UPRN | APPLICATION NO. | DATE VALID
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(1) 08/P2929 | 29/10/2008
(2) 08/P3100 | 18/11/2008

Address/Site: Wellington House, 60 – 68 Wimbledon Hill Road, Wimbledon, London, SW19 7PA.

(Ward): Hillside

Proposal:
(1) Change of use from retail use (class A1) to restaurant use (class A3)
(2) Change of use from retail use (class A1) to fast food takeaway (class A5)

Drawing Nos:
(1) 350/08/003-02a and page 2 of 5.
(2) 350/08/003-01a and 350/08/003-02a

Contact Officer: Stuart Adams (0208 545 3147)

RECOMMENDATION
GRANT Permission subject to the completion of a S.106 Obligation and conditions

CHECKLIST INFORMATION.

- Heads of agreement: - N/A.
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted – No
- Press notice – No
- Site notice – Yes
- Design Review Panel consulted – No
- Number of neighbours consulted – 9
- External consultations – No
- Density – N/A
- Number of jobs created – Not known.
- Controlled Parking Zone - Yes
1. **INTRODUCTION**

1.1 The application has been brought before the Planning Applications Committee for consideration as the recommendations are for approval and there have been number of objections including one from the Wimbledon Hill Residents Association.

2. **SITE AND SURROUNDINGS**

2.1 The application site is a ground floor retail unit within a four storey building known as Wellington House on the corner of Wimbledon Hill Road and Mansel Road, on the fringes of Wimbledon town centre. The building was constructed in the 1970’s with retail units at ground floor and three floors of office space above.

2.2 The ground floor has been divided into 4 shop units and this application relates to the end unit within the building, furthest away from the Mansel Road junction, known as unit 1, 60 – 68 Wimbledon Hill Road. Unit 1 is currently vacant but its former use was as a Class A1 tanning shop, which according to a notice in the window, ceased trading on 23/9/08. The other units at ground floor level within Wellington House comprise a Class A5 Turkish restaurant and take away known as Limon and two Class A2 estate agents known as Brinkley’s and Lauriston’s. Lauriston’s, the corner unit has a window display on both Wimbledon Hill Road and Mansel Road.

2.3 South of the junction with Mansel Road, Wimbledon Hill Road is characterised by commercial buildings forming part of Wimbledon town centre. To the north, Wimbledon Hill Road and the roads that lead off it are predominantly residential. Wimbledon High School is on the opposite corner of Mansel Road with a church beyond. Adjacent to Wellington House on Mansel Road is the London College Wimbledon. The heart of Wimbledon town centre is located to the south and Wimbledon Village is up the hill to the north.

2.4 Within the town centre, the application site is located within a secondary shopping frontage and is part of the Wimbledon Hill Road conservation area.

3. **CURRENT PROPOSAL**

3.1 (1) The proposal comprises a change of use from retail use (class A1) to restaurant use (class A3).

3.2 (2) Change of use from retail use (class A1) to fast food takeaway (class A5)
4. **PLANNING HISTORY**

4.1 **60 – 68 Wimbledon Hill Road**

   **LBM Ref** MER681/78 - Illuminated lettering on fascia – Grant – 20/12/78

4.2 **LBM Ref** - 02/P0112 - Installation of new external air conditioning units on the roof of the building – Grant – 15/3/02

4.3 **LBM Ref** - MER464/77 - Internal alterations and shop front – Grant – 24/8/77

4.4 **LBM Ref** - MER109/77 - Change of use to offices – Grant – 14/4/77

4.5 **LBM Ref** - MER676/76 - Retention of a 4 storey building with 4 shops on ground floor, showrooms on 1st floor, and offices on 2nd and 3rd floors with a basement car park – Grant – 7/2/77

4.6 **LBM Ref** - MER553/75 - Use of ground floor as showroom and alterations to external building – Appeal allowed – 4/3/76

4.7 **LBM Ref** - MER1326/72 (D) - Detail - 4 storey building comprising 4 shops on the ground floor, showrooms on the 1st floor, 10,000 sq ft of office accommodation on the 2nd and 3rd floors and 34 car parking spaces in the basement – Grant – 8/2/74

4.8 **LBM Ref** - MER1326/72 - Outline - 4 storey building comprising 4 shops on the ground floor, showrooms on the 1st floor, 10,000 sq ft of office accommodation on the 2nd and 3rd floors and 34 car parking spaces in the basement – Grant – 3/5/73

