

PLANNING APPLICATIONS COMMITTEE

16th June 2016

	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	15/P2647	10/09/2015
Address/Site	Brown and Root House, 125 High Street, Colliers Wood, SW19	
(Ward)	Colliers Wood	
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 sq.m in total) for use within Classes A1 (retail), A2 (Financial and professional services) and A3 (Restaurants/cafes), 523 sq.m for community use (Use within Class D1) 301 sq.m 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.	

Drawing Nos

Proposed Site Plan

Phasing plan 210805 P008A

LO(03)301 P1 Ground Floor Plan (amended rec'd 03/05/16)

LO(03)302 P1 First Floor Plan (amended rec'd 03/05/16)

LO(03)303 P1 Second Floor Plan (amended rec'd 12/04/16)

LO(03)304 P1 Third Floor Plan (amended rec'd 12/04/16)

LO(03)305 P1 Fourth Floor Plan (amended rec'd 12/04/16)

LO(03)306 P1 Fifth Floor Plan (amended rec'd 12/04/16)

LO(03)307 P1 Sixth Floor Plan

LO(03)308 P1 Seventh Floor Plan

LO(03)309 P1 Eighth Floor Plan

LO(03)310 P1 Ninth Floor Plan

LO(03)311 C3 Tenth Floor Plan

LO(03)312 Eleventh Floor Plan

LO(03)313 Twelfth Floor Plan

LO(03)314 Thirteenth Floor Plan

LO(03)315 Fourteenth Floor Plan

LO(03)316 Fifteenth Floor Plan

LO(03)317 Sixteenth Floor Plan

LO(03)318 Seventeenth and Eighteenth Floor Plan

LO(05)101 North Elevation

LO(05)100 South Elevation

LO(05)102 East Elevation

LO(05)103 West Elevation

Accommodation Schedule Phase 1
Accommodation Schedule Phase 2
PL(02)100 Site Plan.

WH148/13/LO(05)001 – Proposed elevation with Phase 2 not implemented.

Contact Officer: Jonathan Lewis (020 8545 3287).

RECOMMENDATION

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

CHECKLIST INFORMATION.

- Heads of agreement – Permit free housing and provision of a review mechanism to deliver affordable housing contributions.
- Is a screening opinion required: Yes.
- Is an Environmental Impact Statement required: No.
- Press notice: Yes.
- Site notice: Yes.
- Design review panel consulted: No.
- Number of neighbours consulted: 192
- External consultations: English Heritage, GLA, TfL
- Archaeology: In a Priority zone.
- Flooding: In flood zone 3.

1. INTRODUCTION.

- 1.1 At the meeting of the Council's Planning Applications Committee on 23rd May a decision on this application was deferred The Item was deferred to a future meeting so that Officers could provide additional detailed information on the size of the apartments in relation to the London Plan space standards.
- 1.2 Officers were also requested to provide a Legal view on whether all the variations could be considered under the terms of a section 73 application.
- 1.3 Planning permission has been granted for a major mixed use development of the above site. Condition 2 attached to planning permission reference 10/P2784 requires the scheme be implemented in accordance with a schedule of plans. The applicant seeks to vary the condition under the terms of a Section 73 application in order to implement the development the design of which is different from that of the approved plans.
- 1.4 Development of Phase 1 is already progressing on the basis of the plans to be considered under this application and is well under way.

- 1.5 Accompanying the application are revised drawings which would result in a modest reduction in the number and mix of dwellings, some changes to the floorspace of non-residential uses, and a change to the configuration of the flats within the development.
- 1.6 The proposed amendments have been submitted against a backdrop of on-going discussions between Council officers and the applicant about a fresh application for what is known as the Phase 2 land and which could supersede proposals for this part of the development.

2. SITE AND SURROUNDINGS.

- 2.1 The site and its surroundings are described in the 2004 and 2006 reports to Committee extracts from which are appended to this report.
- 2.2 Since the 2010 application was considered by Committee development on site has commenced including the erection of an extension to the north side of the Tower and cladding of the building and continues to progress. The surrounding area is also experiencing change with environmental improvements to the highway network having taken place including along Christchurch Road, High Street Colliers Wood and Baltic Close. Completion of the Colliers Wood public realm improvements rely on the provision of the tower piazza.
- 2.3 The area within which the Tower is located is identified in the London Plan (2015) as an opportunity area for intensification.

3. CURRENT PROPOSAL

- 3.1 Planning permission was granted in April 2008 for a major mixed use development comprising the refurbishment conversion and extension to Brown and Root Tower. Details of the consented scheme are appended to this report, the scheme being amended between 2004 when a report was first considered by Committee and 2006 when amended proposals deleted a small parcel of land in the south east corner of the site. Planning permission was granted in 2011 for variations to the conditions attached to the 2008 permission such that it introduced a phasing condition into the permission; Phase 1 essentially being the extension and conversion of the Tower and Phase 2 being the erection of extensions to the rear of the Tower. The amendments to the permission were concurrent with amendments to the terms of a previously brokered S106 agreement and deleted various financial contributions towards the delivery of a new library, towards education open space and employment and the provision of affordable housing.
- 3.2 The applicant seeks to vary the conditions further under the terms of a Section 73 application in order to enable changes to the design of the development which would still be undertaken in two phases.

