

## PLANNING APPLICATIONS COMMITTEE

25 April 2019

<b><u>APPLICATION NO.</u></b>	<b><u>DATE VALID</u></b>
17/P0296	17/03/2017
<b>Address/Site</b>	141 The Broadway, Wimbledon, SW19 1NE
<b>Ward</b>	Abbey
<b>Proposal:</b>	Redevelopment of site to create 20 x self-contained flats within a six storey residential block with new frontage to ground floor commercial unit
<b>Drawing Nos</b>	316-08-001 Rev A, 002 Rev C, 003 Rev C, 004 Rev C, 005 Rev C, 006 Rev C, 007 Rev C, 008 Rev C, 021 Rev D, 022 Rev D, 023 Rev D and 024 Rev D
<b>Contact Officer:</b>	Stuart Adams (0208 545 3147)

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### **RECOMMENDATION**

**GRANT Planning Permission subject S106 agreements and conditions.**

### **CHECKLIST INFORMATION.**

Heads of agreement: - Affordable Housing (no provision, but an early and late stage viability review required), Permit Free & Carbon Off-set shortfall

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 – No

Number of neighbours consulted – 103

External consultations – No.

PTAL score – 6a

CPZ – VOs

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### 1. **INTRODUCTION**

- 1.1 The application has been brought before the Planning Application Committee for consideration in light of the number of objections received against the application and officer recommendation of grant permission

subject to conditions and S106 agreement. The application has also been called in by former Councillor, Councillor Chirico.

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site comprises a three storey period building with a hipped roof on the south side of The Broadway, Wimbledon. The ground floor has been in use as a bar/restaurant (Class A3/A4) for a number of years with residential accommodation above. The building has a single storey rear extension with plant equipment accommodated on top and with an external seating area behind. The property is gated to the front with a low wall and metal railings to the public footpath and main road. Vehicular access is possible to a service area to the west flank of the building.
- 2.2 The immediate surrounding area is mixed both in use and townscape terms. Immediately to the west of the site is Ashville House (Nos 131-139 Broadway), a 1980's four storey mixed use red brick building. To the east is 151 The Broadway (CIPD building), a relatively recent 5/6 storey office development with a contemporary appearance and a distinctive curved glazed frontage with a buff brick surround. Opposite the site is Broadway House, a recent 6/7 storey residential led mixed-use development with retail at ground floor constructed in a mixture of brick, white and grey cladding and timber. To the west of the site are houses in Palmerston Road.
- 2.3 The site is not in a Conservation Area nor is the building included on the statutory or non-statutory listing.

## **3. CURRENT PROPOSAL**

- 3.1 Refurbishment of existing ground floor commercial unit, demolition of the two existing residential upper floors and replacement with 6 new floors providing 20 self-contained flats (10 x 1 bedroom and 10 x 2 bedroom flats).

### Amended Plans

- 3.2 Following advice from the Councils Design Officer, the treatment of the frontage and sides of the building has been amended. The winter gardens and balconies have been replaced with smaller external balconies and introduction of more brickwork.
- 3.3 The proposed ground floor would retain its existing use and seek to refurbish the exterior of the ground floor with a modern design approach. This would include full height glazing to the front and side and an

aluminium framing and banding above.

- 3.4 The upper level would also incorporate a modern design approach with the predominate use of a yellow stock brick, full height windows with aluminium framing, glazed balconies and a large flank certain wall.
- 3.5 In terms of the height of the proposed building, the main building frontage (floors 1 to 5) would sit below the top of the curved frontage of the adjoining CIPD building. The recessed top floor whilst projecting above the curved glass frontage of CIPD would sit below the corresponding roof level of CIPD. The recessed top floor would have a subordinate design approach, being set back from the building frontage and flanks and would use of the lightweight material.
- 3.6 The proposed flat sizes in relation to the London Plan GIA standards are as follows:

	Dwelling type (bedroom (b)/ bedspaces (p))	London Plan (sqm)	GIA (sqm)	Amenity Space (London Plan)	Amenity Space (Proposed Plan)
Flat 1	1b2p	50	55	5	4.5
Flat 2	2b4p	70	75	7	9
Flat 3	2b4p	70	74	7	10
Flat 4	1b2p	50	54	5	5
Flat 5	1b2p	50	55	5	4.5
Flat 6	2b4p	70	75	7	9
Flat 7	2b4p	70	74	7	10
Flat 8	1b2p	50	54	5	5
Flat 9	1b2p	50	55	5	4.5
Flat 10	2b4p	70	75	7	9
Flat 11	2b4p	70	74	7	10
Flat 12	1b2p	50	54	5	5
Flat 13	1b2p	50	54	5	4.5
Flat 14	2b4p	70	75	7	9
Flat 15	1b2p	50	50	5	9
Flat 16	1b2p	50	60	5	5
Flat 17	1b2p	50	55	5	4.5
Flat 18	2b4p	70	75	7	9
Flat 19	2b3p	61	63	6	12
Flat 20	2b4p	70	74	7	29

#### 4. PLANNING HISTORY

- 4.1 16/P2585 - Redevelopment of site with demolition of 1st & 2nd floors levels, remodeling of retained ground floor restaurant (class a3) and erection of 6 storey building consisting of 16 residential units (7x 1 and 9 x 2 bedroom flats). (identical to previous application 14/P1008 dismissed at

appeal for lack of legal agreement relating to affordable housing) – Agreed by members of the planning committee at the September 2018 meeting. To date, the application is pending the completion of the S106 agreement.

