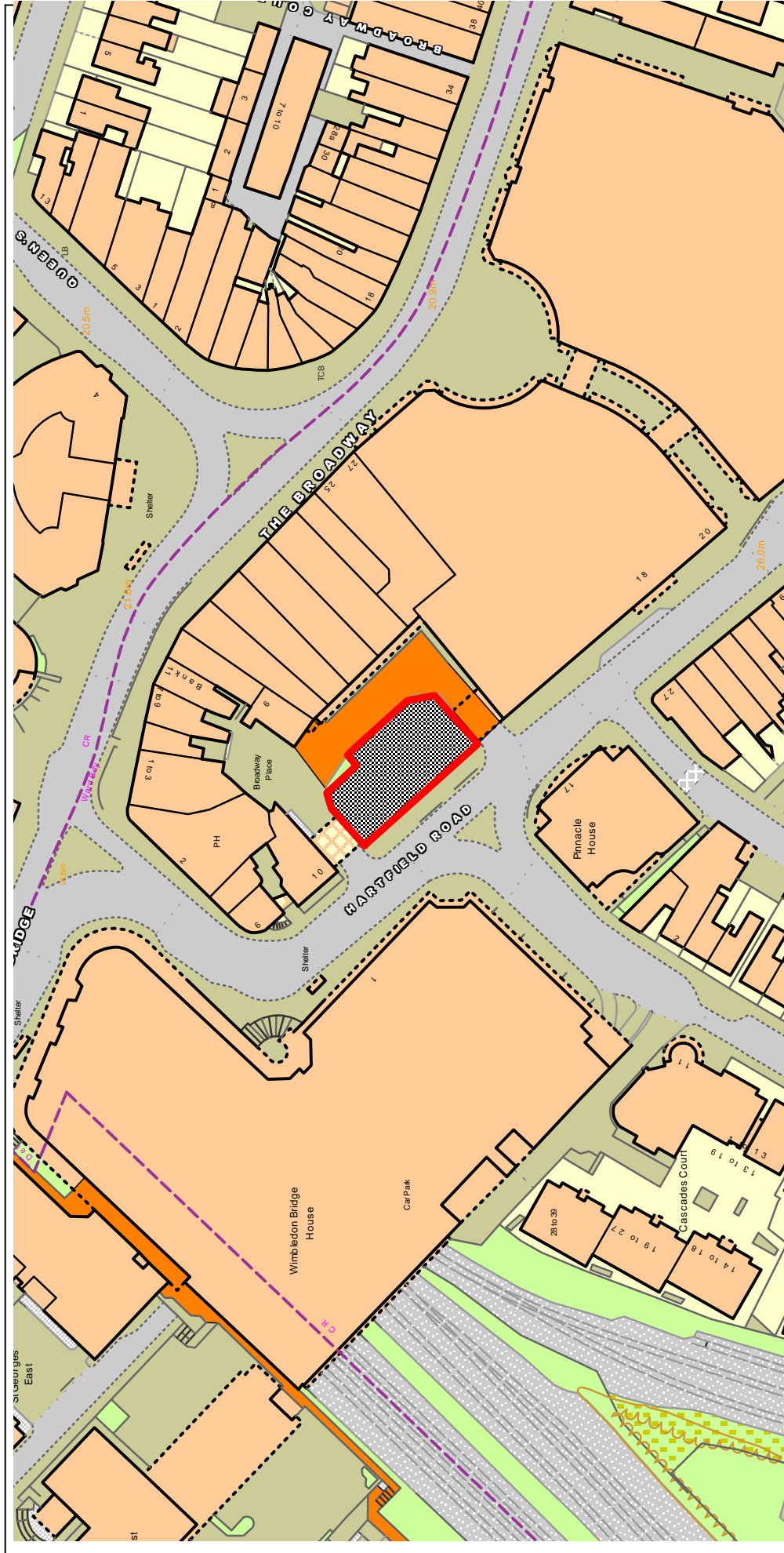
To view Plans, drawings and documents relating to the application please follow [this link](#)

Please note that this link, and some of the related plans, may be slow to load

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# NORTHGATE SE GIS Print Template



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**PLANNING APPLICATIONS COMMITTEE**  
**14<sup>th</sup> JULY 2016**

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	15/P4083	09/12/2015

**Address/Site:** Southey Bowling Club, 559 & 557 Kingston Road, Raynes Park SW20 8SF

**Ward:** Dundonald

**Proposal:** Demolition of existing buildings and redevelopment of site with erection of 9 x houses (3 x 2-bed dwellings & 6 x 4-bed dwellings) with new shared pedestrian and vehicular access from Kingston Road, erection of a new bowls club building and associated facilities, including a new changing room building and relocation of groundman's store using existing access to Lower Downs Road.

**Drawing No.'s:** 'Site Location Plan PL-21', 'Site Plan Bowls Club PL-01 Rev C', 'Proposed Ground Floor PL-02', 'Proposed First Floor Plan PL-03', 'Proposed Elevations PL-04 Rev B', 'Proposed Elevations PL-05 Rev B', 'Proposed Changing Rooms PL-06', 'Entrance Road Club PL-07', 'Site Section PL-08 Rev A', 'Entrance Road Residential PL-08 Rev A', '557 Kingston Road Proposed PL-11 Rev A', 'Site Plan Residential PL-12 Rev C', 'Plans Plots 1 & 2 PL-13 Rev A', 'Elevations Plots 1 & 2 PL-14 Rev B', 'Ground Floor Plots 3 to 9 PL-15 Rev B', 'First Floor Plots 3 to 9 PL-16 Rev B', 'Second Floor Plots 3 to 9 PL-17 Rev B', 'Front Elevations 3 to 9 PL-18 Rev C', 'Rear and Side Elevations 3 to 9 PL-19 Rev C', 'Site Plan PL-20 Rev D', 'Site Location Plan PL-21'

**Contact Officer:** Felicity Cox (020 8545 3119)

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**RECOMMENDATION**

**Subject to any resolution at Full Council on 13th July pertaining to the issue of affordable housing contributions, grant permission subject to a S106 obligation/ Unilateral Undertaking and conditions.**

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## **CHECKLIST INFORMATION**

- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 96
- External consultations: 0
- Controlled Parking Zone: Yes

### **1. INTRODUCTION**

- 1.1 This application is being brought to the Planning Applications Committee due to the level of public interest in the proposal.

### **2. SITE AND SURROUNDINGS**

- 2.1 The application site is backland plot (5,600 square metres) that is located to the rear of houses fronting Kingston Road, Abbott Avenue and Lower Downs Road. Vehicular access to the site is currently via a driveway from Lower Downs Road. Pedestrian access to the site is also available via a pedestrian/bicycle path that links Abbott Avenue and Kingston Road.
- 2.2 The site is currently used by the Southey Bowling Club and includes a bowling green and multiple club buildings that are single storey in scale. Excluding the bowling green, the majority of the site is hardstanding and buildings, with some scattered trees which are not covered by a Tree Preservation Order. The existing clubhouse building (211 square metres gross internal space) is located at the western apex of the site, backing onto the path and has a licensed bar. The Club currently has approximately 160 Members (around 60 being playing Members). Other timber changing room/pavilion buildings surround the bowling green, located at the eastern end of the site. A maintenance store and water reservoir are also located at that end of the site. A car parking area for approximately 30 cars is located in the middle of the site.
- 2.3 The site also includes the dwelling at 557 Kingston Road, which abuts the pedestrian/bicycle path and has a frontage to Kingston Road along its southern boundary. The site is currently used for multiple letting, however was once used as a doctor's residence, whereby a three storey side extension was built to provide the surgery practice accommodation. This three storey extension is quite at odds with the host dwelling and does not make a positive impact on the streetscene due to its scale and design.
- 2.4 The application site is not in a conservation area. The site is located in a controlled parking zone. The PTAL for the site varies from 4 on the Kingston Road frontage to 2 where dwellings, the subject of this application, are to be built.

- 2.5 The bowling green is the only part of the site designated as open space under the Sites and Policies plan. The entire site is designated in the Merton Sites and Policies Plan 2014 as 'Site Proposal 74'. The site proposal identifies the site for potential residential development however safeguards the bowling green stating that there should be no loss of sporting facilities for which there is demand.
- 2.6 The adjoining built form is wholly Edwardian terrace residences, two storeys in scale. Many of these dwellings have converted their lofts with roof dormers to create additional living accommodation within the roofspace.
- 3. CURRENT PROPOSAL**
- 3.1 The current proposal is to construct a new clubhouse building at the western end of the site adjacent to the existing bowling green. The clubhouse building in the eastern part of the site will be demolished to allow for nine new dwellings to be constructed, comprising 3 x 2-bed dwellings & 6 x 4-bed dwellings.
- 3.2 The bowling green will remain undisturbed and continue to be used between April to September during daylight hours. A new, single storey changing room pavilion is also proposed in the northern corner of the site. The intended hours of operation for the new clubhouse are 11am to 11pm Monday to Saturday and 12pm to 10:30pm on Sunday.
- 3.3 A new, two storey 340.5m<sup>2</sup> clubhouse is proposed adjacent to the southern side of the bowling green. The clubhouse will be served by 19 car parking spaces laid in tarmac and a further overflow area of 14 spaces laid in grasscrete. The upper floor will have access to a balcony overlooking the bowling green. In addition to internal stairs and lift, an external staircase will also lead down from the balcony and be positioned on its south-western side. Accommodation within the clubhouse will include (Ground floor) lounge bar, cellar, Store room, kitchen and sanitary accommodation; (First floor) function room with bar, sanitary accommodation, store room and balcony.
- 3.4 The clubhouse will be constructed from red brick with rendered feature panels and glass balustrades, and will have grey, profile metal sheeting to the new roof. It is noted that the eastern and western wings of the clubhouse building will have a flat roof, whilst the main body of the clubhouse will feature a hipped roof. The building will have an eaves height of 4.9m (this is also the maximum height of the eastern and western wings) and a peak roof height of 6.7m above ground level.
- 3.5 The changing room building will also be constructed from red face brick and metal roof sheeting, and will feature a monopitch roof that slopes down towards the rear boundary of the residential properties fronting Lower Downs Road. The building will have an eaves height of 2.4 metres and maximum roof height of 3.2 metres. No openings are proposed to the rear (eastern) or side elevations, with the only opening being the entrance door which will front the bowling green.

- 3.6 The redevelopment of the site involves the removal of several outbuildings used by Southey Bowling Club. One pre-fabricated garage is proposed to be taken apart and reassembled/relocated to the northern corner of the site, by the water tank and behind the new changing room building. Its appearance will not alter. This building is used by the groundsman looking after the bowling green.
- 3.7 The Bowling Club will continue to be serviced via the existing access lane from Lower Downs Road. The layout allows for larger mini-buses and refuse vehicles to enter that part of the site, turn and leave in a forward gear.
- 3.8 In terms of the new residential development, a total of 9 houses are proposed (2 semi-detached and 7 arranged in two terraced blocks), served by 16 car parking spaces. The proposal will have a density of 43 dwellings per hectare, or almost 227 habitable rooms per hectare (hr/h). Each dwelling has been provided with private garden space of 50m<sup>2</sup> or greater. Single storey detached stores will be provided in each back garden to allow for the secure storage of at least 2 bicycles/dwelling.
- 3.9 The end dwellings closest to the rear boundaries of dwellings fronting Abbott Avenue and Kingston Road are proposed dwellings No. 2, 3 and 9. These dwellings are two storeys in height with a hipped roof, and will have an eaves height of 4.8m and ridge height of 7m. Proposed dwellings no. 1 and 4-8 will increase in height to accommodate an additional storey within gabled roofs, with a proposed eave height of 5.9m and ridge height of 8.45m.
- 3.10 The new dwellings will be finished with red brick face (different to that used for the clubhouse), with feature bricks used for soldier courses/cills and the roofs clad with plain grey clay roofing tiles.
- 3.11 No 557 Kingston Road will be retained in residential use as a 3 bedroom dwelling house. The three storey side extension is proposed to be demolished and the side elevation made good.
- 3.12 Access to the new dwellings will be via a new access from Kingston Road which will be formed by demolishing the three storey extension at No. 557 Kingston Road. The access will incorporate the existing pedestrian/cycle path, creating a single shared pedestrian and vehicular access from Kingston Road whilst maintaining through access for pedestrians/bicycles to Abbott Avenue. The layout separates the residential and the bowls club land uses, and does not provide for through access from Lower Downs Road through to Kingston Road.

#### **4. PLANNING HISTORY**

- 4.1 The site has the following relevant planning history relevant to this application:

09/P0328 - ERECTION WITHIN CLUB GROUNDS OF A MARQUEE, SIZE 10 METRES x 4 METRES x 3 METRES HIGH – Grant permission subject to

conditions

02/P0859 - ERECTION OF SINGLE STOREY MALE AND FEMALE CHANGING ROOMS - Grant Permission subject to Conditions

93/P0179 - ERECTION OF SINGLE STOREY DETACHED TOILET BLOCK - Grant permission subject to conditions

MER443/68 - SINGLE STOREY EXTENSION - Grant permission subject to conditions.

WIM6979 - ERECTION OF AN INDOOR BOWLING RINK, LOCKER, BUFFET AND TOILET ACCOMODATION – Grant permission subject to conditions

## **5. CONSULTATION**

5.1 96 neighbouring properties were consulted by letters and a site notice was displayed.

5.2 Twenty-eight objections were received from local residents raising concerns relating to:

- Proposal is contributing to overdevelopment of new residential development in the area
- Loss of light and loss of views from new buildings;
- Consultation period run over December, disadvantaging residents from submitting due to holiday period;
- New housing will damage the historic elements of the Southey Bowling Club which is providing jobs and entertainment for local residents;
- Adverse impact on house prices;
- Moving and enlarging the clubhouse will increase noise and disturbance, particularly due to increased functions and larger facility;
- Loss of privacy and overlooking from clubhouse balcony;
- Overshadowing and loss of daylight/sunlight from clubhouse;
- Clubhouse is overbearing and out of scale in comparison with existing buildings in the Southey Bowling Club;
- Clubhouse is too close to surrounding residential properties and will be visually overbearing;
- Negative impact on character of the area by diminishing the visibility of the green spaces and 'openness' of the bowling club;
- Increased security issues due to increased use of car parking area associated with bowls club facility and potential unsocial behaviour;
- Issues of road safety at the access point along Lower Downs Road;
- Deeds of the bowling club restrict how the grounds can be used;
- Detrimental impact on bat species in the area;
- Would result in loss of conifer trees;
- Insufficient parking spaces provided for the bowls club which will lead to overspill parking on Lower Downs Road and surrounding streets;
- Conditions requested to restrict ability of function rooms being rented to

third parties, restrict hours of liquor licence and restrict social activity in the club house to only summer months;

- Construction works will cause disruption and noise to residents, including traffic controls during construction;
- Pedestrian alleyways at rear of adjoining properties owned by individual freeholders and alterations to boundary fencing should be discussed with individual freeholders;
- Three storey height is overly large and bulky and will lead to overlooking;
- No provision of affordable housing;
- Light pollution from new lighting
- Standard hours of construction requested;
- Insufficient social services to accommodate additional residents, including schools, surgeries, open spaces etc.
- Lack of consultation from developers with neighbours;
- Proposed new access road from Kingston Road inadequate and will put pedestrian safety at risk by overrunning existing pedestrian path;
- Existing pedestrian/bicycle cutway is a public footpath and not owned by the applicant;
- Parking permits should not be available to incoming residents so to prevent additional parking stress from development;
- Relocated club changing rooms are too close to back gardens and will increase noise due to members congregating.

5.3 Re-consultation was undertaken following submission of revised plans. In addition to the comments above, objectors raised the following additional concerns:

- Location of clubhouse bin store will affect neighbour amenity due to odours, noise during collection and the visual impact from the store walls;
- Parking survey inadequate due to days and time of day it was undertaken;
- Amended access to Kingston Road unsafe for pedestrians and should be a separate vehicle and pedestrian access way provided
- Will disrupt in residents right to quiet enjoyment of their property.