- 3.3 The submitted drawings differ from those considered at the time of the consented scheme in 2011. Changes are proposed to the quantum and arrangement of accommodation and to the massing of the proposals.
- 3.4 The changes to the design include a simplification of the shape and form of the projecting extension on the north side of the Tower. The approved scheme had a north facing elevation with a sloping face with a footprint smaller on the ground floor than on the upper floors. The revised design has a simple vertical face to the northern elevation. The change alters the footprint of the ground floor and results in an increase in floorspace for the commercial units (floorspace changes in table below). The northern extension to the tower has been built in advance of a decision being issued.
- 3.5 A more flexible arrangement of accommodation is proposed for the commercial units and rather than designating two retail units and 1 restaurant/café unit each is now identified as being for use within Class A1 (retail) A2 (financial and professional services) or A3 (Restaurant/café).
- 3.6 Adjustments have also been made to the community and office space in Phase 2 resolving a degree of conflict between floorspace figures and plans from an earlier iteration of the scheme. The changes also reflect a change in circumstances locally. The approved scheme had identified the D1 primarily for a new library and this is now being constructed at the nearby former Cavendish House site. The D1 floorspace is now identified for community uses providing greater flexibility with the remaining B1 office floorspace being identified for either office or community use (floorspace changes in table below)

	Consented scheme: 10/P2784	Amended scheme: 15/P2647
B1 (office)	923 sq.m	0 sq.m
D1 (Library/ community floorspace)	629 sq.m library	523 sq.m
B1 or D1 floorspace	0 sq.m	301 sq.m

A1 (retail	370 sq.m	598 sq.m for use within Class A1, A2 or A3.
A2 (offices)	0 sq.m	
A3 (restaurant/café)	102 sq.m	

- 3.7 The latest changes propose more flats in the remodelled Phase 1 and fewer in Phase 2 with a slight reduction overall in the numbers (215 instead of 218 flats). The potential for Phase 1 to deliver more units is linked to re-designing the interior of the tower removing a redundant stairwell freeing up more space for active use.
- 3.8 Alterations to the configuration of the flats within the development are set out below:

Schedule of Accommodation:

Existing Permitted Scheme (10/P2784)	Studios	One Bedroom	Two Bedroom	Three Bedroom	Four Bedroom	Total
Tower and Extension to the North	12	56	82	0	0	150
Extension to the South	0	10	46	12	0	68
Total	12	66	128	12	0	218

Current Application (15/P2647)	Studios	One Bedroom	Two Bedroom	Three Bedroom	Four Bedroom	Total
Tower and Extension to the North	0	80	97	0	0	177
Extension to the South	0	0	0	30	6	36
Total	0	80	97	30	6	213

- 3.9 Amenity space for the development would be provided in the form of an enclosed open space with a footprint of 216 sq.m running up from the second floor to the fifth floor in the link between the rear of the Tower and the Phase 2 block in an area that previously had been shown as flats and 718 sq.m in an atrium in what also had previously been flats in the eighth and ninth floors in Phase 2. Individual flats in Phase 1 would not have balconies and this does not differ from the consented scheme while flats in phase 2 are designed to have individual balconies.
- 3.10 The applicant has also provided elevations showing the rear of the Tower in the event that Phase 2 does not proceed in its present form and is superseded by new proposals.
- 3.11 The applicant has also submitted with the application a copy of the 2003 Planning statement, the 2004 Flood Risk assessment and also an up to date viability study.
- 3.12 In order to clarify matters regarding sizes of units vis a vis London Plan standards the applicant has submitted a revised schedule of accommodation. The applicant advises that the revised schedule takes into account the sizes of the two bedroom apartments and their respective bedrooms and “clearly demonstrate that the two bedroom units are only suitable for three persons

and not four persons as previously outlined. In more detail, at least one of the bedrooms in each two bed unit are below the 11sq.m threshold, as set in the Nationally Described Space Standards and as such, are only suitable for single person occupancy”.

- 3.13 In support of the latest application the applicant’s planning advisor asserts that “the spreadsheet clearly highlights that the current live application, with the amended 2b3p units, makes an overall marked improvement on previous planning permission (10/P2784). Percentage wise, the previous application was 11% below London Plan Standards in total, whilst the current application with the correctly recognised 2b3p apartments are only 6% below the standards in total. This is a clear marked improvement.”