- 4.2 14/P1008 - Demolition of first and second floors of existing building, retention of ground floor within use class A3 and erection of six storey building to provide 16 residential units – Refused at Planning Application Committee on 13/10/2015 for the following reason:

The proposed building due to its design, detailing, materials and proportions would fail to appropriately relate to the architectural forms, language, detailing and materials which complement and enhance the character of the wider setting and would therefore fail to achieve a high quality design that relates positively and appropriately to the rhythm, proportions and materials of surrounding buildings. The proposal would therefore be contrary to policies DM D2 Design considerations in all developments & DM D3 Alterations to existing buildings of Merton's Sites and Policies Plan and CS 14 (Design) of Merton's Core Planning Strategy (July 2011).

An appeal was lodged against the refusal, (Appeal Ref – APP/T5720/W/16/31430), which was dismissed by the Planning Inspector in May 2016. In reaching his decision to dismiss the appeal, the planning inspector considered that the two main issues were the effect of the proposed development on the character and appearance of the street scene and whether the proposed development makes adequate provision in respect of local infrastructure. The planning inspector considered that the proposed development would not have an unacceptable impact on the character and appearance of the street scene. However, he found that although the appellant had indicated their willingness to enter into a legal agreement, the lack of a signed and completed agreement meant the appeal proposal failed to secure appropriate financial or other contribution towards the provision of affordable housing. The scheme was therefore contrary to Policy DM H3 of the Sites and Policies Plan and Policy CS8 of the Core Strategy.

- 4.3 07/P0817 - Display of various internally illuminated signs to the building and a freestanding double sided internally illuminated sign in the forecourt – Grant - 04/05/2007.
- 4.4 02/P2477 - display of various externally illuminated signs to the building and forecourt – Grant - 09/01/2003
- 4.5 98/P1619 - Display of non-illuminated fascia signs and an externally illuminated pole sign – Grant - 23/03/1999 23/03/1999

- 4.6 98/P1072 - Erection of single storey front extension in conjunction with use of ground floor of property as restaurant/bar with alterations to roof of existing rear conservatory, provision of covered dining area with a canopy within existing rear beer garden and erection of 2.4m high gates across side passage – Grant - 20/11/1998
- 4.7 94/P0404 - Erection of a canopy above front entrance – Grant - 13/07/1994
- 4.8 94/P0403 - Installation of no.1 externally illuminated fascia sign on front elevation of premises – Grant - 13/07/1994
- 4.9 89/P0469 - Display of a double sided internally illuminated projecting box sign – Grant - 20/06/1989
- 4.10 87/P1598 - Erection of a single storey conservatory at rear of existing public house – Grant - 11/02/1988
- 4.11 MER7/70 - Single sided illuminated box sign – Grant - 19/03/1970
- 4.12 MER855/69 - Double sided illuminated sign – Grant - 27/10/1969

## 5. **CONSULTATION**

- 5.1 The application has been advertised by major site notice procedure and letters of notification to the occupiers of neighboring properties. Following receipt of amended plans, all neighboring occupiers were re-notified on the amended plans.
  - 5.1.1 In response to the consultation, 11 letters of objection, including one from Wimbledon E Hillside Residents Association (WEHRA) and The Wimbledon Society have been received. The letters raise the following objections (based on the original set of plans, before they were amended):
    - 5.1.2 Objection letters

### Neighbour Impact

- Severely affect natural lighting to the adjoining CIPD building and atrium which is a major design feature.
- Overlooking. Made worse by the very large floor to ceiling windows and fully glazed roof terraces. The glass to the balustrades should be frosted.
- Overshadowing
- Solar panels on the roof will harm the vista from the other side of the street.

- The ground floor use should be restricted to A1 to prevent nuisance to surrounding residents. Hours of opening should be restricted to prevent late night activity
- Construction hours should be limited to Monday to Fridays (not weekends) to prevent nuisance to surrounding residents.
- The plans have 12 balconies facing towards Palmerston Road as well as other windows doing the same. This would be a significant intrusion into gardens which at present is barely overlooked. The balconies would no doubt lead to significant increases in the level of noise in an area that is currently very quiet.
- Obscure views