4.9 **LBM Ref** - MER295/67 - Use of basement, ground and 1st floor for banking purposes – Grant – 11/5/67

   No other relevant planning history

5. **CONSULTATION**

5.1 Site notice and consultation occurred via neighbour notification.

5.2 The seven letters of objection have raised the following objections:

   - Too many fast food takeaways
• Close proximity to residential streets and would creep such facilities closer to residential properties
• Unwanted nightlife with late hours of use
• A number if similar type of uses within the area already
• Litter, loitering, noise, traffic, vomit, beer bottles, discarded takeaway food
• Need more retail uses
• Parking
• Possible liquor license in future
• Increase pressure on similar type uses
• Type of use should be located into town centre

5.3 Transport Planning

The unit is located within the W1 Controlled Parking Zone, which operates between 08:30 and 18:30, Monday - Saturday. There are double yellow lines directly adjacent to the site, and there are short-term 'Pay & Display' parking bays within a short walk of the site that enable parking to take place for a maximum of 2 hours.

The unit has an excellent level of public transport accessibility (PTAL= 6a) and will attract a high proportion of trips by alternative modes of transport to the private car.

No transport planning objections.

5.4 Environmental Health

No objection subject to conditions.

6. PLANNING POLICY

6.1 The relevant policies contained within the Adopted Merton Unitary Development Plan are as follows:

S3 – Secondary Shopping Frontages
S8 – Food and Drink (A3) Uses
WTC 1 – A Mixed Use Town Centre
TC6 – Promoting Vitality and Viability

7. PLANNING CONSIDERATION

7.1 The principal planning considerations for both applications relates to the loss of an A1 retail unit, the proposed change of use to either A3 or A5, its impact upon the vitality and viability of the secondary shopping parade
and Wimbledon town centre, its impact upon neighbouring residential properties amenity and parking and traffic considerations.

7.2 Principle of change of use

7.21 The application site is located within a secondary shopping parade that terminates at Mansel Road, at the edge of Wimbledon Town Centre. Policy S3 supports a wide range of town centre uses within secondary shopping parades and paragraph 5.86 of the UDP recognizes the difficulty that this type of frontage has in attracting and retaining A1 uses and that a wide range of uses helps to avoid vacancy and decay.

7.22 Policy S3 permits a change of use from retail where a town centre’s vitality and viability is not likely to be significantly harmed. An appeal decision in 2007 was allowed for a change of use from class A1 retail to an A4 bar at the adjoining ground floor unit at 58 Wimbledon Hill Road. The planning inspector considered that the centre’s vitality or viability would not be significantly harmed, if the appeal was to be allowed as the Wimbledon Hill Road secondary frontage comprised a variety of uses including Post office, shops, estate agents and bar/restaurants, amounting to a split of about one-third A1, one-third A2 and one-third A3/A4 in the secondary shopping frontage. There has been no significantly change in mix of uses since this appeal and therefore the provision of either a class A3 or class A5 would not result in an unhealthy imbalance of town centre uses. It is considered that no significant harm would result to the centre’s viability or vitality. A copy of the appeal decision relating to 58 Wimbledon Hill Road forms an appendix to this report.

6.3 Neighbouring Amenity

6.31 The surrounding area comprises a variety of uses, some residential accommodation is located on Wimbledon Hill Road, above ground floor and streets located off Wimbledon Hill Road are predominately residential in character. The application site is located on the edge of the secondary shopping frontage at the junction with Mansel Road. The change of use relates to unit 1, this unit is set four units in from the Mansel Road junction. Wellington House wraps around the junction with the entrance to the offices and vehicular access into the rear on the Mansel Road frontage. London College Wimbledon is adjacent, and the next property, 2 Mansel Road is a nursery. The residential properties located above ground floor commercial uses in Wimbledon Hill Road would not be affected by noise or disturbance to any significant degree as this section of Wimbledon Hill Road is already busy with traffic and other town centre uses and the nearest residential properties in Mansel Road are satisfactorily distanced away from the application to ensure that there would be no direct harm caused from the premises itself.
6.32 Concerns have been raised over impact upon neighbouring residential amenity in surrounding streets and anti social behavior. The proposed A3 and A5 uses are acceptable and commonplace ones for a town centre location and the small size of the unit (32 square metres) means it is unlikely to generate large number of customers or other activity. The problems identified by neighbouring residential properties in surrounding street are noted however it is considered these applications would not in themselves cause significant adverse harm and therefore it is considered that there would be no planning grounds to warrant refusal of planning permission on this basis.