4. PLANNING HISTORY

- 4.1 March 2004 (03/P0202) the Planning Applications and Licensing Committee resolved to grant planning permission subject to the completion of a Section 106 obligation for the demolition of the existing multi-storey car park, conversion of and alterations / extensions to the tower block; erection of a new building (combined) to provide 226 residential units, 2 retail (A1) units (370 square metres), a new public library facility (629 square metres), Class B1 business/office adaptable space (876 square metres), a café / bar (A3) (102 square metres), creation of public open space together with car and cycle parking provision and landscaping (see Appendix 1).
- 4.2 December 2005. Planning Applications Committee resolved to grant planning permission for the same development as above subject to an amended set of heads of agreement for a Section 106 obligation and amended conditions.
- 4.3 August 2006. Following issues arising from part of the site being owned by a third party, the design of the scheme was amended, removing the part of the proposed extension in the south east corner of the site. The amended development comprised the following: Demolition of existing multi-storey car park, conversion of and alterations / extensions to the tower block; erection of a new building (combined) to provide 218, 2 retail (A1) units (370 square metres), a new public library facility (629 square metres), Class B1 business/office adaptable space 923 sq.m, a café / bar (A3/A4) (102 square metres), creation of public open space together with car and cycle parking provision and landscaping

Planning Applications Committee resolved to grant planning permission for the scheme as amended subject to the completion of a S106 agreement (subject to the amended heads of agreement and conditions).

Planning Permission was granted following completion of S106 in April 2008.

- 4.4 August 2006. (06/P1641) Application for redevelopment of site submitted by London Green Properties for the refurbishment and extension of the existing tower to include 315 residential units (146 X 1, 151 X 2 and 18 X 3 bedrooms), new library building (794 q.m), B1 office space (537 sq.m), retail

units (250 sq.m), D1 Health Centre (750 sq.m) and a new public square with associated landscaping and highway works. Application withdrawn.

- 4.5 December 2008 (08/P2787) Installation of an internally illuminated advertising hoarding. Advert consent refused and following grounds:
The proposal, by reason of its size, orientation, illumination and location would result in an unduly prominent and intrusive advertising display, detrimental to the visual amenities of the area, inappropriate to the location in which it is sited, and which would detract from the general conditions of highway and pedestrian safety, contrary to policies BE.28 and BE.29 of the Adopted Unitary Development Plan (2003).
- 4.6 September 2009 (09/P0652) Renewal of temporary permission for car wash facilities. Withdrawn.
- 4.7 February 2011 11/P0047
Emergency notice of installation of a 15m high temporary mobile phone mast fixed to a movable base on land to the rear of the tower and in place for a period of up to 6 months.
- 4.8 February 2012 10/P2784. Amendments to conditions attached to 2008 planning permission including introduction of a phasing condition and amendments to S106 agreement.
- 4.9 Submission of details to discharge various conditions attached to permission reference 10/P2784:
12/P2033 - Condition 15 - Archaeological works – approved. This submission also included details in relation to Phase 1 in respect of the following conditions: 24 (Car club scheme) approved, 18 (Working method statement) approved, 17 (Remediation) approved, 12 (café/bar kitchen ventilation) generic details at this stage and requires further submission, 11 (Sound insulation/attenuation measures) approved 10 (Parking and electric charging) approved, 9 (Cycle parking) approved, 6 (Storage and recycling of refuse) approved.
12/P3118 – Condition 16 – Foundation design for relevant phase - approved. Condition 13 - Landscaping (outstanding and now to be linked with the design details of the Colliers Wood public realm project). Condition 5 - surface treatment for relevant phase (outstanding and as Condition 13).
12/P3257 – Condition 20 temporary boundary treatment for relevant phase – approved.
13/P3306 – Condition 8 - general arrangement and 23 - parking plan approved.
13/P0514 – Condition 4 - external materials (Phase 1) – approved.
- 4.10 2013 - 13/P0467 - Application for non-material amendment to conditions 5, 8, 13 16 and 21 approved. The non-material amendment has the effect of changing pre-commencement conditions to pre-occupation conditions in relation to approval and implementation of surface treatment, vehicle access, hard and soft landscaping, foundations and groundworks for the relevant phase, and for entering into a S278 agreement for a scheme of works to the

highway including alterations to site access, resurfacing of Christchurch Road between Priory Road and High Street Colliers Wood and other alterations to the highway to provide for an elongated bus layby and taxi rank on Christchurch Road within the overarching public realm design established by the Council and TfL's public realm project.

Officers advise that since endorsing this amendment TfL have assumed responsibility for all roads surrounding the development, and that any S278 agreement would now need to be between the applicant and TfL.

5. CONSULTATION

- 5.1 Site and press notices and 192 neighbours. No replies.
- 5.2 Cllr Nick Draper. Objections are raised regarding the absence of affordable housing and that all the development would be private.
- 5.3 GLA Planning Decision Unit. The proposed changes do not raise any strategic planning issues. The application relates to a permission that pre-dates the current London Plan and as such the development will not comply with various aspects such as space standards. However, it would be unreasonable to revisit these matters now particularly as the Phase 1 works are on site and the envelope of the building is fixed.
- 5.4 Transport for London. No objections. Given the nature of the proposed changes TfL is satisfied that they are unlikely to have an impact on the TLRN.
- 5.5 English Heritage (Archaeology). No comments.
- 5.6 Environment Agency. No objection.