### Design

- The quality of the materials and overall design are inappropriate and out of keeping.
- High quality design (compared to refused scheme) is welcomed but some concerns remain.
- The height of the building risks turning this section of The Broadway into an urban corridor comprising featureless tall buildings.
- Balconies in apartment blocks often become cluttered as they are used for storage of bicycles, BBQ's etc. A condition should be imposed in the leases which prevents owners/occupiers from doing this.
- No plant or machinery should be allowed to be installed on the roof so as to protect the vista from the other side of the street.
- There is no requirement for the site to be re-developed, especially in a way that is so out of character with the current building.
- Contribute to the further erosion of the character of The Broadway and Wimbledon, which runs the risk of becoming another corridor to concrete, steel and glass high-rise buildings, dwarfing traditional and long-standing brick built terraced houses.
- The design is too massed, coloured and bulky
- It detracts from the architectural merit of the CIPD building next door, which in turn completely loses its context and just looks ugly and dominant
- A main feature of the CIPD is the lovely glass atrium and this building would obviously steal the light necessary to make this an attractive feature.
- The 3 buildings together, The Premier Inn, CIPD and this, look awful alongside each other, too much use of green coloured panels and similar design features (grids, see below), whilst the same (ish) heights and different shapes, they need breaking up and differing, especially regarding height.
- The bulky boxes on the front are ugly and dominant with no grace at all

- The brick side of the building actually fits the frontage better than the actual frontage design as it echoes the CWD building opposite.
- The entrance level looks like a cheap domestic temporary greenhouse and has no architectural or aesthetic merit whatsoever.

#### Use

- Where possible planning conditions should be imposed to seek to retain the Made in Italy restaurant at this location in the town centre
- No family accommodation proposed
- Do we really need more commercial space?

#### Affordable Housing

- Proposal does not secure appropriate financial or other contributions towards the provision of affordable housing

#### Highways

- Huge parking issue in the area. Development should be permit free

#### Other

- Impact on already strained services, including trains
- Loss of property value

### 5.1.3 Wimbledon East Hillside Residents Association

WEHRA represents over 800 households just to the north of the town centre, and as the area grows, our community has been suffering many negative impacts. This is not acceptable to Wimbledon's Primary Stakeholders: its Residents. It is wrong to encourage developments lead ultimately to the deterioration of our neighbourhoods.

Overall, the proposed building is a big disappointment. Why doesn't Applicant doesn't heed the advice already given, as the site is an important one not just to them, but to every one of us in Wimbledon. It is next to the refreshingly delightful, award-winning CIPD building. The building works. The occupants are happy to work there. Premier Inn will be built on the western side of the CIPD, and we need something equally or even more respectful and sympathetic to the 'Building of Merit' that is the CIPD. Our concerns are:

#### Excessive Height

It appears the proposed building is a full storey taller than the CIPD next door. Concern has been raised about what real height is being proposed, and until that is resolved, the Application should be withdrawn from consideration. Why should such an ordinary proposal be allowed excessive height? We are urging the Council to build a memorable,

pleasant Street Scene for future generations, and this tall building does not fit the bill.

### Glass and Terraces

The Broadway frontage is about 80% glass, without justification for such heavy-handedness. The terraces overlooking the Broadway will - within a few months - be full of rubbish, old furniture, clothes hanging over the balcony drying, etc. We know because this design error has been approved in the past in our area, and we now all have to live with the consequences. Drying racks hanging out front all day long, broken toys and old bikes rusting, etc. It is wrong to allow flats to have clear glass terraces visible to all.

Further, it is likely these will be buy-to-let investments. Tenants are generally not be bothered about dirty glass windows, cheap, badly hung curtains, and how all that looks from the footpath. We as local residents DO CARE what our community looks like, and we don't want to see this view, when we are on the Broadway. Please remove the terraces and design a building with smaller apertures, including a distinctive design feature (see attached) that contributes

POSITIVELY to Brand Wimbledon.

### Situation on Plot

The existing restaurant projects too far forward as it stands. Any new build needs to be stepped back, and not so prominent on the footpath. Instead trees and shrubs in deep planting beds need to be added, not a bigger building. The Number One 'want' from the Wimbledon Workshops was to 'green up' the town. This is important and indeed essential. We recommend the entire building be set back, allowing room for a copse of silver birch fronting the Broadway, to mitigate the effects of heavy air pollution.

### Car Free

Car-Free is appreciated; a Section 106 Condition is required to ensure no business, resident or visitor parking permits are ever issued to Landlord, tenants or their visitors. The bikes stores appear poorly planned and located. Other developers are doing ground or ramps, with basement locked areas for bicycles. It would deter use, if cyclists must carry their bikes upstairs, to store.

### Sustainable Design

Where is the Applicant's commitment to build a BREEAM Excellent or Very Good building? We need buildings to last 100 years or more, not 20 years or so, like most others in WTC. Where are PV panels, rainwater collection, storage and re-use plans to wash the many glass windows (they will be filthy within days ...), free water to wash down the footpaths, and water trees Where are the street and frontage trees, needed to counter the serious pollution that the Broadway suffers? Where is the green screen to the rear of the property? We urge the Applicant to include swift boxes on the roof, as other developers are doing throughout the area

### Offices vs Residential

We've heard *ad nauseum* that this area is for OFFICES. We are surprised then to see this proposal for residential, situated in between two office blocks. We understand the Masterplan is nearly drafted, and surely the need for offices outweighs the need for small flats in this area. If any residences are needed, they would be smaller, more affordable family homes, not flats.