6.33 Suitable conditions are suggested in relation to hours of opening, refuse storage and ventilation to control impact on residential amenity, and the site benefits from rear access to a service area.

6.4 Traffic and Parking

The application site is located within an area with an excellent level of accessibility and therefore there are a number of alternatives whereby customers could travel to the site by public transport. Given the location of the site within Wimbledon Town centre it is anticipated that some of the customers would already be undertaking activities such as shopping or recreational pursuits. It is not therefore considered that the change of use to A3 or A5 would generate high levels of trips by car or have an adverse impact upon parking significant enough to warrant refusal.

6.5 Extractor Unit

The location and size of the extractor unit is considered acceptable on the rear elevation of the building. The unit would not be clearly visible from the public domain and imposing appropriate planning conditions so that the levels of sound attenuation and odour control can be controlled to a satisfactory level would safeguard the impact upon neighbouring amenity.

6.6 Town Centre Security

With such developments within the town centre, applicants have been required to enter into a Section 106 Agreement to secure a contribution towards security facilities including the continued provision of CCTV facilities within the town centre to safeguard nearby occupiers and other users of the town centre particularly late at night when restaurant and other similar premises are being vacated. It is considered appropriate that there should be a Section 106 Agreement in this case.
7. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

7.1 The proposal is for a minor development and an Environmental Impact Assessment is not required in this instance.

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

8. CONCLUSION

8.1 The proposed A3 and A5 uses are equally compatible within this secondary shopping frontage, town centre location. They provide a direct service to the public and would not significantly harm the retail vitality and viability of the parade. A window display would be provided and the proposal is not considered to adversely impact on residential amenity or traffic flows and parking demand within the vicinity. In view of the above, the proposal is considered to accord with the Council's Adopted Unitary Development Plan policies.

RECOMMENDATION 1 (08/P2648) (change of use to restaurant Class A3)

GRANT PERMISSION

Subject to the completion of a Section 106 Obligation covering the following issue:-

1. Contribution towards Security/CCTV facilities within the town centre.

2. Meeting the Council’s legal and professional costs in drafting, finalising and monitoring the legal agreement.

and subject to the following conditions:-

1. A.1 Commencement of development for full application

2. B.2 External materials to match existing

3. Hours of Use

   The premises shall not be open to the public outside the following times: 08:00-23:30 Mon – Sat; and 08:00 – 23.00 Sun
Reason:- To protect the amenities of adjoining and surrounding occupiers.

4. The use hereby permitted shall not commence until full particulars and details of a scheme for ventilation of the premises to an appropriate outlet level including details of sound attenuation for any necessary plant and the standard of odour control expected has been submitted to and approved by the Local Planning Authority, and the development shall not be carried out otherwise than in accordance with any approval given. The sound pressure level from the extractor fan and ductwork shall not increase the background noise level by more than 2dB(A) (5 minute LA90) when measured 1m from the nearest noise sensitive property.

Reason for condition: To safeguard the amenities of neighbouring properties.

5. G.5 Staff on Premises

No staff shall be present on the premises 1hour after closing time of the use hereby approved.

Reason:- To protect the amenities of neighbouring residential occupiers.

6. B.6 Details of refuse storage

Planning Informative:

In relation to Condition 4 above, it is anticipated that as a minimum all odour control systems will incorporate carbon filters, that there shall be no increase in the background noise level L90 (dB(A)) (5 minute measurement period) measured at the nearest noise sensitive property, duct work is to terminate at least 1 metre above eaves level and shall terminate vertically, no obstruction or cowl is to be fitted above the extract opening. Flexible couplings and mountings are to be used between the duct work and walls. Where it is necessary to attach duct work to an adjoining property the applicant must obtain the agreement of the owner of the property for such works.