6. POLICY CONTEXT

- 6.1 The relevant policies in the London Plan (2015) are:
 - 2.3 Growth Areas and coordination corridors;
 - 2.6 Outer London: vision and strategy;
 - 2.7 Outer London Economy; 2.8 Outer London Transport;
 - 2.13 Opportunity and intensification areas;
 - 3.3 Increasing housing supply;
 - 3.4 Optimising housing potential;
 - 3.5 Quality and design of housing developments;
 - 3.6 Children and young peoples play;
 - 3.7 Large residential developments;
 - 3.8 Housing choice;
 - 3.9 Mixed and balanced communities;
 - 3.10 Definition of affordable housing;
 - 3.11 Affordable housing targets;
 - 3.12 Negotiation affordable housing on individual private residential and mixed use schemes;
 - 3.13 Affordable housing thresholds;

- 3.16 Protection and enhancement of social infrastructure;
 - 3.18 Education;
 - 4.2 Offices;
 - 5.2 Minimising carbon dioxide emissions;
 - 5.3 Sustainable design and construction;
 - 5.7 Renewable energy;
 - 5.13 Sustainable drainage;
 - 5.15 Water use and supplies;
 - 6.2 Providing public transport capacity and safeguarding land for transport;
 - 6.3 Assessing effects of development on transport capacity;
 - 6.9 Cycling;
 - 6.10 Walking; 6.13 Parking;
 - 7.2 An inclusive environment;
 - 7.4 Local character;
 - 7.5 Public realm;
 - 7.6 Architecture;
 - 7.7 Location and design of tall and large buildings;
 - 7.14 Improving air quality.
- 6.2 The relevant policies in the Merton LDF Core Planning Strategy (2011) are:
- CS.1 Colliers Wood;
 - CS.7 Centres;
 - CS.8 Housing choice;
 - CS.9 Housing provision;
 - CS.11 Infrastructure;
 - CS.12 Economic development;
 - CS.14 Design;
 - CS.15 Climate change;
 - CS.16 Flood risk management;
 - CS.18 Active transport;
 - CS.19 Public transport;
 - CS.20 Parking servicing and delivery;
- 6.3 The relevant policies in the Merton Site and Policies Plan (2014) are:
- DM H2 Housing mix
 - DM H3 Support for affordable housing
 - DM C1 Community facilities
 - DM E2 Offices in town centres
 - DM E4 Local employment opportunities
 - DM D1 Urban design and the public realm
 - DM D2 Design considerations in all developments
 - DM D3 Alterations and extensions to existing buildings
 - DM F1 Support for flood risk management
 - DM F2 Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure
 - DM T2 Transport impacts of development
 - DM T3 Car parking and servicing standards
 - DM T4 Transport infrastructure
 - DM T5 Access to the Road Network

- 6.4 Associated Council/GLA initiatives - Connecting Colliers Wood:
The Colliers Wood area secured £1.6m from the Mayor's Regeneration Fund in 2012, matched by £820,000 from Merton, to improve local roads and public spaces, connecting the area to the river Wandle and Wandle Park.

Since 2013 Merton Council has been working in partnership with TfL and the Mayor of London on a project called Connecting Colliers Wood, focusing on streetscape and highways improvements.

Transport for London have undertaken major streetscape improvement works outside the tube station and at the junction with Priory Road. The works form part of a wider project to create a new town square to complement the redevelopment of Brown and Root tower into residential units. Work continues in the area with reviews having taken place to extend local CPZ's and to enhance the environment of Baltic Close. Criterion Capital have also paid the S106 planning obligation under the provisions of the 2010 scheme to the Council which is part-funding the public realm upgrades currently underway through the Connecting Colliers Wood project. The final phase of the Connecting Colliers Wood project will be the completion of the tower piazza, by Criterion, in accordance with the detailed public realm designs now established by LBM and TfL.

7. PLANNING CONSIDERATIONS

- 7.1 The redevelopment of Brown and Root Tower continues to be a catalyst to the regeneration of Colliers Wood with work to extend and re-clad the building (Phase 1) now well advanced.

- 7.2 The proposals the subject of this report and comprising changes to the consented scheme are the subject of an application for a material minor amendment under Section 73 of the Planning Act.

Amending conditions.

- 7.3 Section 73 of the Town and Country Planning Act enables applications to be made to remove or vary conditions on a planning permission.

- 7.4 Government guidance on Section 73 applications states: "the development which the application under S.73 seeks to amend will by definition have been judged to be acceptable in principle at an earlier date". The Local Planning authority can consider national or local policies or other material considerations which may have changed significantly since the original grant of permission, as well as the changes sought.

- 7.5 Planning permission may be granted subject to conditions differing from those subject to which the previous permission was granted. Planning permission must not be granted to extend the time within which development must be started.

