

PLANNING APPLICATIONS COMMITTEE
23 April 2015

| | <u>APPLICATION NO.</u> | <u>DATE VALID</u> |
|------------------------|--|-------------------|
| | 14/P4113 | 22/01/2015 |
| Address: | Ravensbury Park Café, adjacent to Ravensbury Park Medical Centre, Ravensbury Lane, Mitcham, CR4 4DQ | |
| Ward | Ravensbury | |
| Proposal | Change of use from a café (Use Class A3) to a community centre / training and educational use (Use Class D1) | |
| Drawing No's | 03, 04, 05, Design and Access Statement, Site Location Plan and Flood Risk Assessment. | |
| Contact Officer | Tony Ryan (020 8545 3114) | |

RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions.

CHECKLIST INFORMATION.

- S106: N/A
- Is an Environmental Statement required: No
- Conservation Area – Yes (Wandle Valley)
- Archaeological Priority Zone – No
- Area at Risk from Flooding – Yes
- Trees – No trees are located on the application site
- Controlled Parking Zone – No
- Development Plan designation – Open Space; Metropolitan Open Land; Green Chain, Flood Zone 3, Archaeological Priority Area (Adjacent to a Site of Importance for Nature Conservation and a Green Corridor)
- Design Review Panel consulted – No
- Site notice – Yes
- Press notice – Yes
- Number of neighbours consulted – 43
- External consultations – Environment Agency.
- PTAL: 2 (TFL Planning Information Database)
- Residential Density – N/A

1. INTRODUCTION

- 1.1 This application is brought before Committee for Members' consideration following a request for Councillor Phillip Jones and as a result of the public interest in the proposal.

2. SITE AND SURROUNDINGS

- 2.1 The application premises are located adjacent to Ravensbury Park Open Space. This open space is located between residential properties in Wandle Road to the south; Morden Road to the north and residential properties in Hengelo Gardens and Morden Gardens to the east and west respectively. The River Wandle runs along the southern boundary of the open space with a tributary flowing around the north, east and west open space boundaries.
- 2.2 A part three, part four storey building called Access House (formerly Dover House) occupies half the open space frontage on to Morden Road and is used as a self-storage facility having previously been in use as offices. Ravensbury Lane runs from Morden Road to the rear of Access House and provides access to the open space for park maintenance vehicles. An existing gravel surfaced car park is located in the north west corner of the site with vehicular access onto Morden Road. Industrial buildings within the large industrial estate called Liongate Enterprise Park are located on the opposite side of Morden Road.
- 2.3 The ground floor application premises are part of a larger two storey building with a shared entrance that provides Ravensbury Park Medical Centre and a pharmacy. The medical centre has three doctors (Dr's Keyamo, Peyvandi and Chong) and two nurses and is open Monday to Friday between 8am until 7pm, 8pm or 8.30pm depending on the day of the week. The pharmacy is open Monday to Friday between 9am and 7pm or 8 pm depending on the day of the week. A single self-contained residential flat is also located at first floor level.
- 2.4 The application premises are currently occupied by a café with the use located 40 metres from the nearest residential building to the east at 115 Morden Road. The application premises cover a total area of 91 square metres which includes a main café area of 69 square metres. To the rear of the application premises is a large area of raised decking that is linked to the café use.
- 2.5 The application premises are located within an area of Open Space; Metropolitan Open Land; within a Green Chain, within Flood Risk Zones 3 and in an Archaeological Priority Area. The site is located adjacent to a Site of Importance for Nature Conservation and a Green Corridor. Ravensbury Park Open Space is registered on the London Inventory of Historic Green Space.

3 CURRENT PROPOSAL

- 3.1 The current application involves the change of use of the existing café (Use Class A3) to community centre / training and educational use (Use Class D1). The new use will serve the Turkish community.
- 3.2 The main activity as part of the proposed community use will be the provision of advice, training and education. There will be '*meetings for women (to help their health, children, advice on state benefits and language issues)*', tea mornings for the elderly, healthy living groups, book clubs and the provision of advice to resolve issues relating to citizenship etc.