In any case, the visuals for this proposal suggest it is an office block. Can the Applicant reconsider, and return with an appropriate building for this important, Future Wimbledon site?

In sum, Wimbledon Residents are looking for Buildings of Merit. This proposal falls short on so many levels, we urge you to REFUSE PERMISSION and ask the Applicant to return with a sensitively considered proposal, or sell it on to somebody who can do it right.

#### 5.1.4 The Wimbledon Society

##### Over prominent:

The size and massing of the proposed building is too large for the site. It is not in keeping with the size and scale of the area. The proposal is too high and would create overshadowing. It is the Society's view that it should finish at level 5 i.e. the roof should be at 15800

##### Loss of privacy:

The windows and balconies and glazing in the proposed building would detrimentally affect the use of adjoining buildings and gardens.

##### Balconies:

Residential balconies overlooking the main road are inconsistent with the character of that side of The Broadway.

Parking: there is existing pressure on parking in the area and no parking provision in the proposal will increase this.

Lack of affordable housing:

Applications 14/P1008 was rejected by the Council on the basis that it failed to secure affordable housing. There appears to be no mention of affordable housing in this application so it fails to make adequate provision in terms of local infrastructure.

Inadequate residential entrance:

The entrance to the residential block is at the side is not a visually defensible' area as it is hidden from the public highway; there is a connection between the retail unit and the access to the residential block at ground level which is a security weakness.

Policy DMD2A (Sites and Policies Plan of 7/2/14) concerning design considerations in all developments, says in (a) (l) "Proposals for all development will be expected to... relate positively and appropriately to the rhythm... proportions... materials ... or surrounding buildings". The Wimbledon Society does not believe that the development relates positively to its neighbours. This application does not follow the Council's policies and so the Wimbledon Society opposes the application.

5.1.5 In response to the re-consultation - details to following for final

5.2 Transport Planning

5.2.1 No objection subject to condition and S106 agreement (permit free development)

5.3 Climate Officer

5.3.1 No objection subject to conditions and S106 agreement.

5.4 Design Officer

5.4.1 No objection (based on amended plans) subject to conditions

6. **POLICY CONTEXT**

6.1 Adopted Sites and Policies Plan (July 2014)

DM R1 Location and scale of development in Merton's town centres and neighbourhood parades

DM R5 Food and drink/leisure and entertainment uses

DM H2 Housing Mix

DM H3 Support for affordable housing

DM R5 Food and drink/leisure and entertainment uses

DM R6 Culture, arts and tourism development

DM E1 Employment areas in Merton  
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 EP2 Reducing and mitigating noise  
DM EP3 Allowable Solutions  
DM EP4 Pollutants  
DM F1 Support for flood risk management  
DM F2 Sustainable urban drainage systems (SUDS) and; wastewater and water infrastructure  
DM T1 Support for sustainable transport and active travel  
DM T2 Transport impacts of development  
DM T3 Car parking and servicing standards  
DM T4 Transport infrastructure  
DM T5 Access to the Road Network

## 6.2 Adopted Core Planning Strategy (July 2011)

CS8 Housing Choice  
CS9 Housing Provision  
CS11 Infrastructure  
CS12 Economic Development  
CS13 Open space, nature conservation, leisure and culture  
CS14 Design  
CS15 Climate Change  
CS16 Flood Risk management  
CS17 Waste Management  
CS18 Active Transport  
CS19 Public Transport  
CS20 Parking, Servicing and Delivery

## 6.3 London Plan (2016):

2.15 (Town Centres)  
3.3 (Increasing Housing Supply),  
3.4 (Optimising Housing Potential),  
3.5 (Quality and Design of Housing Developments),  
3.6 (Children and young people's play and informal; recreational facilities)  
3.8 (Housing Choice),  
3.9 (Mixed and balanced communities)  
3.10 (Definition of affordable housing)  
3.11 (Affordable housing targets)  
3.12 (Negotiating affordable housing on individual private residential and mixed use schemes)  
3.13 (Affordable housing thresholds)

- 4.1 (Developing London's economy)
- 4.12 (Improving opportunities for all)
- 5.1 (Climate Change Mitigation),
- 5.2 (Minimising carbon dioxide emissions)
- 5.3 (Sustainable Design and Construction)
- 5.5 (Decentralised Energy Networks)
- 5.6 (Decentralised Energy in development proposals)
- 5.7 (Renewable energy)
- 5.8 (Innovative energy technologies)
- 5.9 (Overheating and cooling)
- 5.10 (Urban greening)
- 5.12 (Flood risk management)
- 5.13 (Sustainable drainage)
- 5.18 (Construction, excavation and demolition waste)
- 5.19 (Hazardous waste)
- 6.5 (Funding crossrail and other strategically important transport infrastructure)
- 6.9 (Cycling)
- 6.10 (Walking)
- 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 and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes)
- 8.2 (Planning obligations)
- 8.3 (Community infrastructure Levy)
- 8.4 (Monitoring and review)

#### 6.4 Other

- National Planning Policy Framework 2018
- National Planning Practice Guidance 2014
- Planning and Compulsory Purchase Act – 2004
- London Plan 2016 - Housing SPG 2016
- Draft London Plan 2017
- Draft Local Plan 2020
- Merton's Viability SPD 2018
- Homes for Londoners - Affordable Housing and Viability SPG 2017

#### 7. **PLANNING CONSIDERATIONS**

7.1 The principal planning considerations relate to the principle of development, previous appeal decision and planning history, design (impact on Wimbledon Town Centre and The Broadway street scenes), standard of residential accommodation, impact upon neighbouring amenity, trees, traffic and highway considerations, affordable housing provision and sustainability.