## **6. POLICY CONTEXT**

6.1 NPPF - National Planning Policy Framework (2012):  
Part 6 Delivering a wide choice of high quality homes.  
Part 7 Requiring Good Design.

6.2 London Plan Consolidated (2015).  
3.3 Increasing housing supply;  
3.4 Optimising housing potential;  
3.5 Quality and design of housing developments.  
5.3 Sustainable design and construction.  
6.9 Cycling



7.4 Local character  
7.6 Architecture  
London Housing Supplementary Planning Guidance 2016

- 6.3 Merton Sites and Policies Plan (July 2014).  
DM O1 Open Space  
DM D2 Design considerations in all developments  
DM T3 Parking
- 6.4 Merton Core Strategy (2011).  
CS 4 Raynes Park Sub-Area  
CS 8 Housing choice;  
CS 9 Housing provision;  
CS 13 Open space, nature conservation, leisure and culture  
CS 14 Design;  
CS 15 Climate change;  
CS 18 Active transport;  
CS 20 Parking, servicing and delivery.
- 6.5 Supplementary Planning Guidance:  
Merton Council Supplementary Planning Guidance – New Residential Development (1999)

## **7. PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations include assessing the principle of development, the impact on designated open space, the need for additional housing and housing mix, design and appearance of the proposed buildings, the standard of the residential accommodation, the impact on residential amenity and impact on car parking and traffic generation.

### Principle of Development

- 7.2 The Sites and Policies Plan 'Site Proposal 74' allocates the use of the site for bowls club, residential and open space. The application proposes new residential development in the western section of the site, and retains and enhances the bowling green open space and bowls club facility in the eastern section of the site. The proposed use is therefore in line with the allocated use of the site under the Sites and Policies Plan and therefore the principle of the redevelopment of the site for residential purposes and an improved bowling club is considered acceptable.

### Open Space & Leisure

- 7.3 Core Planning Strategy CS13 and Policy DM O1 of the Merton Sites and Policies Plan 2014 seeks to protect and enhance open space and to improve access to open space. Policy CS13 seeks to safeguard the existing viable cultural, recreational and sporting facilities, and supports proposals for new and improved facilities. Policy DM 01 states that open space should not be built on and any development proposals within designated open spaces should be respectful of the character, appearance and function of the open space.

7.4 The only part of the site designated as open space is the bowling green, on which development is not proposed. The new clubhouse and ancillary buildings to be located around the green will provide for an improved bowling club facility that will create additional social and recreational opportunities in accordance with Policy CS13.

7.5 The proposal is considered to be a of suitable design that would not harm the amenity of neighbours and maintains the visual amenity of the bowling green by being of an appropriate scale, height and massing. The new residential buildings are also of a complementary scale, and have been sited sufficient distance from the bowling green to ensure the visual amenities and character of the open space are maintained. The proposal is therefore considered to comply with Policy CS13 and DM 01.

#### Need for Additional Housing and Housing Mix

7.6 Core Planning Strategy Policy CS9 encourages the development of additional dwellings within residential areas in order to meet the London Plan target of 42,389 additional homes per year from 2015-2036 (Merton - 411 per year). The National Planning Policy Framework 2012 and London Plan policies 3.3 & 3.5 promote sustainable development that encourages the development of additional dwellings locations with good public transport accessibility.

7.7 The section of the site where the new dwellings are proposed has a PTAL ranging from 2 to 4 (1 being the lowest and 6 being the highest) which is considered to be good and is surrounded by residential development. The current proposal would help provide a mix of dwelling types within the local area and would make a contribution to housing targets in an area of good public transport accessibility, and therefore is in accordance with Policy CS9.

#### Character and Appearance

7.8 London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3 require well designed proposals that will respect the appearance, materials, scale, bulk, proportions and character of the original building and their surroundings.

7.9 Policy CS 4 of the Core Strategy requires that development respect local character and amenity in the surrounding residential neighbourhoods of Raynes Park. Core Planning Strategy CS18 of the Core Strategy states that residential development should achieve appropriate densities on a site-by-site basis having regard to the London Plan density matrix and the design requirements of Core Planning Strategy CS 14. Policy CS 4 defines the character of the residential neighbourhoods surrounding the town centre of Raynes Park, in which the subject site is located, as being suburban in nature.

7.10 The new residential dwellings are considered to complement the character, scale, design and massing of the surrounding two storey terrace dwellings. The density of the proposal complies with the suggested density allowances for Suburban Settings detailed within Table 3.2 Density matrix of the London Housing SPG for Suburban settings for sites with a PTAL between 2 to 3 (35 -

65 units/ha). The proposed housing has been designed as semi-detached and terraced housing with gardens to the front and rear of the dwellings that reflects the surrounding suburban character of Raynes Park.

- 7.11 The proposed materials have taken cues from the elevational treatment of surrounding housing, in addition to the use of gabled and hipped roof forms that complements the pitched roofs of surrounding housing. The buildings have achieved an acceptable building massing by stepping down the height of the end houses no. 2, 3 and 9 to be two storeys where the new buildings are closest to the rear gardens of the surrounding residential development.
- 7.12 As shown in the provided sections, the eaves and ridge height of these end dwellings will be a minimum 1.3m and 1.75m respectively below the eaves and ridge heights of the surrounding terrace dwellings. Where the roofline increases in height towards the centre of the site for dwellings no. 1 and 4-8, the ridge of the roof will remain 450mm below the ridge height of the surrounding dwellings. Therefore, the proposed housing is of a commensurate scale and height to the adjoining residential dwellings.
- 7.13 The dwellings with living accommodation proposed within the third storey will accommodate these rooms within the roof of the dwellings, and therefore has a similar appearance to the surrounding terrace dwellings that incorporate living accommodation within the loft space and rear dormers.
- 7.14 The new clubhouse building is two storeys in scale and features a simple modern form with articulated building elements and a hipped roof form. The use of material variation has been proposed to break up perceived the mass of the building as it faces the bowling green and housing to the rear, reinforced by vertical emphasis given to windows.
- 7.15 The proposed scale, massing and appearance of the building is considered to be respectful of the surrounding two storey residential built form. As shown in the provided sections, the eaves and maximum roof height of the clubhouse will respectively be 4m and 2.2m below the ridge height of the surrounding residential dwellings. Similarly, the single storey ancillary shed and changing room facility are considered to be of a moderate scale that is not be visually overbearing on the adjoining dwellings or bowling green.
- 7.16 It is therefore considered that the proposal will not harm the character and appearance of the area in accordance with the above policies.

#### Neighbouring Amenity

- 7.17 SPP policy DMD2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion or noise.
- 7.18 To address concerns raised regarding overshadowing, visual intrusion and loss of daylight and sunlight, the design has been amended to reduce the building height of houses 2, 3 & 9, which will be adjacent to the rear

boundaries of 27-31 and 37-39 Abbott Avenue and 541-545 Kingston Road, to two storeys. The roof profile and consequently the building height of the new clubhouse has also been revised, now proposing a flat roof on the eastern section of the clubhouse closest to residential dwellings at 58-68 Lower Downs Road, and changing the roof over the main body of the clubhouse from an asymmetrical roof to a hipped roof.

- 7.19 The Merton SPG: New Residential Development states that to ensure sufficient daylight, sunlight and outlook, the flank wall of a new development, where it has a height of two storeys, must achieve a distance of 16 metres from the habitable windows of the adjoining dwelling. The amended proposal has achieved this separation distance and has significantly reduced any perceived visual intrusion by reducing the height and building mass of the dwellings closest to the site boundaries. The new clubhouse is also considered to have sufficient separation and be of an appropriate scale to maintain acceptable outlook from adjoining dwellings.
- 7.20 Overshadowing studies have been provided by the applicant. Whilst the shading studies show that there will be some overshadowing from houses 2, 3 & 9 and the clubhouse facility, no more than 50% of the garden area of the adjoining dwellings at 58-68 Lower Downs Road, and 25-31 and 37-39 Abbott Avenue will be prevented from receiving sunshine by the new clubhouse and dwellings on 21<sup>st</sup> March. Sections have also been provided demonstrating that the windows of the nearest habitable rooms of no. 29 & 39 Abbott Avenue, 43 Kingston Road and 62 Lower Downs Road will continue to receive levels of natural light that meet the adopted BRE guidance.
- 7.21 To ensure no loss of privacy, the windows of the dwellings have been oriented to the front and rear of the dwellings. This will direct outlook from the new dwellings towards the bowling club and the new residential car park. The flank elevations which will adjoin the rear garden boundaries of the adjoining dwellings feature minimal windows. The windows proposed on the upper storey flank elevations are to stairwells or bathrooms only, and as such are not considered to result in a loss of privacy into the adjoining dwellings and their gardens.
- 7.22 Similarly, the windows and balcony of the new clubhouse building have been oriented towards the bowling green and southern and western elevations, and is considered to achieve sufficient separation from surrounding residential dwellings to not result in undue overlooking.
- 7.23 Overlooking from houses 1 & 2 into the rear gardens of dwellings to the west of the site (41-55 Abbott Avenue/1-3 Kingston Road) has been addressed by re-orienting these houses to face east (towards the new residential car spaces), thereby increasing the setback of the dwellings from the nearest residential boundaries to the west. It is considered the revised setback and layout will ensure sufficient privacy is maintained to the rear gardens of 41-55 Abbott Avenue/1-3 Kingston Road whilst still allowing for a sufficient degree of passive surveillance over the pedestrian/bicycle path.

7.24 Noise from the new clubhouse building has also been identified as a concern of residents. The intended hours of operation for the new clubhouse are 11am to 11pm Monday to Saturday and 12pm to 10:30pm on Sunday. The applicants have stated the capacity is not expected to increase above the current 160 members and maximum capacity during matches on the bowling green, when other clubs visit to play a match will remain at 56. Whereas some 12-14 social events are currently staged at the clubhouse per year, the Club would like to expand this to 24 as a means of raising revenue to help sustain the club, including to continue to run a monthly coffee morning, with the intention building to a monthly luncheon club for the elderly in the community. The new clubhouse function rooms would be available to the local community to hire.

7.25 It is noted that the new clubhouse facilities will only be a 22m<sup>2</sup> net increase in floor area on the existing clubhouse facility and is not considered to be a substantial expansion to the bowling club but rather allows for improved facilities that better serve the needs of members and the community. Whilst there may be increased social functions on the site, the new building will be appropriately insulated to noise as secured by condition; therefore, it is not considered the proposal would result in an undue impact upon the living conditions of neighbouring properties nor would it result in undue noise intrusion. It is recommended that a condition be applied restricting use of the balcony after 21:00 hours during the bowling season (beginning of April to September) to further ensure the amenities of residents is maintained.

Standard of residential accommodation

7.26 Policy DM D2 and DM D3 of the Site and Polices Plan states that all proposals for residential development should safeguard the residential amenities of future occupiers in terms of providing adequate internal space, a safe layout and access for all users; and provision of adequate amenity space to serve the needs of occupants. Policies CS 8, CS9 and CS14 within the Council's Adopted Core Strategy [2011] states that the Council will require proposals for new homes to be well designed.

7.27 Policy 3.5 of the London Plan 2015 states that housing developments should be of the highest quality internally and externally and should ensure that new development reflects the minimum internal space standards (specified as Gross Internal Areas) as set out in Table 3.3 of the London Plan (Amended March 2016).

7.28 The proposed dwellings all meet the minimum gross internal floor area requirements of the London Plan, as shown in the following table. Both the single and double bedrooms comply with the nationally prescribed Technical Housing Standards.

House No.	Bedroom/Spaces	GIA Proposed (m2)	GIA Required (m2)
House 1	4b, 6p	114.4	112
House 2	2b, 3p	70	70

House 3	2b, 3p	70	70
House 4	4b, 6p	114.4	112
House 5	4b, 6p	113.4	112
House 6	4b, 6p	114.4	112
House 7	4b, 6p	114.4	112
House 8	4b, 6p	114.4	112
House 9	2b, 3p	70	70

7.29 SPP policy DMD2 requires that for all new houses, the Council will seek a minimum of 50 square metres as a single usable regular amenity space. The proposed dwellings have been designed with a minimum private rear garden space of 50m<sup>2</sup> (on average each dwelling will be provided with 56.9m<sup>2</sup>) and therefore comply with this policy.

7.30 It is therefore considered that the proposed dwellings would provide a satisfactory standard of accommodation in accordance with the above policy requirements.

#### Trees

7.31 The proposal involves the retention of nine trees on site and the removal of three conifer trees within the middle of the site (currently enclosed by hardstanding) which are not considered to be of high amenity value. Replacement planting of eight new trees is proposed, to be secured through a landscaping/planting scheme condition. Those trees whose trunk is outside the site but whose canopies overhang the application site will be safeguarded along with the retained trees during construction, which will be secured by condition. Soft landscaping is further proposed to reinforce the distinction between the public and private realms and to enhance the visual amenities of the area.

#### Transport and parking

7.32 Core Strategy policy CS20 requires that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management.

7.33 Sites and Policies Policy DM T3 states that development should only provide the level of car parking required to serve the site taking into account its accessibility by public transport (PTAL) and local circumstances in accordance with London Plan standards unless a clear need can be demonstrated. The PTAL for the site varies from 4 on the Kingston Road frontage to 2 where the residential dwellings are to be built, and is within a parking control zone.

7.34 The residential dwellings will be provided with 16 car parking spaces, inclusive of 4 disabled car spaces and 4 electric car charging spaces. LBM Transport and Highways have commented that the layout and provision of car parking spaces is acceptable and in accordance with London Plan standards. Transport officers have also commented that the new trips generated by the nine new residential dwellings will have an insignificant impact upon the local road and transport network.

- 7.35 Access to the new dwellings will be via a new shared surface space that would extend from Kingston Road to the rear boundary of 557 Kingston Road. The access will incorporate the existing pedestrian/bicycle path that the applicants have advised is 'unregistered'. Transport and Highways officers have advised that with suitable material treatments to clearly identify that vehicular traffic is not dominant and pedestrians should be given priority, the shared access arrangement is acceptable subject to a condition securing provision of final designs. The developer will need to obtain the relevant legal rights to allow vehicular passage over the pedestrian footpath and conversion of it into a shared surface to enable the development to proceed. Transport and Highways officers have further commented that the applicant will need to enter into a s278 agreement with the LBM's Highways Team for the reconstruction and widening of the existing vehicle crossover before the housing development is occupied and this may reasonably be controlled via a condition.
- 7.36 As the site is within a controlled parking zone, the grant of planning permission would be subject to a Section 106 agreement to the effect that the occupiers of the new dwellings and the dwelling at 557 Kingston Road would not be eligible for parking permits. This is to ensure that no additional parking stress results from the proposed development.
- 7.37 The clubhouse will be provided with 19 standard parking bays and 14 overflow bays, inclusive of 4 disabled bays. There are no minimum parking standards for leisure facilities. In response to concerns raised by residents and LBM Transport and Highways, the applicants supplied a parking survey to demonstrate that the level of parking provision would be sufficient.
- 7.38 Transport and Highways officers have reviewed the parking survey and advised that whilst there does appear to be considerable parking stress in some of the roads in the immediate vicinity of the site, this is primarily due to the fact that these roads have no parking controls and are surrounded by roads that do have parking controls so as a result there is displacement and very limited parking availability. This parking stress does not seem to be a result of the bowling club's activities. The parking survey reveals that there is a significant number of available parking spaces in the wider area of the site
- 7.39 LBM Transport and Highways have commented that there is available parking capacity in the surrounding streets to accommodate the limited number of vehicles that might overspill from the car park within the bowling club site on certain special events, and overall the level of parking provision for the facility is acceptable and would not adversely impact on parking stress in the area. The proposal overall is not expected to have a significant impact on the local road or transport network and is therefore considered to comply with the above policies.
- 7.40 It is recommended that a robust parking management strategy and travel plan are conditioned as part of the planning decision, inclusive of monitoring and

review mechanisms that allow the Council to take appropriate measures to manage any parking or congestion issues that might arise from the site.