- 3.3 The facility will provide classes for a maximum of 20, 8 to 15 year olds a ‘few days during the week’ between 4.30pm and 7pm and on weekends between 11am and 2.30pm. It is considered that the centre is likely to be most used during the weekend, however it is expected that there will be a maximum of 40 people in the building at any one time. It is intended to open the community centre every day of the between 8am and 9pm.
- 3.4 The applicant has confirmed that the proposal does not include any external changes to the premises, with the café serving area retained to provide ‘ancillary tea/coffee serving’ to the community use. The existing toilets that were provided in association with the café use will be maintained and managed by those running the community centre. A planning condition was attached to the original planning permission stating that the toilets would be accessible to members of the general public and a similar planning condition is recommended in terms of this change of use application. The internal alterations to the premises include the provision of an additional toilet accessed of the main room of the application premises.
- 4. PLANNING HISTORY.**
- 4.1 In 2006 the Planning Applications Committee approved two related planning applications for Planning Permission (06/P0320) and Conservation Area Consent (06/P0377).
- 4.2 The application site was occupied at that time by a derelict two-storey chalet building with a footprint of 74 square metres. A 2.5 metre high locally listed wall ran for 107 metres along the north and west boundaries of the site. The application for conservation area consent (06/P0377) approved the demolition of the derelict café building and the removal of an 8.6 metre long section of the locally listed boundary wall to allow vehicular access from Ravensbury Lane to a new car parking area for a new medical centre. In December 2007 Conservation Area Consent was approved for the demolition of the remaining section of the locally listed boundary wall after it was found to be structurally unstable.
- 4.3 The planning permission approved under reference 06/P0320 related to the demolition of the derelict two storey chalet building and the construction of a two replacement detached buildings. The new two storey building at the front of the site has subsequently been completed and is where the application premises are located. This building provides a medical centre with a car park with access on Ravensbury Lane, a single storey café, a first floor residential flat, a small office designed for the park keeper, a pharmacy and public toilets shared with the cafe. A planning condition attached to this approval restricted the operation of the cafe use to between the hours of 07.30 and 20.00 with no staff present on the premises one hour after closing time
- 4.4 The following planning condition was attached to the planning permission under reference 06/P0320: “*The residential unit hereby approved shall only be occupied by a key worker in association with the medical centre or nursery unless otherwise agreed in writing by the Local Planning Authority. Reason for*

condition: To prevent the introduction of an inappropriate unrelated residential use in this location". A planning application to remove this condition was refused by the Council under delegated authority on the 8 April 2014 for the following reasons:

"The removal of condition 25 (key worker residency) of planning permission 06/P0320 would result in a residential unit, use of which would be unrelated to the use of the building as a medical centre and would fail to contribute to meeting affordable housing targets in the borough and, in the absence of a legal undertaking securing a financial contribution towards the delivery of affordable housing off-site, would be contrary to policy CS.8 of the Adopted Merton Core Strategy (2011)".

- 4.5 An appeal decision by the Planning Inspectorate dated 24 March 2015 allowed the appeal, overturned the Council's refusal of planning permission and granted planning permission for the removal of this condition. As a result of this approval the residential unit at first floor level within the larger application building can be rented or leased on the open market to an occupier with no link to the other uses on the site.
- 4.6 The second two storey building at the rear of the site approved under reference 06/P0320 provided a children's nursery. The Council have been advised that it has not been possible to find a nursery operator and as a result this second building has not been constructed.

5. **CONSULTATION**

- 5.1 The submitted planning application was publicised by means of a site notice, a press notice and individual consultation letters sent to 43 local addresses.
- 5.2 As a result of public consultation 12 letters (11 circular letters) have been received in support of the proposal:
- The proposal will bring '*...beneficial impacts to the community and individuals*';
 - The proposal will support our children by enhancing '*...their educational skills*';
 - The proposal will provide a diverse set out lessons including religious, cultural and languages;
 - The current café use does not bring benefits for the whole community as it does not attract people or serve park users;
 - The current application will increase the park usage as lessons and sports clubs can take place in the park;
 - We do not use the existing café as there is another café opposite the park entrance, however there are not enough facilities for the community.
- 5.3 **Siobhan McDonagh (Labour Parliamentary Candidate Mitcham and Morden)**. Given the significant increase in the Turkish population in Mitcham and Morden and in Merton more widely I would be grateful if this application might be sympathetically considered. The initiative taken by the community to meet this demand from their own resources is highly commendable and I hope it will receive the Council's support.