## 7.2 Amendments

7.2.1 Following advice from the Councils Design Officer, the treatment of the frontage and sides of the building has been amended. The winter gardens and balconies have been replaced with smaller external balconies and introduction of more brickwork.

## 7.3 Principle of Development

7.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise.

### Residential

7.3.2 The requirement for additional homes is a key priority of the London Plan which seeks to significantly increase the ten year minimum housing target across London from 322,100 to 423,887 (in the period from 2015 to 2025), and this equates to an associated increase in the annual monitoring target across London to 42,389. The minimum ten year target for Merton is 4,107, with a minimum annual monitoring target of 411 homes per year. Paragraph 58 of the 2018 NPPF emphasised the Governments objective to significantly boost the supply of homes.

7.3.3 The planning application seeks to create 20 new residential units which will make a modest contribution to meeting housing targets and provides a mix of unit sizes that will assist in the delivery of a mixed and balanced community in a sustainable location. New housing is considered to be in accordance with the objectives of the NPPF, London Plan targets, and LBM policies. The principle of residential development of the site has been agreed by the Committee in determination of the previous scheme (16/P2585) for 16 units.

### Commercial

7.3.4 The application site is located within Wimbledon Town Centre. Planning Policy (DM R1 Location and scale of development in Merton's town

centres and neighbourhood parades) states that Wimbledon is Merton's major centre and is the principal shopping destination in the borough. Attractive to residents, tourists, businesses and their staff, Wimbledon has a large variety of shops, services, cafes, restaurants, cinemas, theatres and offices. By capitalising on the Wimbledon 'brand', the Council hopes to further enhance the character and vibrancy of the area to create a sense of place and ensure that there is continual activity throughout the day and at the weekend for residents, workers and visitors whilst protecting its heritage assets. The proposal seeks to retain and enhance the ground floor restaurant, therefore creating jobs and contributing towards employment strategies and variety of choice in Wimbledon Town Centre. New housing above the ground floor commercial unit is considered to be in accordance with the objectives of the NPPF, London Plan and LBM policy.

#### **7.4 Appeal Decision & Planning History**

7.4.1 The previous appeal decision and previous scheme are a material planning consideration which should be taken into consideration when assessing the current proposal. Planning application (14/P1008) was refused by committee in May 2015 on matters relating to the design, failing to achieve a high quality design. At the appeal, the planning inspector did not share this view on design. The appeal was only dismissed on the fact that the applicant failed to provide a legal agreement with the appeal to secure affordable housing. Following the appeal decision, the applicant submitted planning application 16/P2585, an identical scheme (but with enhancements to the design and change in materials). In light of the appeal decision, committee members approved the application at the September 2018 planning committee meeting. To date, the S106 agreement relating to 16/P2585 has yet to be completed.

#### **7.5 Design**

7.5.1 The overarching principle of national and local planning policy is to promote high quality design. Planning policy DM D2 (Design considerations in all development) of Merton's Sites and Policies Plan states that amongst other considerations, that proposals will be expected to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area.

7.5.2 As stated above the previous appeal decision is considered to be a material planning consideration. As set out below, it is considered that the design of the proposed building is a significant improvement when

- compared to the appeal scheme. The Council therefore welcomes the improvements made by the applicant.
- 7.5.3 The proposed building would see a predominate use of brickwork, rather than render (members of the planning committee raised concerns previously about the lack of brickwork). Other materials would give the building a modern and high quality finish. Better detailing to the facades is achieved through recessed brickwork detailing, glazed balconies, full height fenestration, glazed curtain walls and the creation of three well defined vertical elements to the frontage.
- 7.5.4 Planning conditions requiring final details of materials and key detailing can ensure that these elements are high quality. The proposed ground floor treatment is also considered to be an improvement, the ground floor has been designed as an integral part of the building design, rather than as an afterthought. The proposed ground floor would satisfactorily respond with the street scene and design rationale of the floors above.
- 7.4.5 In addition to the improvements made to the aesthetics of the building, the proposed form, massing and height are considered to satisfactorily respond to the town centre location. Whilst the building would be 2.5m higher and 1.1m deeper than the previous scheme, the building would still sit below the height of adjoining CIPD building. Importantly the main section of the building, floors 1 to 6 would sit below the height of the curved frontage of CIPD and the lightweight recessed top floor would sit below the corresponding height of CIPD.
- 7.5.6 Following advice from the Councils Design Officer, the frontage of the proposed building has been brought forward. In this instance, the forward building line would not adversely compete with CIPD as it would still retain views of the distinctive frontage from both eastern and western directions along. Due to the bend in the street, this building line approach would create partial views of each building from both eastern and western directions along The Broadway. The Council took this building line approach on the recent redevelopment of the Premier Inn site to the east. The Council are keen to reinforce this approach if adjoining sites come forward for redevelopment.
- 7.5.7 In conclusion, the proposed development is considered to be a significant improvement when compared to the previous scheme and enhancements have been sought through amended plans by officers. Overall, officers consider that the proposed development responds positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings.
- 7.5 **Standard of Accommodation**