RECOMMENDATION 2 (08/P3100) (change of use to takeaway Class A5)

GRANT PERMISSION
Subject to the completion of a Section 106 Obligation covering the following issue:-

1. Contribution towards Security/CCTV facilities within the town centre.

2. Meeting the Council’s legal and professional costs in drafting, finalising and monitoring the legal agreement.

and subject to the following conditions:-

1. **A.1** Commencement of development for full application

2. **B.2** External materials to match existing

3. **Hours of Use**

   The premises shall not be open to the public outside the following times: 08:00-23:30 Mon – Sat; and 08:00 – 23.00 Sun

   **Reason:-** To protect the amenities of adjoining and surrounding occupiers.

4. **The use hereby permitted shall not commence until full particulars and details of a scheme for ventilation of the premises to an appropriate outlet level including details of sound attenuation for any necessary plant and the standard of odour control expected has been submitted to and approved by the Local Planning Authority, and the development shall not be carried out otherwise than in accordance with any approval given. The sound pressure level from the extractor fan and ductwork shall not increase the background noise level by more than 2dB(A) (5 minute LA90) when measured 1m from the nearest noise sensitive property.**

   **Reason for condition:** To safeguard the amenities of neighbouring properties.

5. **G.5 Staff on Premises**

   No staff shall be present on the premises 1hour after closing time of the use hereby approved.

   **Reason:-** To protect the amenities of neighbouring residential occupiers.

6. **B.6 Details of refuse storage**
Planning Informative:

In relation to Condition 4 above, it is anticipated that as a minimum all odour control systems will incorporate carbon filters, that there shall be no increase in the background noise level L90 (dB(A)) (5 minute measurement period) measured at the nearest noise sensitive property, duct work is to terminate at least 1 metre above eaves level and shall terminate vertically, no obstruction or cowl is to be fitted above the extract opening. Flexible couplings and mountings are to be used between the duct work and walls. Where it is necessary to attach duct work to an adjoining property the applicant must obtain the agreement of the owner of the property for such works.
Appeal Decision
Inquiry held on 12 December 2006
Site visit made on 13 December 2006
by Gloria McFarlane LLB(Hons) BA(Hons) Solicitor
(Non-practising)
an Inspector appointed by the Secretary of State for
Communities and Local Government

Appeal Ref: APP/T5720/A/06/2012483
58 Wimbledon Hill Road, Wimbledon, London, SW19 7PA
- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to
  grant planning permission.
- The appeal is made by WPI Group Ltd against the decision of the Council of the London Borough of
  Merton.
- The application Ref 05/P2915, dated 28 November 2005, was refused by notice dated 5 April 2006.
- The development proposed is a change of use from Class A1 to Class A4.

Summary of Decision: The appeal is allowed, and planning permission granted subject to
conditions set out below in the Formal Decision.

Procedural Matters
1. At the Inquiry an application for costs was made by the Appellant Company against the
   Council. This application is the subject of a separate Decision.

Main Issues
2. In this appeal I consider that there are 2 main issues. The first is the effect of the proposal
   on the retail vitality and viability of the Town Centre, including the secondary shopping
   frontage. The second is the implications of the proposal for the occupiers of nearby
   residential properties with regard to noise and disturbance.

Planning Policy
3. The development plan for the area includes the London Plan and the London Borough of
   shopping frontages where permission for a change of use from retail will be permitted in
   certain specified circumstances which include the centre’s retail vitality and viability not
   being significantly harmed and there being no adverse effects on the amenities of nearby
   residents. Policy S.8 sets out a presumption for food and drink uses provided specified
   criteria are met. Policy WTC.1 seeks to achieve a balanced mix of uses in Wimbledon
   Town Centre and policies WTC.3 and WTC.4 specifically relate to the primary shopping
   area. Policy TC.6 seeks to promote the vitality and viability of designated town centres.

4. Policy 3D.1 of the London Plan generally promotes consumer activity in town centres and a
   mixture of uses which include bars and restaurants.

5. The Council has also referred to Supplementary Planning Guidance Notes ‘Food and Drink
   (A3 Uses)’ which was prepared in 1999 as part of the review of the UDP adopted in 1996.
   The SPG has not been revoked and contains guidance relating to, for example, the

17 JAN 2007
avoidance of a cluster of non-A1 uses and the control of opening hours of Class A3 (as it then was) uses.

Reasoning

17 JAN 2007

The appeal site and surroundings

6. The appeal site comprises a vacant retail unit at ground floor level with some 86sq m of retail floorspace. 58 Wimbledon Hill Road forms part of a 3 store terrace on the southwest side of the road. The terrace is designated secondary shopping frontage within Wimbledon Town Centre. The appeal site is within the Merton (Wimbledon Hill Road) Conservation Area and within the Council's Licensing Policy's Cumulative Impact Zone. Wimbledon Hill Road in the vicinity of the appeal site is predominantly commercial in character. The roads that lead off it are mostly residential and Wimbledon High School is a short distance away. The proposal would result in a change of use of the unit from a shop (Class A1) to a drinking establishment (Class A4).