- 5.4 **Wandle Valley Forum.** Whilst there is no objection to the partial change of use for educational purposes in principle, there is an objection to the submitted planning application for the following two reasons.
- This is an important Wandle Valley Regional Park gateway and maximum public access should be available especially after substantial landscape enhancements.
 - There are very few catering outlets within Wandle Valley Regional Park and it is therefore important that this café remains to provide a facility for park users and be better promoted to potential park users who remain unaware of it.
- 5.5 **Friends of Ravensbury Park.** There is an objection to the planning application on the following grounds:
- The proposal would prevent public use of the café;
 - The café is truly a community facility that can be enjoyed by park users, people working locally and all residents;
 - Café staff advised that the lease of the application premises was taken to prevent competition for their other business, the nearby Savoy Café.
 - It appears that little effort has been made to publicise the café use to new customers;
 - Many walkers and cyclists who use the Wandle Trail at the weekend would welcome the café but it has been closed during the weekend in the summer holidays;
 - The original development was sold to residents as a means to regain the popular park café and toilet facilities. Residents feel misled as public access has only been possible through the café when it is open;
 - It is noted that letters of support all come from people who do not live in the vicinity of the application site;
 - Parking is likely to be an issue with 40 people being dropped off or collected with local parking already an issue for medical centre patients.
- 5.6 **Transport Planning** There are no objections to the proposed change of use. Given the nature of the use, the busiest periods are likely to be in the early evening and at weekends. This demand will coincide with times when there is less parking demand on the surrounding residential streets.
- 5.7 Whilst the PTAL rating of the site is 2 (poor) there are viable public transport options within the vicinity of the site for potential users of the facility; Belgrave Walk Tram Station is located 400 metres away (a 5 minute walk). There are also three bus services provided within 500 metres of the site. It is recommended that a planning condition be attached to any approval in relation to the provision of cycle parking facilities.
- 5.8 **Environment Agency** The Environment Agency consider the development to be a low environmental risk and therefore have no further comments to make in relation to this planning application.

6 POLICY CONTEXT

The London Plan (July 2015).

- 6.1 The further alterations to the London Plan were published on the 10 March 2015. The relevant policies are 3.9 (Mixed and balanced communities); 3.16 Protection and enhancement of social infrastructure 5.2 (Minimising carbon dioxide emissions); 6.3 (Assessing effects of development on transport capacity); 6.9 (Cycling); 6.10 (Walking); 6.11 (Smoothing traffic flow and tackling congestion); 6.12 (Road network capacity); 6.13 (Parking); 7.2 (An inclusive environment); 7.3 (Designing out crime); 7.4 (Local character); 7.14 (Improving air quality); 7.15 (Reducing noise and enhancing soundscapes); 7.17 (Metropolitan open land); 7.18 (Protecting local open space and addressing local deficiency) and 8.2 (Planning obligations).

Merton LDF Core Planning Strategy (adopted July 2011)

- 6.2 The relevant policies within the Council's Adopted Core Strategy (July 2011) are: CS 2 (Surrounding area of Mitcham Town Centre); CS 5 (Wandle Valley); CS13 (Open space, nature conservation, leisure and culture); CS.18 (Active transport); CS.19 (Public transport); and CS.20 (Parking; servicing and delivery).

Merton Sites and Policies Plan (adopted July 2014)

- 6.3 The London Borough of Merton 'Sites and Policies Plan' was formally adopted by the Council on the 9 July 2014. The relevant policies within the Sites and Policies Plan are as follows: DM C1 Community facilities; DM F1 Support for flood risk management; DM O1 (Open space); DM R6 (Culture, arts and tourism development); DM R5 (Food and drink / leisure and entertainment uses); DM T1 (Support for sustainable travel and active travel); DM T2 (Transport impacts from development) and DMT3 (Car parking and servicing standards).

National Planning Policy Framework (March 2012)

- 6.4 The National Planning Policy Framework (NPPF) was published on the 27 March 2012. This document is a key part of central government reforms '...to make the planning system less complex and more accessible, and to promote sustainable growth'.
- 6.5 The NPPF supports the plan led system stating that development that accords with an up to date plan should be approved and proposed development that conflicts should be refused. The framework also states that the primary objective of development management should be to foster the delivery of sustainable development, and not to hinder or prevent development.
- 6.6 To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, the framework advises that local planning authorities need to approach development management decisions positively. Local planning authorities should look for solutions rather than problems so that applications can be approved wherever it is practical to do so. The framework attaches significant weight to the benefits of economic and housing growth, the need to influence development proposals to achieve

quality outcomes; and enable the delivery of sustainable development proposals.