- 7.5.1 London Plan policies 3.5, 3.6, 3.7 & 3.8, CS policy CS 14, and SPP policies DM D1 and DM D2 seek to ensure that new residential development is of a high standard of design both internally and externally and provides accommodation capable of adaptation for an ageing population and for those with disabilities, whilst offering a mix of unit size reflective of local need.
- 7.5.2 In terms of the quality of the accommodation, the proposed flats would meet or exceed the London Plan Gross Internal Area minimum standards; each room would be capable of accommodating furniture and fittings in a suitable manner. All flats would have direct access to private amenity space (3 flats under the previous scheme had no access to private amenity space). 5 flats (all one bedroom, 2 person flats) would have a 4.5m sqm balcony, failing to meet the minimum space standards of 5 sqm. However, it must be noted that all the flats are one bedroom flats, the shortfall is minimal (only 0.5sqm) and the applicant took the advice from the Councils Design Officer to reduce the depth of the balconies on the frontage to prevent them being dominate in elevation. On balance, given the town centre location, overall quality of the accommodation and the design rationale for less deep balconies, it is not considered sufficient grounds to refuse planning permission.
- 7.5.3 Adequate refuse storage is provided within close proximity of the highway at ground floor level. The store, located to the flank of the building close to the flat entrances would be convenient and practical for future occupiers of the proposed development. Planning condition requiring more details of the store can be imposed to ensure that the store is suitable and provides sufficient provision for the flats. Each flat will have an appropriate outlook and a lift would provide disabled access for each floor.

#### Housing Mix

- 7.5.4 Planning policy DM D2 (Housing Mix) seeks to create socially mixed communities, catering for all sectors of the community by providing a choice of housing with respect to dwelling size and type in the borough. London Plan Policy 3.8, seeks to promote housing choice and seek a balance mix of unit sizes in new developments, with particular focus on affordable family homes. Family sized accommodation is taken in the London Plan and LBM policy to include any units of two bedrooms or more.
- 7.5.5 The borough level indicative proportions concerning housing mix (as set out below) will be applied having regard to relevant factors including individual site circumstances, site location, identified local needs,

economics of provision such as financial viability and other planning contributions.

*Table in Planning policy DM D2 (Housing Mix) of Merton's Sites and policies plan 2014*

Number of Bedrooms	Percentage of units
One	33%
Two	32%
Three +	35%

Proposal – 10 x 1 bedroom and 10 x 2 bedroom flats

Number of Bedrooms	Percentage of units
One	50%
Two	50%
Three +	0%

7.5.6 The proposed housing mix of the site, whilst not strictly meeting the Council percentage ratio set out in Policy DM H2 (Housing Mix), are only indicative targets. The proposed housing mix is considered to still offer a good range of housing choice with a good proportion of each unit type, including (50%) of the total offering family type accommodation (2 bedroom or more) which is welcomed.

## 7.6 **Neighbouring Amenity**

Ashville House, 131 – 139 The Broadway

7.6.1 The ground and first floor levels of this neighbouring building are in use as office accommodation. Therefore given the non-residential use of these floors there would be no undue loss of amenity.

7.6.2 The second and third floor levels of the building are used for residential purposes with four flats on each floor. The proposed building would not project beyond the frontage of this neighbouring property therefore there would be no undue loss of amenity to the front rooms of the flats. The four flank windows at second and third floor level serve the small kitchen areas for four of the flats. These are not the main habitable rooms and in this urban context, the relationship is considered to be acceptable.

7.6.3 At the rear, the proposed building would be inset away from the western side boundary which would create a buffer between the neighbouring sites to the west. In addition, massing and bulk would be reduced due to the reduction in height towards the rear, large section of lightweight curtain wall on the flank and the two top floors (top floor of lightweight materials)

being pushed further away from the flank and side boundary. It is considered that due to the town centre location, elevated position of these neighbouring flats (on second and third floors), setting away of the proposed flank wall from the site boundary, part lightweight materials and the reduction in height towards the rear of the site, it is considered that there would be no undue loss of amenity.

#### 143 – 154 The Broadway (CIPD building)

- 7.6.4 The proposed building would project parallel with the flank of this building. In addition, the CIPD building is as a wholly commercial building and therefore, there would be no undue loss of amenity. Further, the flank east elevation is broken up with a large void in the middle to allow for natural light to the ground floor garden/planting area. This reduces the visual impact of the building from side facing windows on the CIPD building.