#### Refuse storage and collection

- 7.41 Policy CS20 of the Core Strategy [July 2011] states that the Council will seek to implement effective traffic management by requiring developers to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway.
- 7.42 The submitted plans have demonstrated that a refuse vehicle will be capable of entering, manoeuvring and exiting the site via the new Kingston Road access to facilitate collection on-site for the new dwellings. A refuse vehicle is also capable of accessing the site from Lower Downs Road to enable collection of bins from the bin store adjacent to the new clubhouse. Transport and Highways have advised that the proposed refuse collection is acceptable.

#### Cycle storage

- 7.43 Core Strategy Policy CS 18 and London Plan policy 6.9 call for proposals that will provide for cycle parking and storage. A new dwelling of two or more bedrooms would be expected to provide a store for at least 2 bicycles.
- 7.44 The proposed plans show each dwelling will be provided with a secure and accessible cycle store within the private rear garden, capable of accommodating 2 bicycles in accordance with the London Plan standards.
- 7.45 The new clubhouse will be provided with 4 Sheffield pattern cycle storage racks. LBM Transport and Highways have advised that the level of cycle parking for both the new dwellings and bowling club is acceptable.

#### Affordable Housing

- 7.50 LDF policy CS.8 seeks the provision of a mix of housing types including affordable housing. Financial contributions towards affordable housing for schemes creating between 1 and 9 additional units are sought under the terms of adopted policy. In May this year the Court of Appeal decision upheld the Government's position that local planning authorities should not pursue requirements for affordable housing financial contributions on small sites (1-10 dwellings). In the event that Full Council (13th July) resolves that the Council considers Merton should currently stop seeking affordable housing contributions from small sites of 10 homes / 1,000 square metres or less within planning decisions then no contribution would be sought on this application. In the event that such a resolution is not endorsed then permission would be granted subject to the completion of a S106 to secure such a financial contribution.

## **8. CONCLUSION**

- 8.1 The proposed redevelopment of the site will provide for improved facilities for the bowling club that will increase opportunities for leisure and recreation in the borough. The proposal will also provide for nine new dwellings in an area of good public transport accessibility that is commensurate with the residential



character of the surrounding area as well as the green space designation of the bowling green. The new buildings have been designed to complement the design, bulk, massing and proportions of housing fronting Kingston Road, Lower Downs Road and Abbott Avenue. The design of the dwellings meets minimum standards required for Gross Internal Area and private open space, and is considered to provide an acceptable standard of accommodation for future occupiers. The proposal is not considered to result in adverse amenity impacts on neighbours, and is therefore recommended for approval.

### **RECOMMENDATION**

Subject to any resolution at Full Council on 13th July pertaining to the issue of affordable housing contributions, grant planning permission completion of a Section 106 obligation covering the following heads of terms:

1. Provision of financial contribution towards affordable housing (subject to full Council resolution).
2. No. 557 Kingston Road and the nine new dwellings at 559 Kingston Road are to be permit free residential units
3. The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations [to be agreed].
4. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [to be agreed].

And subject to conditions.

### **Conditions:**

Officers note that where standard conditions preclude implementation or occupation of the development before details are approved or implemented or are specific to a particular use such conditions would be amended in this instance so as to distinguish between the two mutually distinct proposed land uses (residential and recreational).

- 1) A1 Commencement of works
- 2) A7 Built according to plans;
- 3) B3 External materials to be approved;
- 4) B4 Details of surface treatment;
- 5) B5 Details of Walls/Fences
- 6) C01 No Permitted Development (Extensions) – Class A & B of GPDO

Notwithstanding the provisions of Class A and B of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouses other than that expressly authorised by this permission, shall be carried out without planning permission first obtained from the Local Planning Authority.

7) C02 No Permitted Development (Windows and Doors)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no window on the flank elevations of the new dwelling houses or dormer on any elevation other than those expressly authorised by this permission shall be constructed without planning permission first obtained from the Local Planning Authority.

8) C07 Refuse & Recycling (Implementation)

9) D01 Hours of Use

The bowling clubhouse hereby permitted shall operate only between the hours of 1100 to 2300 Monday to Saturday and 1200 to 2230 on Sundays.

10)D03 Restriction on Music/Amplified Sound

11) D04Soundproofing of building

12) D06 Kitchen Ventilation Extract Systems

13) D10 External Lighting

14) F01 Landscaping/planting scheme

15) F04 Tree survey approved

16) F05 Tree Protection

17) F08 Site Supervision

18) H03 Redundant Crossovers

19) H04 Provision of Vehicle Parking

20) H01 New Vehicle Access – Details to be submitted

No development shall commence until details of the shared vehicular and pedestrian access from Kingston Road have been submitted in writing for approval to the Local Planning Authority. The details shall include on a plan full details of the surface treatment. No works that are subject of this condition shall be carried out until those details have been approved, and the development shall not be occupied until those details have been approved

and completed in full.

21) H07 Cycle Parking to be implemented

22) H08 Travel Plan

23) H09 Construction Vehicles

24) H17 Drainage

25) Non-standard Condition

No part of the new dwelling houses hereby approved shall be occupied until evidence has been submitted to the council confirming that the development has achieved not less than the CO2 reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes level 4. Evidence requirements are detailed in the "Schedule of evidence required for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide. Evidence to demonstrate a 25% reduction compared to 2010 part L regulations and internal water usage rates of 105l/p/day must be submitted to, and acknowledged in writing by the Local Planning Authority, unless otherwise agreed in writing.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: policy 5.2 of the London Plan 2015 and policy CS15 of Merton's Core Planning Strategy 2011.

26) Non-Standard Condition

Other than for the purposes of maintenance and in the case of an emergency, the bowling clubhouse balcony hereby permitted shall not be used between the hours of 2100 to 1100 Monday to Sunday.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

27) Non-Standard Condition

No part of the residential development hereby approved shall be occupied until the applicant has entered into a S278 agreement with London Borough of Merton's Highway Team for the reconstruction and widening of the existing vehicle crossover.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.

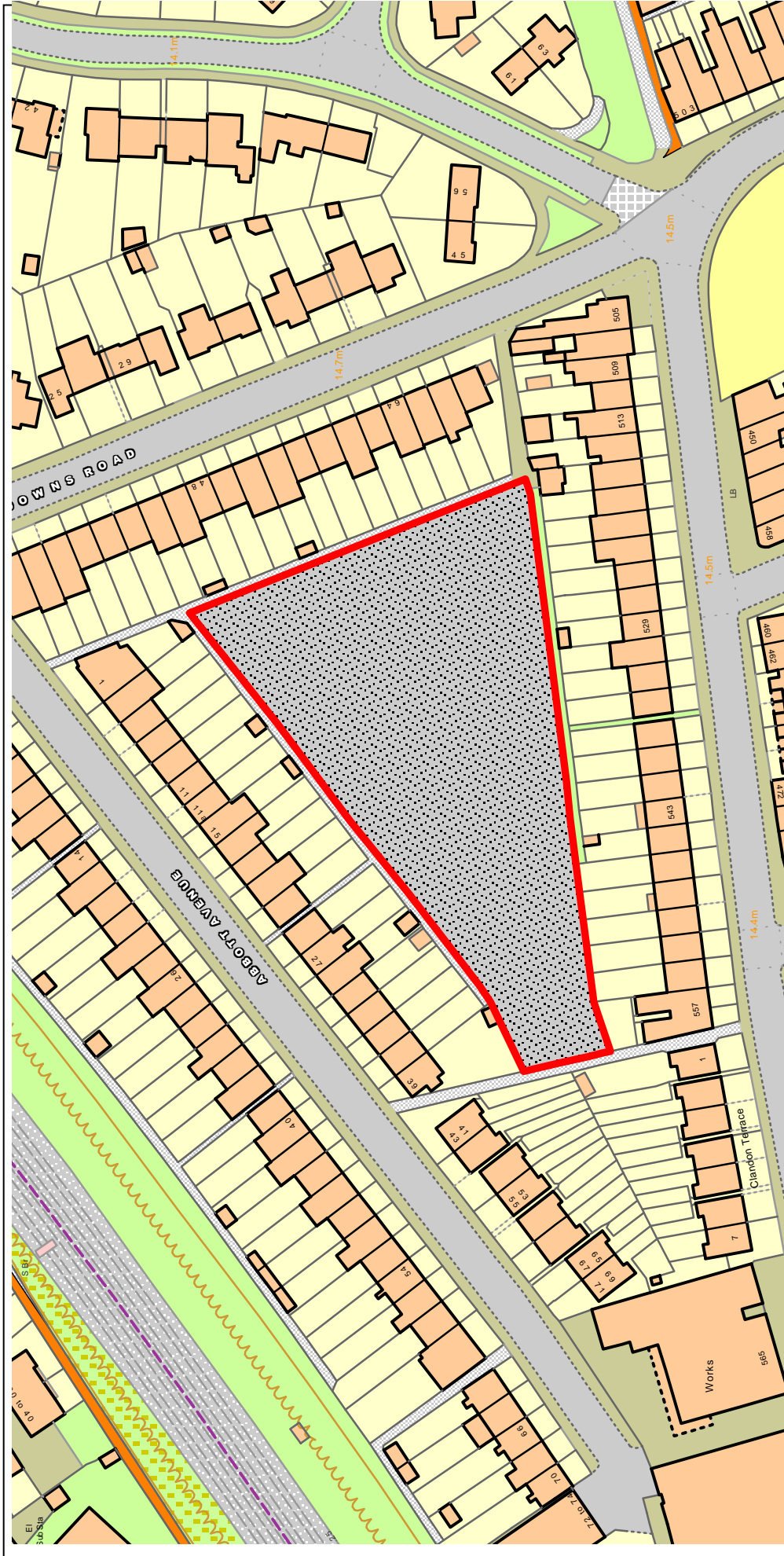
## 28)NPPF Informative

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To view Plans, drawings and documents relating to the application please follow [this link](#)

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# NORTHGATE SE GIS Print Template



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## PLANNING APPLICATIONS COMMITTEE 14<sup>th</sup> JULY 2016

UPRN	APPLICATION NO.	DATE VALID
	16/P1918	09/05/16

**Address/Site** Land at 17 Ridge Road, Mitcham, CR4 2ET

**(Ward)** Graveney

**Proposal:** Erection of new mid terrace, two bedroom dwelling, between existing houses at 17 and 18 Ridge Road, involving demolition of existing garage.

**Drawing Nos:** Site location plan & RR-2-10, 09, 04, 03, 01.

**Contact Officer:** Leigh Harrington (020 8545 3836)

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### RECOMMENDATION

**Subject to any resolution at Full Council on 13<sup>th</sup> July pertaining to the issue of affordable housing contributions, grant permission subject to a S106 obligation/ Unilateral Undertaking and conditions**

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### CHECKLIST INFORMATION.

- Heads of agreement: Affordable housing.
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted – No
- Design Review Panel consulted – No
- Number of neighbours consulted – 7
- Press notice – No
- Site notice – Yes
- External consultations: N/A
- Density – 93 h.r.p.h
- Number of jobs created N/A

### 1. INTRODUCTION

- 1.1 The application is brought before members of PAC due to the level of objection and at the request of Cllr Linda Kirby.

### 2. SITE AND SURROUNDINGS

- 2.1 The application site is land to the rear and side of 17 Ridge Road which has been separated from the existing dwelling by the erection of close boarded fencing. The existing house has retained a site area totalling approximately 90 sq m, while the application site is approximately 430 sq m. There is an attached side garage at 17 Ridge Road which would be demolished in order to create a new mid terrace house between 17 and 18 Ridge Road.

2.2 The site is in a residential area, bordered to the north by Tramlink (land which is designated as SINCL. To the east of Ridge Road are allotments designated as a Green Corridor. A shared vehicle accessway runs to the south of the site, between houses in Caithness Road and the rear boundaries of Ridge Road houses. Alleygates have recently been installed at both ends of this accessway.

2.3 The site is not shown to be at significant risk of flooding, is not within a conservation area or Archaeological Priority Zone. There are no controlled parking zones nearby and the site has poor public transport accessibility (PTAL level 2).

### 3. **CURRENT PROPOSAL**

3.1 In July 2011 members agreed to grant permission (LBM ref 11/P1129) subject to conditions and a S106 agreement (education contributions) for the Demolition of existing garage at the side of 17 Ridge Road and erection of a new mid terrace, 2 bedroom house between existing houses at 17 and 18 Ridge Road. The permission was never implemented and has lapsed. This application is identical to that granted permission by members in 2011.

3.2 The new house proposes matching ridge and eaves lines and roof pitches, with external materials including plain clay tiles and white rendered walls to match 17 Ridge Road. The proposed house is part two/ part single storey with the additional ground floor space projecting in line with an existing single storey extension at 17 Ridge Road. The internal layout shows lounge, W/C and kitchen/diner at ground floor and 2 bedrooms and bathroom at first floor.

3.3 Existing vehicle crossovers would allow front garden car parking to be retained for both the house at 17 Ridge Road and the proposed dwelling.

### 4. **PLANNING HISTORY**

4.1 10/P0912 - Refused and dismissed at appeal - Erection of a detached building, comprising 2 x 2 bedroom dwellings, across the rear part of the application site.

**Reasons for refusal: The proposal by reason of size, position, design and massing, would result in an unsatisfactory overdevelopment of the site being visually overbearing and detracting from the visual amenities of neighbouring occupiers in Ridge Road and Caithness Road, contrary to policies BE.15, BE.16, and BE.22 of the Adopted Unitary Development Plan (2003) and the Council's Supplementary Planning Guidance (New Residential Development - September 1999).**

**The proposed development would generate additional pressure on educational facilities in the area. In the absence of a legal agreement securing a financial contribution toward education provision locally the proposals would fail to offset their impact within the area, and would be contrary to policies ST.36 and C.13 of the Adopted Unitary Development Plan (October 2003) and Supplementary Planning Guidance: Planning Obligations (2006).**



## 5. CONSULTATION

5.1 The proposal has been publicised by means of a site notice and letters to neighbouring occupiers, to which there have been 21 letters that include objections on the following issues:

- Overlooking and loss of privacy
- Loss of visual amenity and light
- Out of character and loss of visual amenity
- Design of the house is unattractive and will spoil the look of number 18
- Over development of the site
- Increased strain on sewers and water supply;
- Increased risk of flooding
- Road is so narrow off street parking space wont be used
- Increased traffic will be a safety and security issue
- Noise and disturbance from construction process
- Site notice not displayed
- Difficulties with construction to ensure no detriment to the external appearance or structure of the existing house at number 18;
- Failure to provide adequate information on energy, water efficiency, capture and storage
- Applicant has indicated desire to tarmac over the rear garden and erect garages for rent but not shown on the plans.
- Concreting over the front garden would cause flooding
- Increased noise
- Lack of contribution towards education

5.2 The North Mitcham Plot Owners Association also objected against commercial garages being erected at the rear of the plot and the tarmacking of the rear garden which are not part of the application.

5.3 Transport Planning confirm that Ridge Road is a narrow residential road off Streatham Road, with poor access to public transport (PTAL level 2) and not in a Controlled Parking Zone (CPZ). Subject to a condition in respect of construction management there are no objections on grounds of highway safety.

## 6. POLICY CONTEXT

6.1 The relevant policies in the Adopted Core Strategy (June 2011) are;  
CS 8 Housing choice.  
CS 9 Housing targets  
CS 13 Open spaces  
CS 14 Design  
CS 15 Climate Change  
CS 20 Parking servicing and delivery

- 6.2 Relevant policies in the London Plan (March 2015) are;
  - 3.3 Increasing housing supply
  - 3.4 Optimising housing potential
  - 3.5 Quality and design of housing developments
  - 3.11 Affordable housing targets.
  - 5.1 Climate change mitigation
  - 5.2 Minimising carbon dioxide emissions
  - 5.3 Sustainable design and construction
  - 6.13 Parking
  - 7.4 Local character
  - 7.5 Public realm
  - 7.6 Architecture
 London Housing Supplementary Planning Guidance (2016)
  
- 6.3 Relevant policies in the Merton Sites and Policies Plan 2014
  - DM D1 Urban design and the public realm
  - DM D2: Design considerations
  - DM D3: Alterations and Extensions to Buildings
  - DM 02 Nature conservation
  - DM T3 Car parking

## 7. **PLANNING CONSIDERATIONS**

- 7.1 The key planning considerations include housing targets and the standard of accommodation; siting and design, including impacts on the Ridge Road streetscene; impacts on neighbour amenity and highway safety. However, members have previously given consent for an identical application on this site and therefore consideration needs to relate to any changes in policy since that consent was granted that may impact the acceptability of the proposals.
  