- 6.7 The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks. The NPPF states that the re-use of buildings in Metropolitan Open Land will be acceptable provided that the buildings are of permanent and substantial construction.
- 6.8 On the matter of promoting social interaction and healthy inclusive communities the National Planning Policy Framework states that planning policies and decisions should aim to achieve places which promote:
- opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity.
- 6.9 To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
 - guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

7. PLANNING CONSIDERATIONS

- 7.1 The main planning considerations include assessing the principle of development in terms of the potential impact from the loss of the existing use; the impact of introducing the proposed new use, the design, scale, layout of the proposed use, the impact on adjoining uses, the impact on residential amenity and the impact on car parking and traffic generation.

Loss of the existing use

- 7.2 The application site is located within Ravensbury Park which forms part of the Wandle Trail. The Wandle Trail links various open spaces as part of a walking route across south London from East Croydon Railway Station to the Thames.
- 7.3 Ravensbury Park is also part of the larger Wandle Valley Regional Park that includes 830 hectares of open space. Policy CS 5 of the Core Strategy seeks to make the Wandle Valley Regional Park a high quality, linked green infrastructure network that provides opportunities for formal and informal recreation and the protection and enhancement of recreational attributes. The supporting text to the policy states that Wandle Valley Regional Park has the

potential to attract a significant number of visitors to the borough, as it provides a cultural and recreational facility as well as a vital green asset.

- 7.4 A derelict two storey chalet building that included a café use was located on the application site prior to the construction of the existing building. The provision of the replacement café (that is the subject of the current planning application) was considered an important part of the redevelopment of this land; with the café providing a local facility including for park users, for users of the Wandle Trail and improving the general attractiveness of Ravensbury Park.
- 7.5 Policy 3.16 of the London Plan states that development proposals which would result in a loss of social infrastructure, without realistic proposals for replacement provision should be resisted. Social infrastructure covers a wide range of facilities such as recreation and leisure facilities and other uses which contribute to making an area more than just a place to live. It is considered that the existing café represents social infrastructure in the context of London Plan policy 3.16.
- 7.6 In support of the current planning application the café proprietor has provided the following summary of the main events since the lease of the premises was signed in January 2013. After an investment of £45,000 the café was opened for business on the 4 February 2013 with the business hours of 8am to 5pm Monday to Friday. The café proprietor has stated that “*business was slow*” after opening and this did not change during the summer of 2013 with café customers only coming from the nearby commercial uses. With the aim of improving the business in December 2013 the proprietor has advised that a further £2,500 was spent on adding a larger food menu and an extractor fan.
- 7.7 It is considered that the loss of the café as part of the current proposal will not improve the attractiveness of Ravensbury Park and will result in the removal of a facility that provides an open and freely accessible facility available to the general public. Whilst it is important to highlight the benefits of the café use to the adjacent open space and more generally, the marketing and other information that has been submitted by the applicant also needs to be considered.
- 7.8 When considering the viability of existing employment land uses (Use Classes B1, B2 and B8), the Council’s adopted planning policies require a minimum marketing period of 30 months. The café owner has stated that the café business (Use Class A3) was marketed for a period of 7 months between 19 February 2014 and the 18 September 2014. Whilst marketing took place for a relatively short period of time there were 19 expressions of interest in the premises. The only firm expression of interest was in relation to the use of the premises as a Turkish community centre and this interest has resulted in the submission of the current planning application.
- 7.9 The information submitted by the applicant appears to show that the café use is not currently viable in this location. As a result the refusal of planning permission for the current proposal may result in the application premises

becoming vacant. It is highlighted that the viability of a café use in this location is subject to change with development options currently being considered that will increase residential density in the local area and as a result increase potential business for a café in the location.

Acceptability of the proposed use – Development Plan designation

- 7.10 The application premises are located on an area of Open Space and Metropolitan Open Land. The premises are within a Green Chain, within Flood Risk Zones 2 and 3 and in an Archaeological Priority Area. The site is located adjacent to a Site of Importance for Nature Conservation and a Green Corridor.