- 7.6 Officers have sought the views of Merton's Legal Services as to whether the changes shown on the submitted plans may reasonably be considered under

an application under S73. While officers acknowledge that 4 further flats have been formed on the second to fifth floors in the area shown on the plans to be amenity space it is considered that this does not prevent the Council from considering the submitted plans under the terms of the current S73 application. The status of these flats and planning mechanisms to address this departure from the submitted plans is addressed below.

Changes to quantum and type of accommodation.

- 7.7 The changes relate to both the residential and non-residential elements of the scheme.
- 7.8 A slight reduction from 218 to 213 flats overall is not considered to have an impact on the scheme that would still make a substantial contribution to the delivery of housing in the Borough.
- 7.9 Since consideration of the 2010 scheme the Council has adopted its Sites and Policies Plan. Policy DM.H2 seeks the following mix of dwellings from new developments to provide housing choice: One bedroom 33%, Two bedroom 32% Three + bedrooms 35%. This mix is informed by a number of factors, including Merton's Strategic Housing Market Assessment (SHMA 2010), deliverability, viability, affordability, land availability and data concerning waiting lists.
- 7.10 Assessment of historical provision in the borough indicates a disproportionately greater delivery of smaller homes compared to larger homes: 84% of dwellings completed in the borough between April 2000 and March 2011 consisted of 1 or 2 bedroom units.
- 7.11 The latest proposals provide 80 (37.5%) one and 97 (42%) two bedroom flats in phase 1 and 30 (14%) 3 bedroom units and 6 (2.8%) 4 bedroom units in Phase 2. Were Phase 2 to proceed then the current mix while not fulfilling the Council's preferred mix would provide a greater proportion of 3 and 4 bedroom units than the consented scheme where only 5.5% of the units were 3 bedroom the remainder being studio, 1 and 2 bedroom units.
- 7.12 The proposed increase to the amount of non-residential floorspace in phase 1, or the widening of uses to which the units could be used, does not raise any issues that might conflict with adopted planning policies. The changes provide a pragmatic level of flexibility to help with marketing the units, the uses of which would be appropriate within the centre.
- 7.13 Legal Services have advised that any attempt to add a new use to the uses in the original development would generally be unlikely to be capable of being dealt with under S73.
- 7.14 A change from designation of floorspace space in Phase 2 from a library to a more generic "community" use, both uses being within Class D1, is again considered to be a pragmatic response to the evolving situation in Colliers Wood where a recently consented scheme, which includes provision of a new library at nearby Cavendish House, is now well underway.

- 7.15 Research into the development of the policies in the Council's Local Development Framework highlighted a surplus of underused office floorspace across parts of the borough and signalled both scope to allow for a contraction of such floorspace while directing new and major office provision towards Wimbledon. The reduced level of office floorspace in Phase 2 would not conflict with adopted planning policies.
- 7.16 Advice from Merton's Legal Services indicates that anything which involves a material enlargement of the original development, for example an increase in floorspace would generally be unlikely to be capable of being dealt with under S73. Overall the amount of non-residential floorspace has decreased not increased.

Maximising residential outputs, standard of accommodation and residential amenity.

- 7.17 The London Plan (2012 and 2015 (As amended)) and the Housing SPG (2012 and 2016) both post-date the 2010 consented scheme. Their significance is in that they set minimum overall space standards and amenity space standards for flats (London Plan policy 3.5 states that housing developments should be of the highest quality internally and externally. The Mayor regards the relative size of all new homes in London to be a key element of this strategic issue and has therefore adopted the Nationally Described Space standard in the most recent amendments to the London Plan.
- 7.18 While not subject to these standards the consented scheme would have delivered flats as follows:
Phase 1 – 52 flats (34.7%) over London Plan standards and 98 flats (65.3%) under.
Phase 2 - 64 flats (94) over London Plan standards and 4 flats (6%) under.
- 7.19 Based on the applicant's original schedule of accommodation and floorspace/bedspace data the amended scheme would deliver flats as follows:
Phase 1 – 17 flats (8.6%) over London Plan standards and 160 flats (90.4%) under.
Phase 2 – 30 flats (83.3%) over London Plan standards and 6 (16.7%) under.
- 7.20 On the basis of the original schedule, whereby the two bedroom units are labelled as 4 person/4 bedspace units the proposed changes would deliver a greater percentage of flats below London Plan standards than the consented scheme.
- 7.21 Further to the request from members of the Planning Applications Committee at the meeting on 23rd May the applicant has provided further information quantifying the shortfalls in the floorspace of the flats against London Plan standards.
- 7.22 The applicant asserts that having regard to the National Housing standards the two bedroom units are only suitable for three persons and not four

persons as previously described, the second bedroom falling below the minimum size for a double bedroom. The amended floorspace table from the applicant provides information regarding the percentage by which units in Phase 1 exceed or fall below London Plan standards on the basis of assigning the 3 bedspace standard to the two bedroom units (61 sq.m) and not the 4 bedspace standard (70 sq.m).