#### 2 – 8 Palmerston Road

- 7.6.5 These neighbouring houses are located to the west and are orientated at a right angle to the application. The proposed houses are distanced at least 20.6m from the flank wall of the proposed building. The proposed building is also inset away from the site boundary. A rear car park to the rear of 2 & 4 Palmerston Road also provides a visual barrier between the application site and these neighbours. Towards the rear of the building, massing is reduced by stepping back floors 4, 5 and 6. The use of alternative materials (brick, glass and powder coating grey aluminium) on the flank elevation, combined with flank window treatment would also assist in reducing the mass of the building when viewed from these neighbouring properties.
- 7.6.6 It is acknowledged that the flank elevation does include a number of side facing windows and external rear balconies. Therefore, in order to mitigate overlooking and the sense of being overlooked, planning conditions requiring obscure glazing to the side windows serving the flats (rear part of the building) and 1.7m high side screens to the rear balconies would ensure that there would be no undue loss of the amenity.
- 7.6.7 It is considered that the proposed building would have no undue impact upon these neighbours' amenity. The proposed building would be seen in context to the larger CIPD building behind. There would be no undue loss of light or overshadowing given the siting and degree of separation.
- 7.6.8 Overall, in comparison to the previous scheme, the overall bulk and mass would not be dissimilar and would not cause material harm.

#### 10 – 26 Palmerston Road

7.6.9 10 – 26 Palmerston Road are located to the south of the application site, backing onto the rear car parking area serving the CIPD building. All the rear windows/doors are directed towards the CIPD car parking area, therefore within the proposed flats there would be limited views of the properties on Palmerston Road. Whilst there would be some overlooking from the proposed rear balconies, it has to be noted that this is a town centre location, the rear balconies are directed towards the CIPD car park, the side screens to the balconies would also discourage/partly prevent sideward views and the neighbours are well distanced away from the balconies to ensure that there would be no undue loss of amenity to justify refusal of planning permission.

## 8. **Trees**

8.1 The application site is not located within a Conservation Area and no trees on the site are protected by tree preservation orders. The two trees at the far end of the application site have limited public amenity value and are not protected so they can be removed without any permission. In any event, the proposed building would be set away from these trees which would provide a suitable level of separation for their retention.

## 9. **Traffic, Parking and Highways**

9.1 The high PTAL rating of 6a would mean that future occupants would have very good access to a number of alternative public transport options. The area is located within Wimbledon town centre which is controlled by various CPZ's and on street car parking is already very limited. Given the relative modest size of the proposal in a town centre location, it is considered that there would be no undue impact upon existing highway conditions in the vicinity. However, the site is located within a CPZ which is already oversubscribed, therefore given the very good level of public transport options within the area, the development would be required to be car parking permit free which can be controlled via a Section 106 agreement.

9.2 Secured cycle parking is provided within a bike store within the building at levels from second floor to floor six and within the existing outbuilding at the rear of the site. The cycle storage at each floor would accommodate 6 cycle spaces (30 in total) and 10 cycle spaces are shown within the existing ground floor outbuilding. The stores would be safe & secure and can be accessed via the communal corridor and lift facility or from ground floor level. The 40 cycle spaces proposed would meet London Plan requirements.

## 10. **Affordable Housing**

- 10.1.1 Planning policy CS 8 (Housing Choice) of Merton's Core Planning Strategy states that development proposals of 10 units or more require an on-site affordable housing target of 40% (60% social rented and 40% intermediate). In seeking affordable housing provision the Council will have regard to site characteristics such as site size, its suitability and economics of provision such as financial viability issues and other planning contributions.
- 10.1.2 The amount of affordable housing this site can accommodate has been subject of a viability assessment. Following extensive discussions, the Council's independent viability assessor states that the scheme cannot support any affordable housing provision. However, it is recommended that the Council applies the viability review mechanisms at early and late stages of development as outlined within the London Plan and Mayor's SPG and Merton's Viability SPD.

## 11. **Sustainability**

- 11.1 Planning policy CS15 (climate Change) of Merton's adopted Core Planning Strategy (2011) seeks to tackle climate change, reduce pollution, develop low carbon economy, consume fewer resources and use them more effectively.
- 11.2 Planning Policy 5.2 of the London Plan (2016) states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:
1. Be lean: use less energy
  2. Be clean: supply energy efficiently
  3. Be Green: use renewable energy
- 11.3 The applicant has submitted an updated energy statement. The Council's Climate Change Officer has confirmed that the development should achieve a 35 % improvement in CO2 emissions on Part L 2013. This meets the minimum sustainability requirements of Merton's Core Planning Strategy CS15 (2011) and Policy 5.2 of the London Plan (2016). A planning condition requiring evidence of compliance with CO2 reductions and water consumption can be imposed on the planning approval.
- 11.4 As the proposal is for a major residential development which was valid from 20-03-2017 a S.106 agreement for the carbon offset cash in lieu contribution will need to be finalised prior to planning approval in line with Policy 5.2 of the London Plan. Based on the carbon shortfall and offset contributions set out in the updated energy statement (20/02/2019) which has been reviewed by the Council's Climate Change Officer. In this

instance, the carbon off-set shortfall is £ 27,455.64, which would be secured within the S106 agreement.