Designation as Metropolitan Open Land, Open Space and Green Chain

- 7.11 The application is designated as Metropolitan Open Land, as Open Space and part of a Green Chain within the development plan. Policies 7.17 and 7.18 of the London Plan seek to protect this land from inappropriate development and resist the loss of open space.
- 7.12 Policy DM O1 of the sites and policies plan states that proposals should not harm the character, appearance or function of the open space. The supporting text to policy DM O1 states that proposals to redevelop buildings within open space should be for compatible uses and that the occupation of these buildings helps to minimise vandalism and crime. The supporting text states that it is important to protect existing green chains and improve links that provide informal recreational opportunities for walking and cycling.
- 7.13 The current application only involves the change of use of an area of the existing building from a café to a community centre. It is considered that a centre serving the community would represent a 'compatible' use within Metropolitan Open Land and members may consider this use acceptable in principle in this location subject to the other considerations within this report.
- 7.14 The proposal does not involve any increase in building footprint; it does not involve any extensions or changes to the external appearance of the building. The proposal will not result in any loss of open space and no physical change to the existing open space. In these circumstances it is considered that a community centre would complement the existing open space and maintain the openness of the Metropolitan Open Land in line with the development plan. It is considered that the use will not have any adverse impact on the adjacent Site of Importance for Nature Conservation and Green Corridor.

Area at risk from flooding

- 7.15 Sites and policies plan policy DM F1 states that to minimise the impact of flooding in the borough the Council will ensure that flood resilient and resistant measures are incorporated into design of development proposals in any area susceptible to flooding to minimise and manage the risk of flooding. The majority of the application premises has been determined by the Environment Agency to be in an area at risk from flooding. This land is in flood risk zone 3 (a 1 in 100 or greater annual probability of river flooding or >1%).

- 7.16 The application relates to the change of use of an existing building and this existing building currently incorporates various flood risk mitigation measures. These measures include floor levels raised 600mm above the 1 in 100 years flood level and an open void provided under the building with openings on the sides of the building to allow the free flow of water under the building. Whilst there would be an escape route provided by Ravensbury Lane, the users of the community centre are likely to be similar to the existing users of the café in terms of their vulnerability in the event of a flood.
- 7.17 A Flood Risk assessment has been submitted in support of the application and this has been considered by the Environment Agency. The Environment Agency consider the development to be a low environmental risk and they have confirmed that they have no objection to the proposal.

Archaeological Priority Area

- 7.18 Development Plan policies seek to protect heritage assets including items of archaeological interest within Archaeological Priority Areas. The current proposal does not involve any external changes to the application building and as a result the proposal will have no impact on the Archaeological Priority Area.

Wandle Valley Conservation Area

- 7.19 The current proposal does not involve any change to the external appearance of the building and as a result the proposal will not have any impact on the Wandle Valley Conservation Area

Acceptability of the proposed use – Provision of a community facility.

- 7.20 Policy DM C1 of the Council's Sites and Policies Plan seeks to ensure the provision of sufficient, accessible, well-designed community facilities. The policy states that new community facilities will be supported where the size of the development proposed is appropriate to its context; and where the proposed facilities are designed to be adaptable and suitable to accommodate a range of services. These two matters are considered below.
- 7.21 Policy DM C1 states that new community facilities will be supported where the size of the development proposed is appropriate to its context. The current application involves the conversion of a relatively small space (total of 91 square metres) within an existing larger building for use as the community centre. In these circumstances it is considered that the proposed development is appropriate for its context.
- 7.22 Policy DM C1 states that new community facilities will be supported where the proposed facilities are designed to be adaptable and suitable to accommodate a range of services. The proposed use does not include any external changes to the building and internal changes only include the provision of an additional toilet. In this context it is considered that the premises will be adaptable and suitable to accommodate a range of services. In the event that the community use no longer occupies the building the premises can also easily change to other uses.

- 7.23 The other considerations set out in policy DM C1 are that the premises should be in accessible locations with good links to public transport; to ensure that appropriate access and parking facilities are provided; and where the use does not have an undue adverse impact on the amenities of nearby residents and businesses. These further matters are considered in the following sections of this report.