- 7.23 Based on the applicant's amended table, of those units that meet or exceed the minimum standards they range from being 102% to 117% relative to the London Plan (National Housing Standard).
- 7.24 Of those units that fail to meet the standards they range from being 86% to 95% relative to the London Plan (National Housing Standard). 37 units are 86%-89% of London Plan standards, while 112 are 90-99% of the London Plan minimum standard.
- 7.25 On the basis that the two bedroom flats are treated as 3 and not 4 bedspace units as a matter of judgement members may consider the floorspace shortfalls are not so great when weighed against the other positive factors of the scheme to warrant refusal.
- 7.26 The amended plans include large areas within the building envelope annotated as amenity space that previously were previously to be flats. Were the development to be completed in accordance with these amendments then the proposals would deliver an improvement to the amenity space available for the flats compared to the consented scheme. Were Phase 2 not to proceed then the plans would appear to deliver an enclosed amenity area towards the rear (south) elevation of the Tower. This however is the subject of a separate discussion with the applicant as flats appear to have been formed in this area.
- 7.27 London Plan policy 2.13 indicates that development proposals within opportunity areas (Colliers Wood/South Wimbledon is identified as such an area) should, amongst other matters, seek to optimise residential and non-residential output and densities, where appropriate contain a mix of uses contribute towards meeting or where appropriate exceeding minimum guidelines for housing and support wider regeneration.
- 7.28 The proposals have kept broadly within the scope of the consented scheme by creating open spaces within the building envelope along with large units in Phase 2 to balance out the provision of a greater number of smaller flats in other parts of the development. It is a matter of judgement as to whether an amended design that creates such open spaces within the building envelope fulfils successfully the objective of maximising residential output if it impacts negatively on the standard of accommodation of flats in Phase 1.
- 7.29 The introduction of a Prior Approval regime of light touch applications for the change of use of offices to residential accommodation post-dates the decision on the 2010 scheme. The effect has in, numerous cases across the borough, removed local authorities' potential to negotiate schemes that meet London

Plan standards or affordable housing being focused on simply assessing impacts on traffic, flood risk and contamination. The applicant has not exercised the scope to make such a submission which they could have done had they simply converted the Tower.

- 7.30 Officers have sought the views of Merton's Legal Services on the matter of exercising new prior approval rights, in effect a light touch planning application, to convert the former office block into flats. It is considered that the applicant cannot rely on the provisions of the more flexible prior approval regime in this instance. The applicant has clearly implemented development at the site to not only convert but extend the Tower whereas the prior approval provisions relate solely to securing a decision prior to the event of conversion of an existing building.
- 7.31 Nevertheless, members may wish to factor in the light touch provisions under the latest General Permitted development Order when weighing up the latest application's benefits and shortcomings.

Affordable housing.

- 7.32 At the time of considering the 2003 application issues of viability lead to the scheme being approved with a proportion of affordable housing less than the then current Merton planning policy target of 30% on site. Having regard to then current planning advice (Circular 06/98) which advocated flexibility where viability was an issue, it was agreed that the consented scheme would deliver around 22% of the units as affordable. The agreement required 50 affordable housing units (30 registered provider rented units comprising 20 two bedroom flats and 10 registered provider one bedroom flats, 10 shared equity units and 10 low cost home ownership flats comprising one bedroom flats).
- 7.33 A review of viability and subsequent renegotiation of the S106 at the time of the 2010 application resulted in the Planning Applications Committee endorsing changes which removed all affordable housing from the scheme.
- 7.34 The latest changes change the outputs from each phase of the development in terms of the numbers of flats provided. Combined with more stable economic conditions than were the case following conclusion of the original S106 in 2008, officers consider that this warranted a review of the financial viability of the scheme.
- 7.35 London Plan policy 3.12 requires that in making planning decisions a maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed-use schemes. Decision makers are required to have regard to factors including current and future requirements for affordable housing at local and regional levels; and affordable housing targets adopted in line with policy.
- 7.36 The London Plan requires that negotiation on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions

for reappraising the viability of schemes prior to implementation and other scheme requirements.

- 7.37 The LDF notes that where a developer contests that it would not be appropriate to provide affordable housing on site or wishes to deviate from the affordable housing requirements set out in the policy, the onus would lie with the developer to demonstrate the maximum amount of affordable housing that could be achieved on the site viably.
- 7.38 Discussions surrounding the viability of the site have led to an independent financial assessment being undertaken. The review indicated that a contribution towards affordable housing would leave the scheme viable. The applicant challenged the methodology, which was based on sale of the units, indicating the scheme was to be for private rent and not sale. Officers are therefore continuing their discussion with the applicant with the objective of agreeing a methodology for capturing an off-site contribution towards affordable housing on the basis of the implementation of a 2 phase private rented scheme.
- 7.39 Officers consider that agreement on a suitable methodology would, even were Phase 2 not to proceed in its present form, assist the Council in its negotiations regarding the delivery of affordable housing in the event that a new scheme comes forward for consideration.

Traffic and transport.