- 7.2 Housing Targets.  
 Currently Policy CS. 9 within the Council's Adopted Core Strategy [July 2011] and policy 3.3 of the London Plan [July 2015] state that the Council will work with housing providers to provide a minimum of 4,107 additional homes [411 new dwellings annually] between 2015 and 2025. The proposal will provide a new two bedroom house thereby promoting the objectives of current policies.
  
- 7.3 Standard of accommodation  
 Permission was previously granted with reference to minimum standards set out in the adopted SPG "New Residential Development" (1999): Space standards are now found in London Plan (2016) policy 3.5 which sets out sets out the minimum Gross Internal Area requirements for new housing and the Nationally described space standards (2015). The internal layout has been adjusted so as to confirm to the Nationally described space standards. This two bedroom three person unit requires a minimum GIA of 70 sq.m and provides 79sqm which exceeds requirements. Externally the subdivision of the site to provide two houses will still retain sufficient outdoor amenity space to allow both houses to enjoy more than the minimum 50 sq.m of private and usable amenity space as required by SPP policy DM D2.

7.4 Siting, Design and Streetscene.

UDP Policies BE.16 and BE.22 both required proposals for development to complement the character and appearance of the wider setting and they have been superseded by London Plan policy 7.4, Sites and Policies Plan policies DM D1 (Urban design), DM D2: (Design considerations) and DM D3: (Alterations and Extensions to existing Buildings) as well as LBM Core Strategy Policy CS14 which are all policies that are also designed to ensure that proposals are well designed and in keeping with the character of the local area. Members previously considered that the proposals met these standards and there have been no changes in policy requirements or goals that would justify refusing the same proposals on design grounds. As the site is relatively constrained a condition removing permitted development rights is again recommended.

7.5 Neighbour Amenity:

Members previously considered the application with reference to Adopted UDP policy BE15 that required that orientation and design of new buildings provides adequate levels of sunlight and daylight to adjoining buildings and land, with good levels of privacy for adjacent occupiers. Although this policy has now been superseded by London Plan policy 7.6 and SPP policy DM D2, they also require that proposals will not have a negative impact on neighbour amenity in terms of loss of light, privacy visual intrusion or noise and disturbance. Given that the proposals are identical to what was previously approved and the policies remain broadly similar, again there would be no grounds to justify a refusal of permission.

7.6 Traffic and parking:

This issue was a common reason for objection from neighbours. LDF Core Strategy Policy CS 20 is concerned with issues surrounding pedestrian movement, safety, serving and loading facilities for local businesses and manoeuvring for emergency vehicles as well as refuse storage and collection. While the scheme results in the loss of an existing garage, there is currently no requirement for this to be used for car parking and no evidence therefore that the scheme would result in undue increased pressure for on street parking to an extent that would compromise highway safety or cause detriment to neighbouring occupiers. Vehicle crossovers to the existing house and the garage are to be retained to allow front garden parking for both dwellings.

7.7 Affordable housing

At the time of submitting the previous application the Council had not adopted its Local Development framework. LDF policy CS.8 seeks the provision of a mix of housing types including affordable housing. Financial contributions towards affordable housing for schemes creating between 1 and 9 additional units are sought under the terms of adopted policy. In May this year the Court of Appeal decision upheld the Government's position that local planning authorities should not pursue requirements for affordable housing financial contributions on small sites (1-10 dwellings). In the event that Full Council (13<sup>th</sup> July) resolves that the Council considers Merton should currently stop

seeking affordable housing contributions from small sites of 10 homes / 1,000 square metres or less within planning decisions then no contribution would be sought on this application. In the event that such a resolution is not endorsed then permission would be granted subject to the completion of a S106 to secure such a financial contribution.

7.8 Other matters

A number of objections were received relating to suggestions that the rear garden would be covered in tarmac and garages built. A condition requiring a landscaping scheme for the back gardens is therefore recommended to ensure a satisfactory appearance for the development.

7.9 The applicant will still need to enter into an agreement with the neighbouring occupiers with regards to party wall matters

8. **SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of an Environmental Impact Assessment (EIA).

8.2 Although the Code for Sustainable Homes has been withdrawn a condition requiring the development to be constructed so as to meet the equivalent Code Level 4 standards relating to energy and water consumption is however permissible and is recommended.

9. **CONCLUSION**

9.1 The scheme is identical to one approved by the Planning Applications Committee in 2011, Because that permission was not implemented within 3 years it lapsed it necessitated the submission of the current application. Whilst the UDP and London Plan policies have been superseded updated since consent was granted there have been no changes in those policies that would cause the proposals to be considered contrary to current policy and thereby justify a refusal of permission.

9.2 Proposed room sizes and layout are compatible with adopted current guidance and there is appropriate provision for amenity space and off-street parking. The proposal is therefore recommended for planning approval subject to appropriate conditions.

**RECOMMENDATION**

Subject to any resolution at Full Council on 13<sup>th</sup> July pertaining to the issue of affordable housing contributions, grant planning permission completion of a Section 106 obligation covering the following heads of terms:

1. Provision of financial contribution towards
2. The developer agreeing to meet the Council's monitoring and reasonable legal costs in preparing, drafting and monitoring the Section 106 Agreement.

And the following conditions:-

1. A.1 Commencement of development (full application)

2. A.7 Approved Plans (Site location plan, RR-2-10, 09, 04, 03, 01)
3. B.1 External materials to be approved
3. B6 Levels
4. C.1 No Permitted Development (Extensions)
5. C.6 Details of refuse storage
6. D.11 Hours of construction
7. H.10 Construction Vehicles/ Wash down facilities
- 8 F1 Landscaping
10. Non Standard Condition (Sustainability) No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority demonstrating that the development has achieved not less than the CO2 reductions (ENE1) (a 25% reduction compared to 2010 part L regulations), and internal water usage (WAT1) (105 litres/p/day) standards equivalent to Code for Sustainable Homes level 4. Informative: Evidence requirements in respect of condition 13 are detailed in the "Schedule of evidence required for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide. Reason for condition: To ensure the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies 5.2 of the Adopted London Plan 2015 and CS 15 of the Adopted Merton Core Planning Strategy 2011.

NPPF Informative.

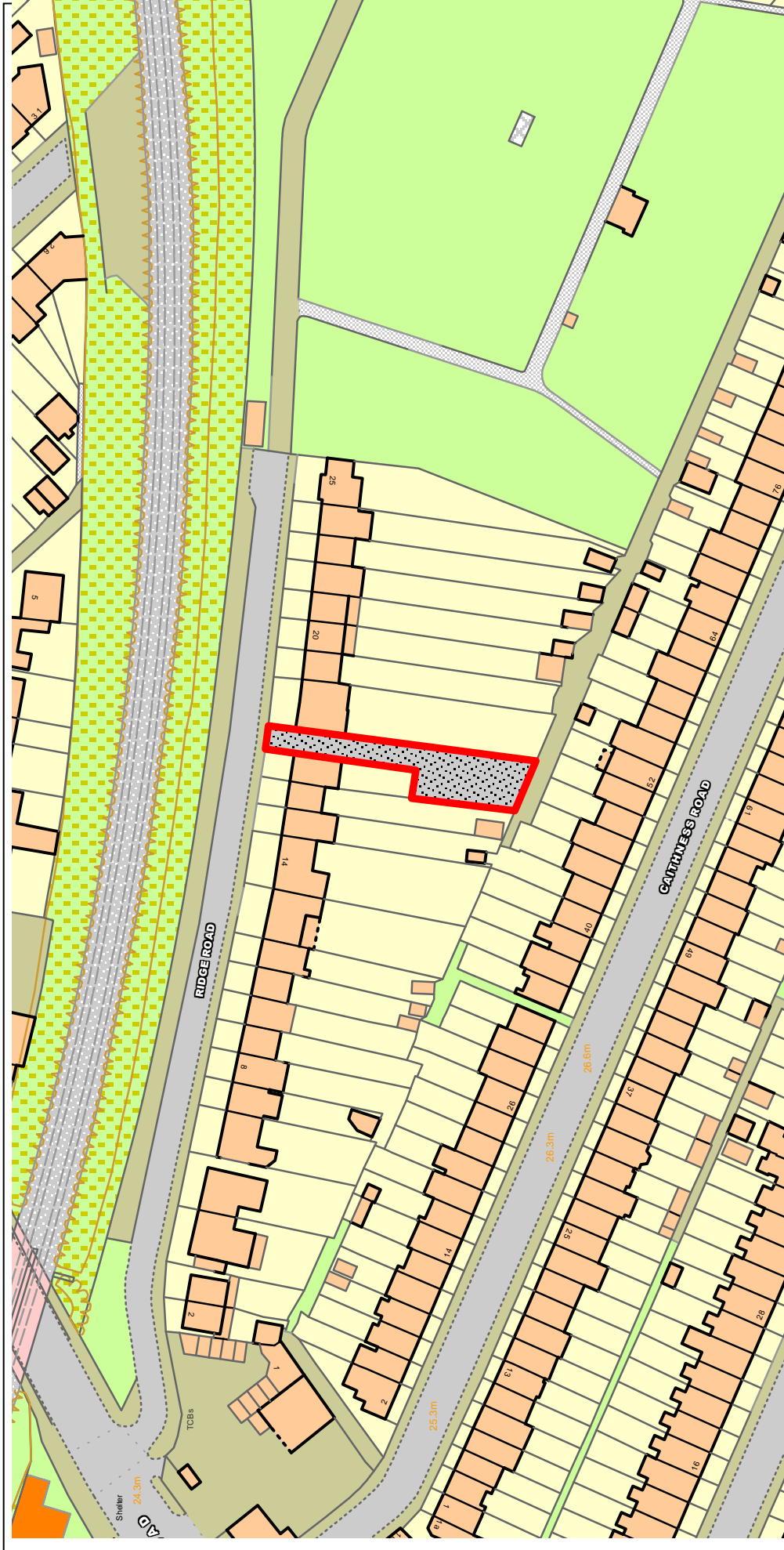
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## **PLANNING APPLICATIONS COMMITTEE**

14<sup>th</sup> JULY 2016

Item No: 16

<b>UPRN</b>	<b>APPLICATION NO.</b>	<b>DATE VALID</b>
	16/P0517	03/02/2016
<b>Address/Site:</b>	Unit 18, Mitcham Industrial Estate, Streatham Road, Mitcham, Surrey, CR4 2AV	
<b>Ward</b>	Graveney	
<b>Proposal</b>	Change of Use from Warehouse (Use Class B8) to Indoor Go-Karting Facility (Sui Generis use)	
<b>Drawing No's</b>	'Site Location Plan 12745/PL/010', 'Proposed Site Plan 12745/PL/G002', 'Proposed Ground Floor Plan 12745/PL/G005', 'Proposed First Floor 12745/PL/G006', 'Proposed Elevations 12745/PL/G008', 'Transport Statement', 'Operation and Management Statement', 'Noise Assessment' & Noise Report Addendum' & 'Design and Access Statement'.	
<b>Contact Officer</b>	Felicity Cox (020 8545 3119)	

## **RECOMMENDATION**

GRANT PLANNING PERMISSION subject to planning conditions.

## **CHECKLIST INFORMATION**

- Head of agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted: No
- Number of neighbours consulted: 102
- Press notice: Yes
- Site notice: Yes
- External consultations: No
- Density - N/A

## **1. INTRODUCTION**

- 1.1 The site is a designated Locally Significant Industrial Area. Merton Sites and Policies Plan (2014) Policy DM E1 states Locally Significant Industrial land is to be used for B1 (b & c), B2 and B8 uses. Therefore, this application is being brought before the Planning Applications Committee as the proposal for a sui generis Go-Karting Use is a departure from planning policy and not, in the event that permission is recommended for approval, an application that can be dealt with under the scheme of delegation.

## **2. SITE AND SURROUNDINGS**

- 2.1 The site is located within the Mitcham Industrial Estate, which is located approximately 0.7 miles from Mitcham Eastfields station. The site is accessible from Streatham Road (A216) which extends north to the A23 at Streatham. A bus stop providing services to Purley, Morden Underground Station and Tooting Broadway is located within 220 metres of the unit, on Streatham Road. The site has a PTAL rating of 1b.
- 2.2 The existing building comprises a warehouse building measuring approximately 2,674 sq.m single storey floorspace. The building is currently occupied by the owner of the site, DP (Direct Mail) Ltd. However the building has been actively marketed since May 2014.
- 2.3 Vehicular and pedestrian access is provided from the internal access road which connects to Streatham Road to the north, with approximately 46 car parking spaces located to the north, south, west and east of the building. Car parking is not currently laid out and there are no cycle parking facilities.
- 2.4 The immediate surrounding area is predominantly of an industrial character with industrial/warehouse units located within the Estate. Residential properties are located along Spring Grove, adjacent to the southern boundary of the Industrial Estate and approximately 35m from Unit 18, and on the opposing side of Streatham Road to the Estate.
- 2.5 The site is designated as a Locally Significant Industrial Area under the Merton Sites and Policies Plan 2014.

## **3. CURRENT PROPOSAL**

- 3.1 The proposal is for the change of use from warehouse (Class B8) to Indoor Karting Facility (Sui Generis Use).
- 3.2 The unit will be reconfigured internally to include space for a track as well as the following ancillary spaces including: A reception and foyer area; Staff offices and staff room; Briefing and meeting areas; changing

rooms, toilet and shower areas; snack bar and kitchen area; bar and lounge; and spectator viewing areas.

- 3.3 The existing mezzanine level will be used for hospitality and spectator viewing, including a snack bar area and back of house purposes. The hospitality and bar area will only be available for use by customers of the go-karting centre. Within the unit, changing rooms, including showers and toilets will be provided for both staff and customers. Aside from a small scale Track Control Room to be provided at first floor level, via new stairs from the ground floor level, no additional floorspace beyond that of the existing building is proposed.
- 3.4 Maintenance and repair of the go-karts would also be undertaken at the site, retaining activities akin to B2 class uses on the site.
- 3.5 It is proposed that the track will be open between the hours of 9:00 and 23:00 seven days per week, with peak usage times anticipated to be on weeknights and weekends. Based on experience at their other venues, TeamSport notes that the facility would have approximately 2,500 visitors per month and have noted that weekday morning sessions are generally associated with private or corporate bookings, whereas weeknight and weekend sessions are generally associated with small group (family and friends) bookings.
- 3.6 TeamSport operate a booking only service; therefore all visitors must pre-book before arriving to take part in their sessions. During each session (30 minutes), the track would support up to 16 drivers at any one time.
- 3.7 There are to be no amendments to the existing elevational treatment and thus there will be no changes to the appearance of the building. The only addition will be five TeamSport fascia signs to be installed on the elevations, which are the subject of application LBM Ref: 16/P0518.
- 3.8 The existing vehicular accesses to the industrial estate roads will be retained and the existing parking areas, accommodating 46 cars in marked spaces. An additional area of hardstanding on the western side will not be marked out as parking but would provide an overflow area accommodating around 20 cars should this be required.