## **12 Local Financial Considerations**

12.1 The proposed development is liable to pay the Merton and Mayoral Community Infrastructure Levy (CIL), the funds for which will be applied by the Mayor towards the Crossrail project. Merton's Community Infrastructure Levy was implemented on 1<sup>st</sup> April 2014. This will enable the Council to raise, and pool, contributions from developers to help pay for things such as transport, decentralised energy, healthcare, schools, leisure and public open spaces - local infrastructure that is necessary to support new development. Merton's CIL has replaced Section 106 agreements as the principal means by which pooled developer contributions towards providing the necessary infrastructure should be collected.

## **13. Sustainability and Environmental Impact Assessment Requirements**

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

## **14. CONCLUSION**

14.1 The proposed development will provide 20 new residential dwellings and retain the existing A3 unit at ground floor level. The principle of development is considered to be acceptable with a mixed use development retaining a source of employment and providing much needed new homes. The design of the development is considered to be of high quality in terms of appearance and accommodation being proposed. The proposed building would respect the context of the site and would have no undue impact upon neighbouring amenity, trees or highway considerations. The proposal is considered to be an enhancement over the previous appeal scheme and would provide an additional 4 more units over the previous scheme in a sustainable manner. The proposal is therefore considered to be in accordance with Adopted Sites and Policies Plan, Core Planning Strategy and London Plan policies. The proposal is recommended for approval subject to conditions and S106 agreements.

## **RECOMMENDATION**

### **GRANT PLANNING PERMISSION**

Subject to the completion of a Section 106 Agreement covering the following heads of terms:-

1. Designation of the development as permit-free and that onstreet parking permits would not be issued for future residents of the proposed development.
2. Affordable housing - viability review mechanisms at early and late stages of development
3. Zero Carbon shortfall – £ 27,455.64
4. The developer agreeing to meet the Councils costs of preparing, drafting and monitoring the Section 106 Obligations.

And the following conditions:

1. A1 Commencement of Development (full application)
2. A7 Approved Plans
3. B.1 Materials to be approved, including detailed plans at a scale of 1:20 of some of the typical details
4. B.4 Details of Surface Treatment
5. B.5 Details of Walls/Fences
6. B6 Levels
7. C07 Refuse & Recycling (Implementation)
8. C08 Other than the balconies/terraces as shown on the approved plans, access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.  
  
Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.
9. C10 The flats shall not be occupied until a scheme of details of screening of the balconies/terraces has been submitted for approval to the Local Planning Authority. No works which are the

subject of this condition shall be carried out until the details are approved, and the development shall not be occupied unless the scheme has been approved and implemented in its approved form and those details shall thereafter be retained for use at all times from the date of first occupation.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

10. D02 Hours of Opening
11. D10 External Lighting
12. D11 Construction Times
13. F01 Landscaping/Planting Scheme including tree planting to front boundary
14. F02 Landscaping (Implementation)
15. H07 Hardstanding
16. H07 Cycle Parking to be implemented
17. H14 Garages doors/gates
18. C03 Obscured Glazing (fixed windows)
19. Construction Management Plan
20. Residential: 'No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the development has achieved CO2 reductions of not less than a 35% improvement on Part L regulations 2013 / in accordance with those outlined in the approved plans (Energy Assessment – 20 February 2019), and wholesome water consumption rates of no greater than 105 litres per person per day.

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 2016 and Policy CS15 of Merton's Core Planning Strategy.

21. Non-domestic elements: 'Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be used or occupied until Post Construction SBEM or BRUKL evidence demonstrating that the development has achieved not less than a 35% improvement in CO2 emissions reduction compared to Part L 2013 regulations, has been submitted to and acknowledged in writing by the Local Planning Authority.'

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply the following Development Plan policies for Merton: policy 5.2 of the London Plan 2016 and policy CS15 of Merton's Core Planning Strategy 2011.

### Planning Informatives

1. Carbon emissions evidence requirements for Post Construction stage assessments must provide:
- Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on 'As Built' SAP outputs (i.e. dated outputs with accredited energy assessor name and registration number, assessment status, plot number and development address); OR, where applicable:
  - A copy of revised/final calculations as detailed in the assessment methodology based on 'As Built' SAP outputs; AND
  - Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO2 emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation

Water efficiency evidence requirements for Post Construction Stage assessments must provide:

- Documentary evidence representing the dwellings 'As Built'; detailing:
- the type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment);
- the size and details of any rainwater and grey-water collection systems provided for use in the dwelling;

AND:

- Water Efficiency Calculator for New Dwellings; OR
  - Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'
2. Carbon emissions evidence requirements for Post Construction stage assessments must provide:
- Detailed documentary evidence confirming the Target Emission Rate (TER), Building Emission Rate (BER) and percentage improvement of BER over TER based on 'As Built' BRUKL model outputs; AND
  - A copy of the Building Regulations Output Document from the approved software. The output documents must be based on the 'as built' stage of analysis and must account for any changes to the specification during construction.
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[Click here](#) for full plans and documents related to this application.

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