- 7.40 Despite the changes to the delivery of units in each phase the proposals would not generate new issues that warrant a more comprehensive review of traffic and highways matters and TfL have raised no objections to the changes to the proposals.
- 7.41 S106 heads relating to the scheme's residential units being "permit free" and dedication of land to transport improvements on Christchurch Road would require consolidation in any amendment/deed of variation to the existing S106 agreement. Parking management, including car club spaces, and travel plans may be dealt with as conditions and no objections are raised by Transport Planning officers in this respect.

8. SUSTAINABILITY/EIA.

- 8.1 A screening opinion under the provision of the Town and Country Planning (Environmental Impact Assessment) Regulations has been issued confirming that an Environmental Assessment is not required for the proposals.
- 8.2 When considering the 2010 application the Council did not seek to impose new conditions requiring compliance with a particular code level for new homes. The Code for Sustainable Homes was withdrawn in 2015 and officers do not propose that this matter is revisited in terms of sustainable design and construction and provide the following observations.

8.3 Since 2003, when the consented scheme was submitted, there have been significant changes to the requirements of the Building Regulations. The latest changes to Part L (Conservation of Fuel and Power) relevant to the works underway were adopted in 2013 while a further upgrade to requirements was adopted earlier this year. In order to comply with the Building Regulations refurbishment, alterations and extensions to the Tower would achieve substantial reductions in CO2 emissions and achieve a standard of sustainable design and construction over and above that which would have been achieved had the scheme been implemented when Committee first resolved to grant planning permission.

9. CONCLUSION

9.1 Redevelopment of the Brown and Root Tower continues to play a key role as a catalyst in the wider regeneration of Colliers Wood.

9.2 Re-development of the Tower will deliver new housing, for which there is a recognized need and the regeneration of a building that had become an eyesore in the Borough and had gained wider notoriety across London.

9.3 In terms of the key amendments to the consented scheme, having sought advice from Legal services, officers are satisfied that the changes may reasonably be dealt with under the scope of an application under S73.

9.4 The slight reduction in the numbers of dwellings, the changes to the quantum of non-residential floorspace and the greater degree of flexibility to which that floorspace could be put are neither issues that detract from the substantial benefits of providing new housing or would result in an inappropriate mix of non-residential uses in the evolving town centre.

9.5 While the works taking place on site, including the insertion of 4 additional flats in the void where amenity space is shown on the submitted plans, deviates from the current application, officers are satisfied that this is not a basis to delay determination. Notwithstanding the need to determine the current application, the applicant has been invited to consider regularising the situation by the submission of a further planning application. The position of the flats would create a uneasy relationship with Phase II, essentially facing into the interior of part of Phase II as currently consented. Were the application deemed acceptable officers would wish to consider carefully the manner in which occupation of the flats might be conditioned so as to avoid this situation arising.

9.6 The changes to the external design of Phase 1 are essentially within the envelope of the consented scheme and are considered acceptable.

9.7 Alongside the benefits in terms of delivering new housing must be weighed the matters of the standard of accommodation. Some units exceed London Plan standards while other fail to meet those standards. Whether the combination of the changes to the configuration of the flats within the building envelope and the creation of amenity spaces where previously flats had been

proposed fulfils planning policies to maximise residential outputs while at the same time providing a high standard of residential accommodation is a matter of judgement.

- 9.8 The latest application has provided an opportunity to revisit the issue of affordable housing and the potential for the scheme to make a financial contribution.
- 9.7 The changes raise no new issues in terms of traffic, parking and servicing.
- 9.9 On the matter of sustainable design and construction since consideration of the earlier applications changes to the Building Regulations continue to ensure a higher standard of performance for new building. The Government's change in focus in the last year has resulted in the Code for Sustainable Homes being abolished and the Building Regulations being the main driver in terms of setting performance standards for new buildings and dwellings.
- 9.8 In the event that Committee consider the proposed changes to be acceptable then permission may be granted in accordance with the recommendation below.

RECOMMENDATION.

Subject to any direction from the Mayor, planning permission including the variation of the relevant condition/conditions may be granted subject to the completion of a Section 106 Legal Agreement providing for:

1. The financial viability of the phased development to be appropriately reviewed to secure off site financial contributions towards affordable housing.
2. Dedication of land on Christchurch Road and Priory Road frontages to facilitate transport improvements.
3. All dwellings to be excluded from obtaining parking permits.
4. The developer meeting the Council's legal costs for drafting/scrutinising the agreement/undertaking and monitoring the obligations.

And conditions based on the following schedule allowing for adjustments and deletions to be made to account for earlier non-material amendments, those that have been discharged and those that have been partially discharged and any other conditions discharged before this permission is issued:

1. A.7 In accordance with approved plans (Drawing schedule to be inserted).
2. The development hereby approved shall be implemented in Phases as shown on the approved plans referred to in Condition 2.
Reason: To provide flexibility in the implementation of the development in the interest of the regeneration of Colliers Wood and the objectives of the Council's adopted Local Development Framework (2011).