#### **4. PLANNING HISTORY**

- 4.1 Unit 18, Mitcham Industrial Estate has an extensive site history relating to miscellaneous applications for modifications to the façade, car parking, internal access and advertisement consents. Given the nature of this application, it is not deemed necessary to detail the extensive planning history of the site. The following applications are considered relevant to the application, noting that there is a concurrent advertisement consent application associated with this this planning permission:

16/P0518 - ADVERTISEMENT CONSENT FOR THE DISPLAY OF 4 x EXTERNALLY ILLUMINATED FASCIA SIGNS AND 1 x NON-ILLUMINATED FASCIA SIGN IN RESPECT OF A PROPOSED INDOOR GO-KARTING FACILITY – To Be Decided.

91/P1046 - CHANGE OF USE FROM GENERAL INDUSTRIAL (B2) USE TO WAREHOUSING (B8) USE – Grant permission subject to conditions

### **CONSULTATION**

- 5.1 The application was advertised by means of neighbour notification letters, site notice and “departure from planning policy” press notice.
- 5.2 There were 4 objections from local residents and one objection from a business operator within the estate raising concerns relating to:
- Noise impacts on adjacent residents, particularly late at night
  - Increased security issues from additional visitors late at night, for both adjoining business and residents
  - Use not suitable for residential area
  - Parking facilities insufficient and will lead to congestion on estate road
  - Will lead to increased congestion and parking stress outside of estate
- 5.3 Environmental Health Officers have been consulted on the application and were concerned regarding the potential noise impact on local residents from customers leaving the premises late at night. In response, the applicants provided additional information on the operation of the site and included additional noise survey data for Sundays when background noise levels are at their lowest. The applicants have also proposed to close off car parking in the southern car parking area (closest to residents) after 10pm on every night. Noise attenuation measures would be undertaken to the warehouse in accordance with the recommendations of the Noise Impact Assessment to mitigate noise generated from the internal operations.
- 5.4 Transport & Highways – officers have no objections to the proposed change of use. The submitted Transport Statement has adequately addressed all car parking and transport issues. Officers commented that the layout of the cycle parking provision appeared too tight and the rear cycles would not be accessible. The applicants provided a dimensioned plan of the bicycle parking area demonstrating that the stores will achieve the minimum 1.8m aisle width for sufficient access to the rear.

## **6. POLICY CONTEXT**

### **6.1 London Plan (2015)**

The relevant policies in the London Plan (2015) are:

2.17 [Strategic industrial locations]; 3.16 [Protection and Enhancement of Social Infrastructure]; 4.1 [Developing London's economy]; 4.4 [Managing industrial land and premises]; 4.6 [Support for and enhancement of arts, culture, sport and entertainment provision]; 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]; 7.2 [An inclusive environment]; 7.3 [Designing out crime]; 7.4 [Local character]; 7.5 [Public realm]; 7.6 [Architecture]; 7.14 [Improving air quality]; 7.15 [Reducing noise and enhancing soundscapes];

### **6.2 Merton LDF Core Planning Strategy (2011)**

The relevant policies in the Merton LDF Core Strategy (2011) are: CS.2 [Mitcham sub area]; CS 7 [Centres]; CS11 [Infrastructure]; CS 12 [Economic Development]; CS.13 [Open space; nature conservation; leisure and culture]; CS.14 [Design]; CS.18 [Active transport]; CS.19 [Public transport]; and CS.20 [Parking; servicing and delivery].

### **6.3 Merton Sites and Policies Plan (2014)**

The relevant policies in the Merton Sites and Policies Plan (2014) are:  
DM R1 Location and scale of development in Merton's town centres and neighbourhood parades  
DM D2 Design considerations in all developments  
DM EP 2 Reducing and mitigating noise  
DM E1 Employment areas in Merton  
DM E4 Local employment opportunities  
DM T2 [Transport impacts of Development]

## **7. PLANNING CONSIDERATIONS**

7.1 The key issues arising from the application are the principle of the loss of the employment use including the need to ensure that there is sufficient land in suitable locations to provide an adequate supply of viable and appropriate employment uses [including industrial employment uses], the suitability of the application site for a go-karting facility including the impact of the proposal in terms of traffic, parking, and access, the impact of the proposal on the amenity of surrounding business and residents.

### **7.2 Provision of Employment Land**

London Plan Policy 4.4, SPP Policy DM E1 and Core Strategy Policy CS 12 all seek to promote employment opportunities both locally and regionally. LBM Core Strategy Policy 12 (Economic Development) and LBM Sites and Policies Plan Policy DM E4 (Local employment opportunities) favours proposals that will increase the number of

employment opportunities in the borough as well as the provision of more highly skilled and higher earning jobs. In the justification for this policy, Paragraph 20.12 states that '*Some employment uses do not provide or increase the number of job opportunities in the borough, for instance, storage facilities ('B8' use within the Use Class Order).*'

- 7.3 Paragraph 22 of the NPPF states that "*Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose...Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities*". Furthermore, Policy DM E1 supports proposals for the redevelopment of vacant and underused existing employment floorspace for employment use (B use classes).
- 7.4 The site is currently occupied by DP (Direct Mail) Ltd as a storage and distribution centre however has been marketed actively with DP (Direct Mail) Ltd in situ since May 2014. Changes in the mail order industry mean that the current property is too large for their ongoing operation.
- 7.5 The applicants supplied detailed marketing evidence which showed a continued and active marketing campaign over the previous 18 months, however the site has failed to gain solid interest from an alternative B Class occupier. The reason for the limited interest in the property has been identified as the significant size of the unit, limited areas for turning articulated and trailer attached trucks, and lack of a secure yard.
- 7.6 The Merton Employment & Economic Land Study (2010) identified that the demand for industrial premises has been low in recent years, primarily as a result of a lack of modern premises, with much stock approaching the end of its useful life. It states that whilst there is reasonable demand for small, modern units with good parking and high eaves heights, larger industrial units are often difficult to let.
- 7.7 This is reflected in the vacancy rates in the estate. It is understood there are currently four vacant units at the Estate (out of 23 units). With a 17% vacancy rate, this is above the nationwide vacancy rate of 7.5% and vacancy rate of 4% within the M25 identified in 'Size and Make-Up of the UK Warehousing Sector' report (UKWA/Savills, 2015). This therefore suggests that there is lower than average demand and occupancy of B-class floorspace within the Estate.
- 7.8 Whilst retention of Locally Significant Industrial sites for B Class uses is a priority, it is considered that the soon to be vacant site is unlikely to be re-occupied by a B Class use in the foreseeable future. Although the proposed use is not defined as being within Classes B1, B2 or B8, the go-karting facility would ensure that the site would be retained for

employment generating purposes whilst allowing an optimisation of the existing occupier's commercial enterprise by allowing relocation.

- 7.9 The go-karting facility will employ 6-8 full-time staff with up to 30 part-time employees. The majority of full-time roles are at management level whilst the part-time roles are generally marshals, mechanics and receptionists.
- 7.10 At each of their existing venues TeamSport employs a large number of 16-25 year olds with a significant proportion living in the local area. TeamSport will work with The Skills Partnership, to provide access to an NVQ scheme, giving all employees the opportunity to gain relevant qualifications in areas such as customer service and management up to NVQ level 4. In addition, tuition will be offered to any employees who have left education without basic literacy skills. The indoor go karting centre would therefore provide a number and range of local employment opportunities, skilled and non-skilled, and on the job training.
- 7.11 In light of the potential of the use to generate a reasonable number of employment and training opportunities as well as making a significant investment in upgrading the building it is considered the employment generating benefits from the use would be of greater community and economic benefit than the unit being left vacant, and therefore a deviation from planning policy is considered to be acceptable in this instance. It is recommended a condition relating to go-karting use only be attached to the planning permission that would require the return to B8 use class uses, or other uses compatible with the industrial estate location and consistent with the Council's adopted planning policies (B1(b) and (c) and B2) upon cessation of the go-karting use.
- 7.12 Provision of leisure facility and site suitability  
SPP Policy DM E1 seeks to protect Locally Significant Industrial Areas for business uses (B1 (b & c), B2 and B8). Proposals for sui generis uses can be considered on a case by case basis in recognition that these unique uses can sometimes be compatible with industrial areas.
- 7.13 In the justification of Policy E1, paragraph 4.5 summarises that change of uses within Locally Significant Industrial Areas will only be granted planning permission where the new development will not impact on the successful operation of existing businesses nearby or detrimentally harm the amenities of occupants of neighbouring buildings. The proposal must also have appropriate layout, access, parking and landscaping and must not adversely affect traffic movement or road safety.
- 7.14 Whilst leisure and recreational facilities should ideally be located within town centres, local centres or other areas of high accessibility, the nature of this particular facility is such that a large open plan floor area and limited internal columns for a racing track (at varying levels) is

essential. A go-karting use is also considered to be better suited to locations away from residential areas due to the trip generation and noise impacts. These requirements are not readily attainable in town centres and tend to lend themselves to large commercial units such as this site.

- 7.15 A detailed review of the location of other indoor go-karting centres was provided by the applicant, which demonstrated that in all cases the indoor go-karting centres are located in industrial/employment areas, and that in almost all instances they are located within areas designated in the development plan for employment/industrial/business uses.
- 7.16 The size of the building and its use by TeamSport as a Go-Karting Facility are considered compatible with each other. The site is located on an industrial estate. As the peak hours of the facility will be evenings and weekends when other businesses within the estate will be closed or have limited opening hours, it is considered unlikely that the use would have an adverse effect upon the operation of the neighbouring business units within the Estate.
- 7.17 Although within proximity to a residential area to the south, it is considered that through the appropriate soundproofing to the building, facility management and conditions, the use can operate without a detrimental impact on the amenities of residents. In this regard, it is noted that the existing warehouse has unrestricted hours of operation and deliveries, and hence the use is not considered to have a greater impact than any storage/delivery use which could otherwise operate without planning permission.
- 7.18 The proposal will involve alterations and improvements to a warehouse, providing for a recreational facility that will generate additional employment, training and leisure opportunities on a designated employment site. The specific operational requirements of the use are considered to be commensurate with the industrial location of the site, and it is considered the managed operation of the site can safeguard the amenities of surrounding businesses and residents. Taking into consideration these factors, the proposed use of the site for a sui generis Go-karting facility is considered suitable.
- 7.19 Management of Noise Impacts  
Given the proximity of the site to the residential areas to the south along Spring Grove, objections have related largely to concerns about noise. The two key sources of noise relate to internal noise sources (such as go-karts, loudspeakers etc.) and external noise sources (vehicles and visitors entering and leaving the site, opening/closing of car doors, talking etc).
- 7.20 SPP Policy DM E1 stipulates that new uses should not unacceptably affect local amenity. SPP Policy DM EP 2 requires that noise



generating developments should be appropriately located so as to minimise impacts on noise sensitive land uses.

- 7.21 A Noise Impact Assessment was supplied by the applicant that has demonstrated acceptable noise levels from internal sources (go-karts, loudspeaker etc.) can be achieved through installation of noise attenuation measures to the building. Therefore, internal noise from the operation of the facility will not adversely impact on neighbours' amenity.
- 7.22 Concern has also arisen in terms of external noise sources, particularly from visitors leaving late in the evenings and on weekends. In this regard, TeamSport have proposed to manage noise through facility management and restrictions on car parking. TeamSport's operation statement details that the facility requires pre-booking for all session times, with the last session commencing at 10pm. This means it is unlikely that people will arrive at the venue after 9:30pm. Teamsport advises that staff and visitors will vacate the site by 30 minutes after the conclusion of the final race at 10:30pm. The ancillary bar/café is for use by visitors only (not the general public).
- 7.23 TeamSport have measures in place to ensure that staff and visitors at their venues behave in a respectful manner when arriving at the venue and when they leave, including signage to respect neighbours, supervision by staff and notifications to respect neighbours during induction and completion of sessions. It is also proposed that parking in the southern section of the unit nearest to the residential areas will be restricted after 10pm to prioritise those parking spaces furthest from the residential neighbours, to be secured by condition.
- 7.24 Based on the planning history of the site, there appears to be no conditions restricting the hours of operation or deliveries for B uses on the site or other units within the estate.
- 7.25 Taking into consideration the TeamSport site management, it is considered that the noise impacts from visitors and staff arriving and leaving the site on evenings and weekends would not be substantially different from that which would otherwise be generated from B uses operating on the site and the surrounding Mitcham Industrial Estate. It is therefore considered that with appropriate conditions, the use can be operated without harming the amenity of neighbours.
- 7.26 Security  
Objectors have raised concerns that the use may give rise to increased security issues on adjoining businesses and residents from the additional visitors to the estate late at night. It is considered that the operation of the unit will encourage activity in the industrial estate at a time when other businesses may be shut. This will generate activity and a sense of natural surveillance. Additional surveillance will also be provided through installation of CCTV equipment and therefore it is not

considered the proposal will compromise the safety and securing of neighbouring occupiers.

7.27 Parking and Servicing

SPP Policy DM E1 and Core Strategy policy CS 20 stipulate that new uses should have parking and access appropriate to the site and its surroundings and not unacceptably affect the operation of neighbouring businesses, traffic movement and road safety.

7.28 A Transport Statement prepared by Mayer Brown was provided by the applicant. LBM Transport Officers have reviewed the reporting and have advised they have no objections to the proposed change of use. The proposal has appropriate car and bicycle parking provision, and access and anticipated vehicular movements will not unacceptably affect the operation of neighbouring businesses, traffic movement and road safety.

7.29 Based on surveys from comparable TeamSport Go-karting facilities, it has been identified that the proposed indoor karting venue could potentially generate a maximum peak parking demand for around 27 cars on-site, in the event that up to four consecutive karting sessions were fully booked by different groups. Given that the proposed parking arrangement will facilitate 46 cars on-site, plus an overflow area accommodating up to an additional 20 cars, it is considered that the proposal provides sufficient car parking and will not result in overspill car parking to the adjacent industrial estate or highway network. Sufficient disabled car parking has also been allocated adjacent to the entrance door.

7.30 Although the site has a PTAL rating of 1b, the application site is accessible to eight buses per hour via bus stops located on Streatham Road adjacent to the industrial estate and being within 290m, equivalent to a three to four minute walk northwest (assuming a comfortable walking pace of 80m per minute). The application site therefore offers viable opportunities for visitors and staff to travel by sustainable modes. A condition requiring the implementation of maintenance of The Travel Plan provided by the applicant is recommended to be attached to planning permission.

7.31 Cycle parking will be provided on-site on the southern side of the building, near to the building entrance, and will comprise ten Sheffield stands providing a total of 20 spaces for use by visitors or staff. LBM Transport and Highways have deemed this level of provision is acceptable. TeamSport have stated they will monitor usage of the bicycle parking and supply additional storage should demand require it.

7.32 Appearance

Core strategy policy CS14 and SPP Policy DMD3 require well designed proposals that will respect the appearance, materials, scale bulk, proportions and character of the original building and its surroundings.

7.33 The proposal does not alter the external appearance of the building, other than through the addition of four fascia signs (subject to advertisement consent under LBM Ref: 16/P0518) similar to signage on other units within the estate. The proposal is therefore considered to have no adverse impact on the appearance or character of the industrial estate.

## **8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of an Environmental Impact Assessment (EIA).

## **9. CONCLUSION**

9.1 London Plan Policy 4.4, SPP Policy DM E1 and Core Strategy Policy CS 12 all seek to promote employment opportunities both locally and regionally. Whilst retention of Locally Significant Industrial sites for B Class uses is a priority, it is considered that the soon to be vacant site is unlikely to be re-occupied by a B Class use in the foreseeable future having regard to the ongoing marketing of the site and vacancy rate of the estate. Although the proposed Go-Karting Facility is not defined as being within Classes B1, B2 or B8, the go-karting facility would ensure that the site would be retained for employment generating purposes in accordance with the objectives of the above policies, providing for a reasonable number of employment and training opportunities in a variety of skilled and unskilled jobs. It is considered the employment generating benefits from the use would be of greater community and economic benefit than the unit being left vacant, and therefore a deviation from planning policy is considered to be acceptable in this instance.

9.2 Through the imposition of suitable conditions relating to operation of the facility and noise levels, it is considered that the proposed go-karting facility use can operate without harming the amenity of neighbouring residents or having a negative impact on neighbour businesses.