Acceptability of the proposed use – Neighbour Amenity

- 7.24 Policy DM C1 of the Council's Sites and Policies Plan seeks to ensure the provision of sufficient, accessible, well-designed community facilities. The policy states that new community facilities will be supported where the use does not have an undue adverse impact on the amenities of nearby residents and businesses. Policy DM EP2 of the Sites and Policies Plan states that development which would have a significant effect on existing or future occupiers or the local amenity due to noise or vibration will not be permitted unless the potential noise problems can be overcome by suitable mitigation measures.
- 7.25 The application premises are currently in use as a café that could be the source of noise and disturbance. The closest residential property to the application premises is located 40 metres to the east across the front part of Ravensbury Park, there have been no objections received from local residents to the proposal. Other nearby land uses include a self-storage building and industrial buildings on the opposite side of Morden Road.
- 7.26 It is considered that with the use of restrictive planning conditions including in relation to the hours of operation and amplified music the proposed community centre is considered acceptable in this location in terms of the impact on residential amenity and on other neighbouring uses.

Acceptability of the proposed use - Car parking, servicing and access.

- 7.27 The site is located on Morden Road (A239) that is classified as a London Distributor Road. Morden Road is an important traffic route that carries a significant amount of through traffic as well as providing access to the industrial estate called Liongate Enterprise Park.

Car parking

- 7.28 Policy 6.13 of the London Plan states that the Mayor wishes to see an appropriate balance between promoting new development and preventing excessive car parking that can undermine cycling walking and public transport use. Policy CS20 of the Core Strategy (July 2011) states that car parking should be provided in accordance with current 'maximum' car parking standards, whilst assessing the impact of any additional on street parking on vehicle movements and road safety.
- 7.29 The application premises do not have any off street car parking and this is considered in line with the London Plan. There is unrestricted on street car parking provided nearby along Morden Road. There is local demand for this on street car parking space during the day from employees of the commercial uses on the opposite side of Morden Road, local residents and patients of the

medical centre. In response to the demand for on street car parking space, the medical centre have recently allowed medical centre patients to use their staff car park that is accessed from Ravensbury Lane.

- 7.30 Following an assessment of the use by the Council's Transport Planning Officer it is considered that the proposal is unlikely to have any significant impact on local on street parking. The information supplied by the applicant shows that the busiest periods within the new facility are likely to be in the early evening and at weekends. These busy times will be outside normal business hours and as a result will coincide with the periods when there is less on street parking demand on nearby roads.

Trip generation

- 7.31 Policy CS20 of the Core Strategy (July 2011) states that the Council will require developers to demonstrate that their development will not adversely affect safety and traffic management.
- 7.32 The application site has a public transport accessibility level (PTAL) of 2 (On a scale of 1a, 1b, and 2 to 6a, 6b where zone 6b has the greatest accessibility). Whilst this PTAL level indicates that the site has a poor level of access to public transport services, it is highlighted that the site is within a reasonable walking distance (400 metres away or a 5 minute walk) of Belgrave Walk Tram Station. It is also highlighted that there are also three bus services within 500 metres of the application site.
- 7.33 It is considered that the vehicle trips generated by the proposed use can be safely accommodated on the local road network and that the proposal is acceptable in terms of the impact on the road network.

Refuse storage and collection.

- 7.34 Policy CS20 of the Core Strategy (July 2011) states that the Council will require developers to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway. The proposed community use will use the existing café facilities for the storage of waste and subsequent collection and this is considered acceptable.

Cycling and pedestrian access

- 7.35 Policy CS 18 of the adopted Core Strategy (July 2011) states that the Council will encourage design that provides, attractive, safe, covered cycle storage, cycle parking and other facilities. A planning condition is recommended to seek the submission of details of cycle parking that will be provided for future users of the community centre.

8. ENVIRONMENTAL IMPACT ASSESSMENT

- 8.1 The area of the application site is below a hectare and as a result the site falls outside the scope of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (As Amended). In this context there is no requirement for a screening opinion or for an Environmental Impact Assessment as part of this development.

9. LOCAL FINANCIAL CONSIDERATIONS

Mayor of London Community Infrastructure Levy

- 9.1 The Mayoral Community Infrastructure Levy is not applicable in this case as the proposal does not provide any new floor space.

London Borough of Merton Community Infrastructure Levy

- 9.2 After approval by the Council and independent examination by a Secretary of State appointed planning inspector, in addition to the Mayor of London levy the Council's Community Infrastructure Levy commenced on the 1 April 2014. The Merton Community Infrastructure Levy is not applicable in this case as the proposal does not provide any new floor space.

Planning Obligations

- 9.3 Regulation 122(2) of the CIL Regulations 2010 (continued in the CIL Regulations 2011) introduced three tests for planning obligations into law, stating that obligations must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development;
- fairly and reasonably related in scale and kind to the development.