3. B.1 Materials to be approved. Amended to read “for each phase including street level frontages to any non-residential parts of the proposals” and “interim arrangements for those parts of Phase 1 prior to implementation of Phase 2”.
4. For each phase of the development the surfacing of those parts of that phase not covered by buildings or soft or hard landscaping, including any parking, service areas or roads and footpaths shall be carried out before the relevant phase of the development is first brought into use in accordance with details to be submitted to and approved in writing by the local planning authority before such works commence.
5. C.6 Refuse and recycling. Amended to read “for each phase”.
6. D.11 Hours of construction.
7. Prior to the commencement of each phase of development, details of the proposed vehicle access to serve that phase of the development shall be submitted to and approved in writing by the Local Planning Authority and the works as approved shall be completed prior to first occupation of the relevant phase of the development. Details of the proposed vehicle access to serve that phase of the development shall be submitted to and approved in writing by the LPA within 6 months of commencement of the development of that phase and the works as approved shall be completed prior to first occupation of the relevant phase of the development.
8. Prior to the commencement of use/occupation of buildings in each phase, details of cycle/mobility parking facilities for that phase shall be submitted to and approved in writing by the local planning authority. The facilities as are approved shall be provided before first occupation of that phase and retained for the users of the development thereafter.
Reason: To ensure satisfactory facilities for cycle and mobility parking are provided and to comply with policy CS18 of the Adopted Merton Core Planning Strategy 2011.
9. Notwithstanding the parking arrangements shown on the approved plans, prior to the commencement of use/occupation of buildings in each phase, details of parking facilities for that phase, shall be submitted to and approved in writing by the local planning authority. The facilities as are approved shall be provided before first occupation of that phase and retained for the users of the development thereafter.
Reason: To ensure satisfactory facilities for parking are provided and to comply with policy CS18 of the Adopted Merton Core Planning Strategy 2011.
10. D.5 Soundproofing plant and machinery. Amended to read “for each phase”.
11. D.6 Ventilation systems. Amended to read “for each phase”.
12. F.1 Landscaping scheme. Amended to read “for each phase with details to match those of the Connecting Colliers Wood public realm designs” and

“before occupation” (linked to the amendments endorsed in the non-materials amendment submission 13/P0467).

13. The use of the buildings in each phase hereby approved shall not take place until such time as details of facilities for persons with disabilities has been submitted to and approved in writing by the Local Planning Authority. Such facilities shall be installed prior to the occupation of the building/commencement of the use of each phase and shall be permanently retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
Reason. To ensure satisfactory access to and use of the development the development by people with disabilities.
14. K.1 Archaeology. Amended to read “for each phase”.
15. No work on site for the for the relevant phase of the development shall begin until a detailed design and method statement for the foundation design and all new ground works for that phase has been submitted to and approved in writing by the LPA. The relevant phase of the development hereby approved shall only take place in accordance with the detailed scheme approved pursuant to this condition.
16. Prior to the commencement of the relevant phase development as scheme to deal with any contamination of the site shall be submitted to and approved in writing by the Local Planning Authority. The above scheme shall include an investigation and assessment to identify the extent and nature of any contamination and measures to be taken to avoid risk to the public/buildings/the environment when the site is developed. Development shall not take place until the measures approved in the scheme have been implemented.
17. H.10 Construction and environmental impacts. Amended to read “for each phase”.
18. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any other Order revoking or re-enacting the Order), permitting change to residential use via a prior approval submission, no change of use of the approved A1/A2/A3 floorspace is permitted without first securing planning permission from the LPA. Reason: To ensure that the use of the ground floor of Phase 1 contributes to the vitality and attractiveness of Colliers Wood as a town centre.
19. Boundary treatment to the site including the erection of any security hoardings during construction of each phase of the development and any temporary arrangements prior to implementation of Phase 2, shall be submitted to and approved by the local planning authority. The scheme shall be implemented prior to commencement of development and permanently retained during construction. Reason: In the interests of pedestrian and road safety.

20. Prior to occupation of the relevant phase of the development of development the applicant shall enter into and complete an agreement under S278 of the Highways Act with the Local Highway Authority, to provide for a scheme of works to the highway, including any alterations to site access, resurfacing of Christchurch Road between Priory Road and High Street Colliers Wood and other alterations to the highway to provide for an elongated bus lay-by, tramline and taxi rank on Christchurch Road. Such works as form part of the agreement shall be completed before occupation of more than 50% of all dwellings in Phase 1 of the development.

Reason. To ensure that the proposals provide satisfactory servicing arrangements and to ensure that highways improvement commensurate with the scale of the development are provided and consistent with the objectives of LDF Core Planning Strategy policies CS.11 and CS.20.

21. H.8 Travel plans. Amended to read “for each phase”.

22. H.11. Amended to include “having regard to the phased nature of the development”

23. Car Club (non-standard). Prior to the first occupation of the development, a car club scheme, including the specification for operation of the car club and off street car parking arrangements, shall be submitted to and approved in writing by the council. The car club scheme shall be implemented prior to the first occupation of the development.

Reason: To facilitate more sustainable patterns of travel in accordance with adopted LDF Core Planning Strategy policies CS.20

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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