**RECOMMENDATION Grant planning permission subject to conditions.**

### Conditions

- 1) A1 Commencement of development
- 2) A7 Built according to plans; 'Site Location Plan 12745/PL/010', 'Proposed Site Plan 12745/PL/G002', 'Proposed Ground Floor Plan 12745/PL/G005', 'Proposed First Floor 12745/PL/G006', 'Proposed Elevations 12745/PL/G008', 'Transport Statement', 'Operation and

Management Statement', 'Noise Assessment' & 'Noise Report Addendum' & 'Design and Access Statement'.

3) C07 Refuse & Recycling (implementation)

4) D01 Hours of Use

The use hereby permitted shall operate only between the hours of 9:00 to 23:00 on any day.

5) D03 Restriction on Music/Amplified Sound

6) D10 External Lighting

7) H04 Provision of Vehicle Parking (and linked to use)

8) H07 Cycle Parking to be implemented

9) H08 Travel Plan

Travel Plan to be implemented and maintained in accordance with the approved Transport Statement prepared by Mayer Brown.

10) Non-standard condition

No development shall commence until the sound insulation/attenuation measures have been installed in full accordance with the approved 'Noise Assessment' & 'Noise Report Addendum dated 11/04/2016' prepared by Hann Tucker Associates, and shall be permanently retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

11) Non-standard condition

No parking is permitted after 10pm on any day in the southern parking area of the site as demarcated on 'Proposed Car Parking Post 10:00PM' plan (Drawing: 12745/PL/011 Rev A).

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

12) Noise levels, (expressed as the equivalent continuous sound level) LAeq (15 minutes), from the operation of the indoor karting facility and from the plant/machinery for the building shall not exceed LA90 -10dB at the boundary with the closest residential property.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

13) Non-standard condition

The building shall only be used as a go-karting centre and for no other motorised sports and in the event that the use hereby permitted ceases the use shall revert to use within Class B8 (Storage and distribution) or for other uses within Classes B1 (b) and (c) (Business) and B2 (General Industrial).

Reason: (i) In order for the Council to consider the environmental, including traffic impacts, of uses for other motorised sports; (ii) to consider the impacts on employment generation from other motorised sports; (iii) in order for the Local Planning authority to ensure an appropriate degree of flexibility for subsequent employment uses of the building compatible with its location on the Mitcham Industrial Estate and (iv) to accord with policies 3.19, 4.4, 6.13, 7.14, and 7.15 of the London Plan 2015, policies CS.12 and CS.20 of the Merton LDF 2011, and policies DM.E1, DM.EP1, DM.EP4, DM.T2, of the Sites and Policies Plan 2014.

14) NPPF Informative

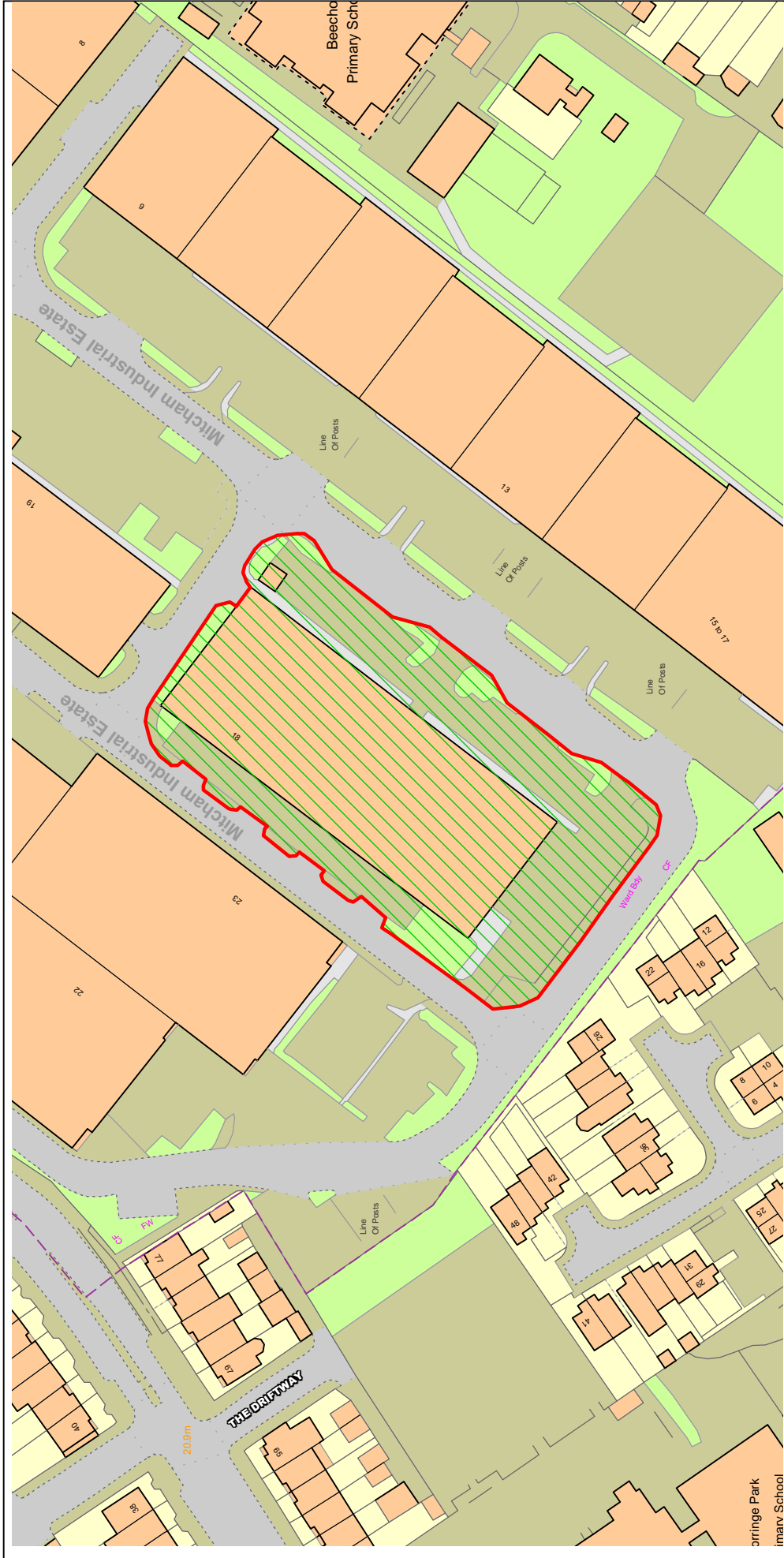
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To view Plans, drawings and documents relating to the application please follow [this link](#)

Please note that this link, and some of the related plans, may be slow to load

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# NORTHGATE SE GIS Print Template



Text Details **Unit 18 Mitcham Industrial Estate**

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**Committee:** Planning Applications

**Date:** 14<sup>th</sup> July 2016

:

**Wards:** All

## **Subject:** Planning Appeal Decisions

Lead officer: Head of Sustainable Communities

Lead member: Chair, Planning Applications Committee

**Contact officer:** Stuart Humphryes

### **Recommendation:**

**That Members note the contents of the report.**

#### **1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1 For Members' information recent decisions made by Inspectors appointed by the Secretary of State for Communities and Local Government in respect of recent Town Planning Appeals are set out below.
- 1.2 The relevant Inspectors decision letters are not attached to this report, but can be seen on the Council web-site with the other agenda papers for this meeting at the following link:

[http://www.merton.gov.uk/council/committee.htm?view=committee&com\\_id=165](http://www.merton.gov.uk/council/committee.htm?view=committee&com_id=165)

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### **DETAILS**

Application Numbers: **15/P3388**  
Site: 4 to 10 South Park Road, Wimbledon SW19 8ST  
Development: Erection of 4 x 1 bed apartments  
Recommendation: Refuse Permission (Committee Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 16<sup>th</sup> June 2016

### **Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000090000/1000090564/15P3388\\_Appeal%20Decision%20Notice.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000090000/1000090564/15P3388_Appeal%20Decision%20Notice.pdf)

**Application Number:** 15/P3489  
**Site:** 29 Carlingford Gardens, Mitcham CR4 2AT  
**Development:** Erection of two storey side and single storey rear extensions  
**Recommendation:** Refused (Delegated)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 10<sup>th</sup> June 2016

### Link to Appeal Decision

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000090000/1000090661/15P3489\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000090000/1000090661/15P3489_Appeal%20Decision.pdf)

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**Application Number:** 15/P3743  
**Site:** 18 Arthur Road, New Malden KT3 6LX  
**Development:** Erection of a hip to gable & rear roof extension and erection of porch  
**Recommendation:** Refused (Delegated)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 10<sup>th</sup> June 2016

### Link to Appeal Decision

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000090000/1000090900/15P3743\\_Appeal%20decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000090000/1000090900/15P3743_Appeal%20decision.pdf)

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**Application Number:** 15/P4478  
**Site:** 5 McKay Road, West Wimbledon SW20 0HT  
**Development:** Erection of a two storey side extension, a part single, part two storey rear extension and a rear roof extension  
**Recommendation:** Refused (Delegated)  
**Appeal Decision:** **ALLOWED**  
**Date of Appeal Decision:** 16<sup>th</sup> June 2016

### Link to Appeal Decision

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091605/15P4478\\_Appeal%20Decision%20Notice.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091605/15P4478_Appeal%20Decision%20Notice.pdf)

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**Application Number:** 16/P0041  
**Site:** 10 Camelot Close, Wimbledon Park, SW19 7EA  
**Development:** Erection of a two storey rear extension and replacement of roof increasing eaves height and ridge height, with front & rear roof extensions  
**Recommendation:** Refused (Delegated)  
**Appeal Decision:** **ALLOWED**  
**Date of Appeal Decision:** 17th June 2016

### Link to Appeal Decision

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091955/16P0041\\_Appeal%20Decision%20Notice.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091955/16P0041_Appeal%20Decision%20Notice.pdf)

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### Alternative options

- 3.1 The appeal decision is final unless it is successfully challenged in the Courts. If a challenge is successful, the appeal decision will be quashed and the case returned to the Secretary of State for re-determination. It does not follow necessarily that the original appeal decision will be reversed when it is re-determined.
- 3.2 The Council may wish to consider taking legal advice before embarking on a challenge. The following applies: Under the provision of Section 288 of the Town & Country Planning Act 1990, or Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a person or an establishment who is aggrieved by a decision may seek to have it quashed by making an application to the High Court on the following grounds: -
  1. That the decision is not within the powers of the Act; or
  2. That any of the relevant requirements have not been complied with; (relevant requirements means any requirements of the 1990 Act or of the Tribunal's Land Enquiries Act 1992, or of any Order, Regulation or Rule made under those Acts).

### 1 CONSULTATION UNDERTAKEN OR PROPOSED

- 1.1. None required for the purposes of this report.

### 2 TIMETABLE

- 2.1. N/A

### 3 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 3.1. There are financial implications for the Council in respect of appeal decisions where costs are awarded against the Council.

#### **4 LEGAL AND STATUTORY IMPLICATIONS**

- 4.1. An Inspector's decision may be challenged in the High Court, within 6 weeks of the date of the decision letter (see above).

#### **5 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 5.1. None for the purposes of this report.

#### **6 CRIME AND DISORDER IMPLICATIONS**

- 6.1. None for the purposes of this report.

#### **7 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

- 7.1. See 6.1 above.

#### **8 BACKGROUND PAPERS**

- 8.1. The papers used to compile this report are the Council's Development Control service's Town Planning files relating to the sites referred to above and the agendas and minutes of the Planning Applications Committee where relevant.

## **Committee:** Planning Applications Committee

**Date:** 14<sup>th</sup> July 2016

**Agenda item:**

**Wards:** All

**Subject:** PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES

**Lead officer:** HEAD OF SUSTAINABLE COMMUNITIES

**Lead member:** COUNCILLOR LINDA KIRBY, CHAIR, PLANNING APPLICATIONS COMMITTEE

**Contact Officer** Sam Amoako-Adofo: 0208 545 3111  
sam.amoako-adofo@merton.gov.uk

### **Recommendation:**

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That Members note the contents of the report.

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#### **1. Purpose of report and executive summary**

This report details a summary of case work being dealt with by the Planning Enforcement Team and contains figures of the number of different types of cases being progressed, with brief summaries of all new enforcement notices and the progress of all enforcement appeals.

<b>Current Enforcement Cases:</b>	<b>576</b> <sup>1</sup> (586)	<b>New Appeals:</b>	<b>0</b> (1)
<b>New Complaints</b>	<b>43</b> (27)	<b>Instructions to Legal</b>	<b>1</b>
<b>Cases Closed</b>	<b>53</b> (70)	<b>Existing Appeals</b>	<b>5</b> (3)
No Breach:	23	<hr/>	
Breach Ceased:	30	<b>TREE ISSUES</b>	
NFA <sup>2</sup> (see below):	-	<b>Tree Applications Received</b>	<b>48</b> (29)
<b>Total</b>	<b>53</b> (70)	<b>% Determined within time limits:</b>	<b>95%</b>
<b>New Enforcement Notices Issued</b>		<b>High Hedges Complaint</b>	<b>0</b> (0)
Breach of Condition Notice:	0	<b>New Tree Preservation Orders (TPO)</b>	<b>2</b> (0)
New Enforcement Notice issued	0	<b>Tree Replacement Notice</b>	<b>0</b>
S.215: <sup>3</sup>	0	<b>Tree/High Hedge Appeal</b>	<b>0</b>
Others (PCN, TSN)	0		
<b>Total</b>	<b>0</b> (0)		
<b>Prosecutions: (instructed)</b>	<b>0</b> (0)		

Note (*figures are for the period (7<sup>th</sup> June – 4<sup>th</sup> July 2016)*). The figure for current enforcement cases was taken directly from M3 crystal report.

<sup>1</sup> Totals in brackets are previous month's figures

<sup>2</sup> confirmed breach but not expedient to take further action.

<sup>3</sup> S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

## 2.00 New Enforcement Actions

None

### Some Recent Enforcement Actions

- 2.01 160 Bennetts Close Mitcham CR4 1NS.** An enforcement notice was issued on 20<sup>th</sup> April 2016 against the unauthorised erection of a fence exceeding 3 metres high. The notice comes into effect by 1/6/16 unless there is an appeal prior to that date and the requirement would be to demolish the fence and remove the resulting debris all within 3 months.
- 2.02 Date Valley School, Mitcham Court, Cricket Green, Mitcham.** The Council issued an enforcement notice on 15<sup>th</sup> April 2016 against the unauthorised erection of a shelter in the playground of the school site. The notice came into effect on 25<sup>th</sup> May 2016 as there was no appeal. However following discussions with officers an acceptable design has been agreed and a fresh application would be submitted shortly for consideration.

**2.03 31 Manship Road, Mitcham CR4 2AZ** On 15<sup>th</sup> April 2016, the council issued an enforcement notice against the unauthorised erection of three wooden garden sheds in the rear garden, The notice came into effect on 25<sup>th</sup> May 2016 as there was no appeal prior to that date and the requirement would be to cease the use of the sheds for residential purposes and demolish/remove them from the garden within 3 months.

**2.04 117 Haydons Road South Wimbledon SW19.** The Council served a replacement notice on 9<sup>th</sup> February 2016 against the unauthorised conversion of the former public house into eight self-contained flats. The notice came into effect on 18<sup>th</sup> March 2016 as there was no appeal prior to that date and the requirement would be to cease using the building as eight self-contained flats within 6 months.

**2.05 Burn Bullock, 315 London Road, Mitcham CR4.** A Listed Buildings Repair Notice (LBRN) was issued on 27<sup>th</sup> August 2014 to require a schedule of works to be carried out for the preservation of the Building which is listed.

Listed Building Consent was granted on 3<sup>rd</sup> March 2015 to cover the required works which include the roof and rainwater goods, masonry, chimney and render repairs and woodwork, and glazing.

An inspection of the building on Friday 29<sup>th</sup> April 2016 concluded that the required works have mostly been carried out to an acceptable standard.