- 9.4 If a planning obligation does not meet all of these tests it cannot legally be taken into account in granting planning permission and for the Local Planning Authority to take account of S106 in granting planning permission it needs to be convinced that, without the obligation, permission should be refused. There are no planning obligations recommended as part of the current application

10. CONCLUSION

- 10.1 The benefits of providing a café in a public park have been outlined in this report. These include the provision of a fully accessible recreational facility that is accessible to all users of the adjacent park. The existing café use promotes the Government's objectives set out in the NPPF insofar as it provides a focus for social interaction; it promotes healthy and inclusive communities and has the potential to bring together those who work, live and play in the vicinity.
- 10.2 The provision of community facilities within the borough like those currently proposed is also supported by planning policies within the development plan. The applicant has submitted information that would suggest the café use is not currently viable and responses to public consultation appear to show a demand for the proposed use. A community use is compatible with the use of the park and with the use of planning conditions the current proposals would be acceptable in terms of residential amenity and the relationship with adjacent commercial uses. The use is also acceptable in terms of car parking and transport considerations.
- 10.3 The proposals create a tension in planning policy terms arising from competing benefits of providing the café use in the park with providing alternative social infrastructure in the form of the proposed use. The change of use to the community use involves minimal physical, and what might

otherwise be costly changes to the building. In the event that members consider that greater weight should be given to maintaining and improving, rather than potentially diminishing the attractiveness of Ravensbury Park as a public park by safeguarding the cafe that provides an open and freely accessible facility available to the general public, officers recommend a temporary planning permission as appropriate in this instance to enable viability and wider social infrastructure needs to be reassessed at the end of a three year period.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the completion of a Section 106 Agreement and planning conditions.

And the following conditions:

1. Amended standard condition (Temporary period) The planning permission hereby approved is for a temporary period only and the use hereby permitted shall cease and the land restored to its former condition on or before the 30 May 2018. Reason for condition: The proposed use, were it to be made permanent, has the potential to diminish the attractiveness of Ravensbury Park in the longer term by removing a facility that provides an open and freely accessible facility available to the general public and to ensure that the proposal is in line with the National Planning Policy Framework.
2. Amended standard condition (Approved plans) The development hereby permitted shall be carried out in accordance with the following approved plans: 03, 04, 05, Design and Access Statement, Site Location Plan and Flood Risk Assessment. Reason for condition: For the avoidance of doubt and in the interests of proper planning.
3. Amended standard condition (Amplified music) No music or other amplified sound generated on the premises shall be audible at the boundary of any adjacent residential building. Reason for condition: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Polices Plan 2014.
4. Non-standard condition (Advertisements or signage) Full details of any advertisements or signage shall be submitted to and approved in writing by the Local Planning Authority prior to installation with the advertisements or signage maintained in accordance with the approved details. Reason for condition: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy CS14 of Merton's Core Planning Strategy 2011 and policy DM D5 of Merton's Sites and Polices Plan 2014.
5. Non-standard condition (Public toilets) Prior to the community use commencing details of a management scheme to include opening times, cleaning schedule and supervision of the public toilets shall be submitted to and approved in writing by local planning authority. The use hereby permitted

shall operate only in accordance with the approved scheme.
Reason for condition: To ensure the successful operation of the public lavatories as a facility for the general public including users of Ravensbury Park.

6. Non-standard condition (Use of the premises) The premises shall only be used as a community centre and shall not be used as a place of worship or for any other purpose within Planning Use Class D1 of the schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended)) without the prior written approval of the Local Planning Authority.
Reason for condition: In order for the local planning authority to have control and the opportunity to assess the impact of any change in the use of the building.
7. Non-standard condition (Community use) The premises shall only be used as a community centre and shall not be used as a place of worship or for any other purpose within Planning Use Class D1 of the schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended)) without the prior written approval of the Local Planning Authority.
Reason for condition: In order for the local planning authority to have control and the opportunity to assess the impact of any change in the use of the building.
8. Amended standard condition (Amplified music) The use hereby permitted shall not be open to customers except between the hours of 0800hrs and 2100hrs on any day and no staff shall be present at the premises one hour after the closing time.
Reason for condition: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

INFORMATIVES:

- a) The applicant is advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application. In this instance the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.

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