Officers are waiting for an update regarding the archaeological survey of the Tudor part of the building to be carried out.

### **3.0 New Enforcement Appeals**

**None**

### **3.1 Existing enforcement appeals**

- **Swinburn Court, 32 The Downs SW19** The Council served an enforcement notice on 15<sup>th</sup> March 2016 against the erection of a single storey outbuilding (garden shed) in the front/side garden of the block of flats. The requirement is to demolish the structure within three months of the effective date of 30/4/16 but for the appeal. the appeal has been registered with a start date 29/6/16 and is by written representation..
- **39 Borough Road Mitcham CR4 3DX** The Council served an enforcement notice on 15<sup>th</sup> April 2016 against the erection of a boundary timber fence with a requirement to demolish the structure within three months of the effective date. The appeal is by written representation and is proceeding on ground 'A' – that planning permission should be granted for the development.
- **32 Cedars Avenue, Mitcham CR4 1EA** The Council issued an enforcement notice on 25<sup>th</sup> April 2016 against the unauthorised erection of a front garden wall, pillars and gates. An appeal by written

representation is proceeding on ground 'A' – that planning permission should be granted for the development.

- **3 Aberconway Road Morden SM4** - The Council served an enforcement notice on 4th February 2016 against the erection of a single storey side extension to the property following a refusal of retrospective planning permission to retain the structure. The owner is required to remove the extension and associated debris within one month of the effective date. An appeal has been registered to proceed under ground 'A' only – that planning permission should be granted for the development. **The Council's statement was sent on 20/5/16 and final comments are due on**
- **24 Greenwood Close SM4** An enforcement notice was issued on 20th July 2015 against the unauthorised erection of a detached bungalow. The notice would have come into effect on 25th August 2015 but an appeal has been registered.

The main requirement of the notice is for the unauthorised building to be demolished within three months.

The Council's statement was sent on 1/12/15. PINS have confirmed an extension to 5/1/16 at the request of the appellant as they want two other planning appeals for the same development to be co-joined and dealt with by one inspector. The next stage is for the planning inspectorate to set a date for an inspector site visit.

### **3.2 Appeals determined –**

- **none**

### **Prosecution case.**

**None**

### **3.4 Requested update from PAC**

None

### **4. Consultation undertaken or proposed**

None required for the purposes of this report

### **5 Timetable**

N/A

### **6. Financial, resource and property implications**

N/A

### **7. Legal and statutory implications**

N/A



8. **Human rights, equalities and community cohesion implications**  
N/A
9. **Crime and disorder implications**  
N/A
10. **Risk Management and Health and Safety implications.**  
N/A
11. **Appendices – the following documents are to be published with this report and form part of the report Background Papers**  
N/A
12. **Background Papers**

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## Committee: Planning Applications Committee

**Date: 14 JULY 2016**

Wards: all

### **Subject: Viability briefing**

Lead officer: James McGinlay, Head of Sustainable Communities

Lead member: Councillor Linda Kirby

Contact officer: Tim Catley, S106/External Funding Officer, Future Merton

### **Recommendations:**

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1. Members note the contents of this report.
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## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. This item has been brought before committee at the request of the Chair, Councillor Linda Kirby.
- 1.2. It sets out how Merton, other London boroughs and the GLA deal with assessing development viability of planning applications, in particular to support affordable housing. This focus is in line with the recommendations arising from the Housing Scrutiny Task Group's final report (October 2015)
- 1.3. A pan-London borough officer group has developed a protocol for the whole of London (see Appendix 1) to agree a consistent approach to addressing viability considerations across the boroughs.
- 1.4. It is understood that the new Mayor of London has set affordable housing as a top priority and will be using the protocol to inform the new London Plan policy and guidance surrounding viability and affordable housing.
- 1.5. The Government have also commenced reviewing viability, in particular the potential to standardise the types of viability information that is assessed.
- 1.6. Officers will be preparing and engaging with members on proposals surrounding viability over the coming months with a view of taking an item to September Cabinet to seek adoption of the revised Planning Obligations SPD and a revised planning application validation checklist to support the improved approach to addressing viability in planning applications.

## **2 DETAILS**

- 2.1. Development viability has become an important consideration within the planning process as established by the National Planning Policy Framework 2012 (NPPF) paragraph 174 which states "*To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable*"

- 2.2. Viability testing is undertaken when boroughs produce Local Plans and when considering planning applications. This influences the extent to which new developments meet Local Plan requirements, in particular the provision of affordable housing, infrastructure and compliance with environmental policies.
- 2.3. Development viability is assessed by comparing the net or “residual” value of a development (after deducting its costs from its revenue) with the value of the land. If the former is sufficiently greater than the latter and would provide a competitive return to a willing developer then the development is considered “viable” and the landowner could be expected to release the land for development.
- 2.4. Many developers state that only minimal levels of affordable housing, well below policy targets, can be viably delivered with their planning application and there are constant challenges in assessing viability on most housing sites.
- 2.5. Each viability appraisal contains information on costs and revenues that would be associated with a scheme, which need to be evidenced and verified. Appendix 2 sets out some key components of development viability appraisals and explains briefly what they mean and notes some common issues with those inputs.
- 2.6. In the Autumn Statement 2015, the Government announced an intention to ‘bring forward proposals for a more standardised approach to viability assessments’. The Government is now seeking views from across the development industry, including local authorities, as to how viability is working or could be improved, and any suggestions as to areas where information can be standardised.
- 2.7. The new Mayor of London, who has made affordable housing one of his top priorities, is expected to carry out an overhaul of the London Plan over the first year of his term, to be preceded by an initial statement on policy and guidance within the next couple of months, with a strong affordable housing and viability emphasis.

#### London Borough Protocol

- 2.8. A borough officer group was set up in late 2014 to discuss experiences, challenges and approaches to assessing viability with the aim of improving outcomes for councils and local communities. A key action of the group has been to produce a joint protocol (see current draft London Viability Protocol at Appendix 1) drawing on best practice to set out overarching principles for considering development viability in line with the NPPF and the national Planning Practice Guidance (PPG).
- 2.9. The aim of the protocol is to provide greater clarity to applicants regarding the information required from development viability appraisals, and to address key issues such as the transparency of information, land value and the use of review mechanisms to assess whether greater policy compliance could be achieved after permission has been granted.

- 2.10. The protocol will not be formal planning guidance but will be read alongside local development plans and borough guidance. This will help to promote consistency and public confidence in the process.
- 2.11. Officers from other London boroughs have been in discussions with CLG and it is understood that the new Mayor of London's will take much of the protocol to inform guidance and policy development, both the initial statement expected over the next couple of months and the new London Plan over the coming year. The protocol has been consulted on publically over February/ March 2016.
- 2.12. The protocol will allow an opportunity for boroughs to demonstrate, a borough-led option for how a standardised approach could work, and thereby influence the development of Government policy in this area as part of Government's viability review..

#### Merton's approach

- 2.13. Following the recommendations of the Affordable Housing Task Group last year, officers have been investigating ways to improve the robustness in how Merton assesses viability appraisals, and on the back of the London borough officer group, the viability protocol and Mayor of London guidance, have identified the following two key priorities:
- (i) ***Increasing transparency in viability submissions to Merton*** It is proposed to amend the local validation checklist to require the submission of viability information when the planning application is submitted to allow a timely and robust assessment of viability information, and clarity as to the extent, format and timing of which viability information will be made available to Councillors and the public.
  - (ii) ***Update and adopt the revised planning obligations SPD*** so that it reflects up to date London Plan supplementary planning guidance on viability, any relevant conclusions to the Government review, the London Viability Protocol and providing the subtext to the aforementioned changes to the validation checklist.
- 2.14. The timescales for delivering these priorities are as follows:
- Over the summer 2016 – finalise and engage with members as to the details of the proposals.
  - September 2016 Cabinet – approve the adoption of the revised Planning Obligations SPD, and approve the revisions to the validation checklist. This will form part of a larger report covering Planning Obligations, CIL and the changes to the validation checklist.
  - September to November 2016 – public consultation on the validation checklist
  - December 2016 – adopt, publish and commence applying the revised validation checklist

### **3 ALTERNATIVE OPTIONS**

3.1. N/A

### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

4.1. The London Viability Protocol was consulted on during February/March 2016 as discussed in the body of the report. Para 5 below sets out the approach to engaging with members, approving the Planning Obligations SPD and consulting on the planning application local validation checklist.

### **5 TIMETABLE**

5.1. As set out in paragraph 2.13 of the report.

### **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

6.1. This report is just for information.

### **7 LEGAL AND STATUTORY IMPLICATIONS**

7.1. This report is just for information.

### **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

8.1. N/A

### **9 CRIME AND DISORDER IMPLICATIONS**

9.1. N/A

### **10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

10.1. N/A

### **11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- Appendix 1 – London Viability Protocol
- Appendix 2 – Key Components of Development Viability Appraisals

### **12 BACKGROUND PAPERS**

12.1. [Paragraph 173 of the National Planning Policy Framework](#)

12.2. [Viability paragraphs \(various\) of the Governments Planning Practice Guidance](#)

12.3. [Part 4 of the London Plan Housing SPG \(March 2016\)](#)

# Appendix 1

## LONDON BOROUGH DEVELOPMENT VIABILITY PROTOCOL

May 2016

[Inside page]

London Borough Viability Group (Logo)

The London Borough Viability Group was formed in 2014 in response to the increasing emphasis placed on development viability in the planning process. The Group draws together planning, housing and surveying officers from across London's boroughs to consider best practice in the assessment of viability.

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### 1. Introduction

- 1.1 Viability testing is undertaken when local authorities produce Local Plans and can be used as part of the application process to ensure that developments are deliverable. This can influence the extent to which new developments meet Plan requirements, such as the provision of affordable housing and infrastructure and compliance with environmental policies.
- 1.2 The London Plan requires that boroughs evaluate viability appraisals rigorously<sup>1</sup>. Robust assessment is vital to ensure the implementation of adopted planning policies which form the basis of the delivery of sustainable development in each authority.
- 1.3 There is a range of different guidance relating to viability assessments which has in some cases led to a diversity in approach. The protocol sets out overarching principles for how boroughs will approach development viability where this is a consideration as part of the planning process, in line with the National Planning Policy Framework (NPPF) and the national Planning Practice Guidance (PPG).
- 1.4 The protocol will provide greater clarity to developers and members of the public and should be read alongside local Development Plans and associated guidance. It does not alter existing policies, but provides additional advice on the information requirements and approaches that local authorities intend to apply when assessing viability.
- 1.5 The draft protocol was subject to public consultation between 22 February and 20 March 2016.

### 2. Delivery of sustainable development

- 2.1 The National Planning Policy Framework (NPPF) establishes that the key purpose of planning is the delivery of sustainable development through a 'plan-led' system<sup>2</sup> as set out in statute. Planning should: help to deliver strong, responsive and competitive economies, by co-ordinating development requirements, such as the provision of infrastructure; create sustainable, mixed and healthy communities; meet full, objectively assessed needs for market and affordable housing; promote sustainable transport; require good design; conserve and enhance the natural and historic environment; and, meet the challenge of climate change.

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<sup>1</sup> London Plan March 2015 (FALP) policy 3.12 and paragraph 3.71

<sup>2</sup> NPPF paragraph 17

- 2.2 The NPPF also requires that the costs of planning requirements should allow for competitive returns to a willing land owner and willing developer to enable development to be deliverable<sup>3</sup>. The process and methodology for testing this must be accounted for within the context of the NPPF as a whole and the overarching objective of achieving sustainable development.
- 2.3 The Statutory Development Plan for each authority consists of the London Plan and borough Local Plans (typically comprising of a Core Strategy, Development Management Policies and Site Allocations). Where a scheme meets Development Plan policies, including affordable housing targets, a viability assessment may not be required.
- 2.4 Significant changes to the planning system are set out in the Housing and Planning Act 2016 and proposed revisions to the NPPF, including the introduction of starter homes and permission in principle. The guidance set out in the protocol is applicable when assessing the viability of proposals under the new arrangements introduced by the Act and the NPPF.
- 2.5 As part of their consultation on Starter Homes Regulations, the Government are considering a viability exemption that will apply only in tightly defined circumstances to ensure that developments with exceptionally high infrastructure costs or in particularly low demand areas are able to proceed. Boroughs will consider further regulatory changes as they come into effect.

### **3. Viability Assessment Process**

- 3.1 PPG requires that viability assessments should be evidence based. Development viability issues can cause delay to the determination of applications when not addressed at an early stage or when insufficient information is provided. To enable authorities to evaluate appraisals rigorously:
  - Section 106 Heads of Terms and development viability (where this is likely to be a consideration) should be discussed at 'pre-application stage'.
  - Proposals submitted should be designed in a form that accords with Development Plan policies and associated guidance.
  - Viability assessments should reflect Planning Practice Guidance on viability and Mayoral and borough guidance relating to methodology and inputs.
  - Assessments should include all relevant information required by the council. Viability evidence must be robustly justified and appraisal assumptions benchmarked against publicly available data sources. Appraisals must be balanced, coherent as a whole and internally consistent.
  - Applicants should demonstrate that the scheme is deliverable with the proposed level of planning obligations.
  - Applicants and/ or assessors should confirm that the assessment provides a fair and true reflection of viability and that this complies with professional and ethical standards.
  - A working electronic version of the viability appraisal model should be provided to the relevant authority.
- 3.2 Councils will consider whether the approach adopted and the inputs applied are appropriate and adequately justified by evidence<sup>4</sup>. In doing so boroughs will typically take advice from external consultants. The reasonable costs of this process will be paid for by applicants.

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<sup>3</sup> NPPF paragraph 173

<sup>4</sup> PPG Viability Paragraph 16 states that an applicant should be "able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable" before an authority agrees to vary requirements



3.3 Applicants may be required to brief members of the planning committee and the public on the details of their viability assessment.

3.4 An appraisal should be updated where necessary to ensure that the assessment reflects current market conditions at the point of determination in line with PPG<sup>5</sup>.

3.5 Following assessment of an applicant's viability appraisal, the relevant council will indicate whether the scheme complies with Development Plan policies and whether or not additional planning obligations are required to ensure compliance.

### *Openness*

3.6 Information relevant to the plan-making and planning application process is publicly available. This is consistent with the NPPF which places a requirement on councils to facilitate community involvement in planning decisions<sup>6</sup>. PPG states that transparency of viability evidence is encouraged wherever possible<sup>7</sup>. The Government has also set out an expectation of full transparency in their statement on estate regeneration<sup>8</sup>.

3.7 The Environmental Information Regulations (2004) recognise the benefits of public participation and include a presumption in favour of disclosure. To ensure transparency and public participation:

- Authorities will expect that information provided can be made available to the public alongside other application documents. In submitting information, applicants do so in the knowledge that it may be made publicly available. Authorities will consider this having regard to the specific circumstances that apply.
- Regardless of the approach taken by an authority in respect of making an appraisal publicly available, boroughs may make information available to planning committee members or any other member who has a legitimate interest in seeing it.
- Authorities may also be required to make information available to a third party where another body has a role in determining an application or providing public subsidy and when fulfilling their duties under the Environmental Information Regulations and freedom of information legislation.

## **4. Development Values**

4.1 Assumptions relating to development values should be justified with reference to up to date transactions and market evidence relating to comparable new build properties within a reasonable distance from the site and, where relevant, should reflect arrangements with future occupiers. In particular:

- Information relevant to comparable properties should be: directly comparable to the site in question or should be adjusted to ensure it is comparable; and be fully analysed to demonstrate how this has been interpreted and applied to the application scheme.
- For any units with characteristics which justify higher values (e.g. upper floors, south facing units, river frontage etc.) further details should be provided, with reference to units of similar characteristics in nearby schemes where possible.

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<sup>5</sup> PPG Viability Paragraph 17

<sup>6</sup> NPPF paragraphs 66 & 69

<sup>7</sup> PPG Viability Paragraph 4

<sup>8</sup> DCLG (2016) Estate Regeneration – Statement

- In line with the London Plan<sup>9</sup>, applicants should engage with Registered Providers (RPs) at an early stage. Affordable housing values should reflect discussions with and offers made by RPs. Affordable housing provision should be maximised making the most effective use of affordable housing resources. Values should be evidenced through calculations of rental and capital receipts (including staircasing receipts for shared ownership units) and available external/ internal subsidies.

## **5. Development Costs**

5.1 Build costs should be provided in an elemental form based on a detailed specification of the proposed development and supported by evidence from cost consultants.

- Cost details should generally be provided based on Gross Internal Area (GIA), clearly apportioning costs to different elements of the development (i.e. commercial, market residential, affordable housing etc).
- Costs should be provided in a detailed elemental form that enables them to be benchmarked against publicly available sources such as BCIS. Authorities may seek advice from a Quantity Surveyor to be paid for by the applicant.
- Authorities will expect a clear correlation between a development's specification, assumed build costs and development values, and for there to be consistency with comparable sites.
- Any site-specific abnormal costs should be disaggregated and supported by robust evidence (including contractor costs). The presence of abnormal costs would normally be expected to influence land value.
- A relationship between professional and marketing fees and development values should also be evident.
- A standardised approach will generally be adopted to finance costs which should be justified according to the specific proposal, reflecting varying interest costs (if applicable) throughout the development period.

5.2 In line with PPG, appraisals should normally be based on current day costs. In particular, these should not include build cost inflation where current day values are assumed. For medium and longer term schemes future changes in costs should only be reflected where projected changes in values based on relevant market data have also been incorporated.

- If a viability assessment assumes changes in development values and build costs, this should be accompanied by a full and detailed justification including evidence of long-term new build trends, current market conditions and market expectations. Profit levels should be fully justified and should not be set at a level that offsets the benefits of assuming growth.
- If an applicant chooses to rely on growth forecasts, the inherent uncertainty associated with forecasting is such that a viability review will be necessary to assess actual changes in value and costs (see below).

## **6. Planning Contributions**

6.1 Likely S106 planning obligations should be included as a development cost and be determined in accordance with Plan policies and guidance. Community Infrastructure Levy (CIL) charges should also be included as a development cost and should be calculated in accordance with borough/ Mayoral Charging Schedules and the CIL Regulations. Borough and Mayoral CIL instalment policies, and phased payments under the CIL Regulations, which aid developer cashflow should also be reflected in the assumed timing of payments.

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<sup>9</sup> Policy 3.12 and paragraph 3.71, 3.72

## 7. Developer Profit

- 7.1 Evidence should be provided from applicants and lenders to justify proposed rates of profit taking account of the individual characteristics of the scheme, a development's risk profile and comparable schemes. Profit levels should be appropriate to current market conditions and in particular would be expected to be lower than levels that were typical following the downturn. Profit levels are likely to fall within a range of 15-20% as a proportion of development costs for market housing and commercial floorspace depending on the circumstances of the proposal. Profit requirements for affordable housing for rent or ownership should reflect lower levels of risk at typically 6% on costs.
- 7.2 It should be made clear how the profit level has been risk adjusted taking into account other assumed inputs within an appraisal. For example, the adoption of cautious assumptions such as the inclusion of contingencies and other costs at the upper end of typical parameters would warrant a lower target profit.
- 7.3 Authorities will normally consider profit as a factor of gross development value (GDV) and / or gross development cost (GDC). An 'internal rate of return' (IRR) approach of measuring profit, which is associated with a long term development programme and assumed growth in values and build costs, is sensitive to the timing of costs and income. If IRR is relied on a full justification must be provided for the assumed development programme, the timing of cost and value inputs and the target IRR. Where IRR is used as a measure of profit, authorities may also consider profit as a factor of GDC/GDV.

## 8 Land Value

- 8.1 Within planning viability assessments there are two assessments of land value that are undertaken to determine whether a proposal is viable: the assessment of *residual land value* and *benchmark land value*. The *residual land value* is determined through deducting development costs from development value (see guidance on costs and values above) to ascertain the remaining value that is available to pay for land<sup>10</sup>. This is then compared with the *benchmark land value* which is the value below which the current / existing use will be retained onsite and the land will not be released for development.

### *Benchmark land value*

- 8.2 The process for establishing an appropriate benchmark land value for a viability assessment is key, because this indicates the threshold for determining whether a scheme is viable or not. A development is typically deemed to be viable if the residual land value is equal to or higher than the benchmark land value, as this is the level at which it is considered that the landowner has received a 'competitive return' and will release the land for development.

### *Existing Use Value Plus Premium*

- 8.3 The 'Existing Use Value plus' (EUV+) approach to determining the land value benchmark is based on the current use value of a site plus a premium. The principle of this approach is that a landowner should receive at least the value of the land in its 'pre-permission' use, which would normally be lost when bringing forward land for development. A premium is added to provide the landowner with an additional incentive to release the site, having regard to site circumstances.

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<sup>10</sup> This is the residual method of land valuation

8.4 The benefit of this approach is that it clearly identifies the uplift in value arising from the grant of planning permission because it enables comparison with the value of the site without planning permission.

8.5 PPG confirms that comparing the current use value of a site with the residual land value generated by the proposed development (which must be equal to or higher than the benchmark) is an appropriate way to determine whether or not a 'competitive return' is achieved for the land owner<sup>11</sup>.

8.6 In line with the Mayor's Housing Supplementary Planning Guidance (SPG) and the GLA Affordable Housing Toolkit Guidance Notes, the boroughs consider that the 'existing use value plus a premium' approach is most conducive to achieving the goals of the planning system and should be used to determine the benchmark land value in most circumstances<sup>12</sup>.

8.7 When determining an appropriate land value benchmark:

- An existing use value should be fully justified with reference to comparable evidence, which excludes any hope value associated with development on the site or alternative uses. This evidence should relate to sites and buildings of a similar condition and quality or otherwise be appropriately adjusted. Where an existing use and its value to a landowner is due to be retained in a development (and not lost as is usually the case), a lower benchmark would be expected.
- Premiums above Existing Use Value should be justified, reflecting the circumstances of the site and landowner<sup>13</sup>. The actual percentage will be determined on a site by site basis depending on the actual use of the site. For a site which does not meet the requirements of the landowner or creates ongoing liabilities / costs, a lower premium would be expected compared with a site occupied by profit-making businesses that require relocation.
- As set out in PPG, in all cases land or site value should reflect Development Plan Policies, planning obligations and CIL<sup>14</sup>. When determining a level of premium that would be sufficient to incentivise release of a site for development and ensure that a landowner receives a 'competitive return', this should take into account the overarching aim of delivering sustainable, policy compliant development and that an uplift in land value is dependent on the grant of full planning consent.

### *The Market Value Approach*

8.10 An alternative approach determines the benchmark land value using the market value of land, *having regard to* Development Plan policies and material considerations. This is based on RICS guidance which is predicated on the basis that land trades at market value<sup>15</sup>. Notwithstanding this, as referred to in the Mayor's Housing SPG, recent research by the RICS has identified flaws in the application of the 'Market Value' approach<sup>16</sup>.

8.11 The RICS research explains that 'if market value is based on comparable evidence without proper adjustment to reflect policy compliant planning obligations, this introduces a

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<sup>11</sup> PPG Viability Paragraph 24

<sup>12</sup> Also applied within the Homes and Communities Agency Guidance 'Responding to the Downturn', and Local Housing Delivery Group 'Viability Testing Local Plans: Advice for Planning Practitioners'

<sup>13</sup> This is considered further in: the GLA Development Appraisal Toolkit Guidance Notes (2015)

<sup>14</sup> PPG Paragraph 23

<sup>15</sup> See RICS Guidance Financial Viability in Planning (2012)

<sup>16</sup> Mayor's Housing SPG (2016), paragraph 4.1.5

circularity, which encourages developers to overpay for sites and try to recover some or all of this overpayment via reductions in planning obligations<sup>17</sup>. This is inconsistent with the requirements of PPG, and creates a scenario where it becomes almost inevitable that policy requirements are found to make a development unviable.

- 8.12 The GLA Viability Toolkit Guidance Notes (2015) also reference potential problems with this approach: “It is possible for the Toolkit to model an approach where the land acquisition cost is used as a driver for the viability calculation. Users will need to be aware that this approach effectively “turns the model on its head”, and determines that policy requirements are the ‘residual’ in the calculation and thus open to being ‘squeezed’ by developers who have not reflected policy in their bid for land”<sup>18</sup>.
- 8.13 Land transactions reflect the specific circumstances of the developer whereas planning viability appraisals are typically undertaken on a standardised basis. Reliance on land transactions for sites that are not genuinely comparable or that are based on assumptions of low affordable housing delivery, excess densities or predicted value growth, may lead to inflated site values. This undermines the implementation of Development Plan policies and the ability of planning authorities to deliver sustainable development.
- 8.14 For these reasons the sale price of land is distinct from a benchmark land value and should not be included in a viability assessment. Where site value does not take full account of the Development Plan or CIL charges, where market land transactions are not fully evidenced and genuinely comparable, or where transactions are based on growth assumptions and have not been appropriately adjusted (while PPG requires that assessments are normally based on *current day values*) the Market Value approach will not be supported.
- 8.15 The same approach will apply when determining land value on sites that may be subject to planning permission in principle. Site values that do not fully reflect Development Plan Policies including affordable housing requirements will not be accepted.

#### *Alternative Use Value*

- 8.16 Where a benchmark land value is based on an alternative use, this should be realistic and comply with planning policy<sup>19</sup>. The Mayor’s Housing SPG states that an *Alternative Use Value* (AUV) approach to determining a benchmark land value should only be used if the alternative use would fully comply with development plan policies and it can be demonstrated that the alternative use could be implemented on the site in question<sup>20</sup>.
- 8.17 Where an applicant intends to rely on an alternative use valuation they should provide information to enable the authority to determine whether the scheme is capable of securing consent and a viability assessment for the alternative use, and demonstrate that there is market demand for the alternative use.

#### *Residual Land Value*

- 8.13 The residual land valuation approach is sensitive to small changes in value and cost inputs which can significantly change the resulting land value that is generated. The *comparison method* of valuation can be used to cross-check the residual land value. This uses market evidence as a basis of assessing whether a residual land value realistically

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<sup>17</sup> RICS (Professor Neil Crosby, Professor Peter Wyatt) Financial Viability Appraisal in Planning Decisions: Theory and Practice (2015)

<sup>18</sup> GLA Viability Toolkit Guidance Notes (2015), page 11

<sup>19</sup> PPG paragraph 24

<sup>20</sup> Mayor’s Housing SPG (2016), paragraph 4.1.6

reflects market conditions as required by PPG. In some circumstances, such as where a residual land value is lower than transacted land values<sup>21</sup>, it may be necessary to revisit relevant inputs in an appraisal (such as profits/ costs etc.) to ascertain whether these are appropriate and realistic.

## **9 Viability Review Mechanisms**

9.1 Development values adopted within viability assessments are typically determined based on current day values at the point of the planning permission. However there is usually a time lag between the planning stage and delivery of the development with developers normally having up to three years to implement a development and the construction period further delaying the point at which values are realised. During this time significant changes can occur to the viability of a development.

9.2 London Plan Policy 3.12 makes provisions for 'contingent obligations' where viability is re-appraised at a later stage through a viability review to determine if a greater level of policy compliance can be achieved. This is intended to ensure that the maximum public benefit is secured over the period of the development.

- Where affordable housing targets and other policy requirements are not met at application stage due to viability considerations, authorities will require applicants to enter into review mechanisms within Section 106 agreements. These will enable a re-assessment of viability to determine whether additional affordable housing and other planning obligations can be provided at a later date to ensure the greatest possible level of policy compliance. In line with the Mayor's Housing SPG and current practice, authorities may seek reviews on phased and non-phased schemes.
- Reviews may take place prior to or at an early stage of development enabling additional onsite affordable housing to be provided, or at a later stage based on actual values / costs which will generally result in a financial contribution. On phased schemes viability reviews may be required at different stages of the development process.
- Where a 'surplus' profit is generated over and above the 'target' or 'base' profit level (which is necessary to ensure a viable development), this will be prioritised for a greater level of policy compliance (capped by relevant policy requirements). In some instances a council may deem it appropriate for a developer to receive a share of surplus profit to remain incentivised to maximise value.
- The purpose of review mechanisms is to ascertain whether additional policy compliance can viably be achieved at the point of delivery. Review mechanisms should not result in a reduction in policy compliance which is likely to affect the acceptability of a development proposal.

## **10 Mayoral 'Call-In' Applications**

10.1 For developments that are 'called-in' by the Mayor of London, boroughs will work with the Mayor to assess viability appraisals in accordance with the Statutory Development Plan.

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<sup>21</sup> These should be comparable and consistent in approach or adjusted accordingly

## Appendix 2

### Components of Development Viability Appraisals

	Meaning	Notes
<b>Revenue Inputs</b>		
OMV	Open Market Value of individual components in a development, e.g. dwellings, retail floorspace, car parking spaces. Commonly expressed as £value/square foot	Important that values are based on relevant transactions from comparable sites
GDV	Gross Development Value. The aggregate value of all the individual component's OMV, including rental values, and other revenue streams.	Subsidies should also be accounted for here, e.g. contributions from infrastructure/affordable housing providers for community facilities and affordable housing land/buildings/units
<b>Cost Inputs</b>		
Construction Costs	The costs for buildings and externals. Usually includes contingencies (average 5%) which can increase for complex sites. Royal Institute of Chartered Surveyors "BCIS" provides benchmarks to assist assessments.	For smaller sites variations from BCIS low/median quartiles need to be evidenced by detailed breakdown of costs. For larger sites these breakdowns should be provided as a matter of course.
Developers Profit/return	A measure of risk with developers profit higher if the development is considered more risky. This is expressed as a cost as developers and their lenders require it as a buffer given levels in the appraisal are based on current day value/costs for development that will happen at an uncertain time in the future. Except for the very large development that is built out over the longer term, this is expressed as a percentage of GDV or construction cost.	This is an area of concern as levels remain at the same as those applied during the recession. It is difficult for LPAs to scrutinise due to lack of evidence that is in the public domain (also relevant to other cost inputs and BLV). Often set out by applicants as an output but is best understood as a cost.
CIL, Affordable Housing and other planning	CIL and S106 contributions will usually be expressed as fixed costs. Affordable housing costs will usually be reflected in	NPPG states that any planning obligations can't make development

obligations	a reduced amount of revenue from the development (reduced OMV/GDV) plus on-costs to the affordable housing provider, or a fixed subsidy from an affordable housing provider based on an offer for the land (with a reduced number of units given an OMV), buildings or units that would be less valuable to the developer than if that land/buildings/units were sold on the open housing market. Note that affordable housing units usually require a lower developer's profit (i.e. lower cost than market housing) because they are considered less risky.	unviable. Provided that the other viability components are agreed and have been verified through a robust form of scrutiny, LPAs either are required to reduce planning obligations until development is viable, or (except on grounds of lack of affordable housing) refuse to grant planning permission.
<b>Outputs</b>		
Residual Value	The output of the development viability appraisal, which effectively tells you the value of the development.  As above planning obligations/Affordable Housing would need to be reduced until the residual value of the development exceeds the Benchmark Land Value (See "BLV below).	Review mechanisms can be used to reassess viability at a later stage and claw back contributions if viability has improved.
<b>Land Value Comparisons</b>		
BLV	Benchmark Land Value. Values for the land that are used to help establish what the Residual Value will need to be for the development to be considered "viable".  The Mayor of London SPD and the London Viability Protocol prefers the use of the Existing Use Value "plus a premium" approach, however Inspectors have accepted alternative approaches such as the "Market Value Approach", which is based on values of land transactions for similar sites on the open market or "Alternative Use Values" for development schemes that are unlikely to come forward for development, which have had perverse impacts on ability to deliver policy compliant schemes.	Government Guidance is unclear as to how to approach the question as to whether the prices of land transactions should determine BLV in a highly competitive land market as is the case in London.