First issue: Change of use

7. The appeal site has been vacant for over 2 years. The relevant policies in the UDP have no requirement that premises should be marketed before a change of use can be considered but in this case the unit has been marketed, for both short and long terms and for different rents. The Council contended that the marketing was not as active as it could have been and that the rent sought has been too high. However, the Council did not produce any formal evidence and in the absence of any evidence to the contrary it seems to me that the Appellant Company has tried to let the premises for a Class A1 retail use but without success. I was told that a Class A1 retail unit on the other side of the road had also been vacant for a considerable period of time.

8. Paragraph 5.86 of the UDP recognises the difficulty that secondary shopping frontages have in attracting Class A1 uses and to avoid vacancy and decay, because of their location close to the main shopping areas, they are considered to be particularly suitable for a wide range of uses including leisure uses. The secondary shopping area fronting Wimbledon Hill Road reflects this policy consideration as it currently comprises a variety of uses including a post office, a bike shop, a stationery shop, a number of estate agents and several bars/restaurants.

9. The Council accepted that the secondary shopping frontage was vital and viable at present but was concerned about the dilution of the number of retail uses should the proposal be allowed. The Council took the view that retail vitality and viability becomes vulnerable when the proportion of retail units falls below one-third. However, in analysing the use classes of the premises, both occupied and vacant, that currently make up the secondary shopping frontage it was apparent that, if the proposal was implemented there would be a split of about one-third Class A1, one-third Class A2 and one-third Class A3/A4. Planning Policy Statement 6 'Planning for Town Centres' (PPS6) promotes vital and viable town centres which have a wide variety of uses as does policy WTC.1 of the UDP. It therefore seems to me that the proposal would result in an appropriate variety of uses as promoted in both national guidance and development plan policies and that it would not have any adverse effect on the retail vitality and viability of the secondary shopping frontage.

10. Criterion (ii) of policy S.3 of the UDP refers to the retail vitality and viability of the centre and there was no dispute between the Parties that Wimbledon Town Centre as a whole is
thriving. As I have found that the proposal would not have any adverse effect on the retail vitality and viability of the secondary shopping frontage, I believe that it would not therefore have any adverse effect, either numerically or practically, on the retail vitality and viability of the centre. Therefore, in my opinion, the proposal would not be contrary to UDP policies in this respect.

11. I conclude that the proposal would be in accordance with national guidance and development plan policies and that it would not have a harmful effect on the retail vitality and viability of the Town Centre, including the secondary shopping frontage.

Second issue: Occupiers of nearby residential properties

12. A number of the commercial uses fronting Wimbledon Hill Road have residential accommodation above and the roads that lead off Wimbledon Hill Road are predominantly residential, albeit in some cases the residential use begins some distance from the junction with the main road. These residential roads, Compton Road, Alwyne Road, Mansel Road and Woodside, have parking restrictions during the day time. I heard from local residents that during the evenings and weekends, when parking is not restricted, that the roads are full with parked cars. I also heard from local residents about the noise and disturbance that arises from people returning to their cars late at night and the anti-social behaviour in the Town Centre mostly at weekends.

13. I appreciate how disruptive the behaviour described can be on family life. However, the residential roads are in close proximity to, but outside, the Town Centre and it seems to me that parking relating to the commercial uses would be inevitable. In this respect I consider that the benefits of living close to a Town Centre have to be weighed by residents against the dis-benefits. Public transport to Wimbledon is good with bus, train and underground services and in my experience most people going for a night out 'on the town' would be unlikely to drive. I have no evidence that the proposal (one small bar which would accommodate some 40-50 people) would increase the demand for parking in the surrounding roads or would be likely to have any a significant adverse impact on residential amenity. It may be that some of the adverse effects of parking leading to noise and disturbance that do occur could be overcome by more stringent parking restrictions, but that is a matter outside the planning considerations with which I am concerned.

14. I appreciate that the owners/managers of the proposed bar would have no control over the behaviour of their patrons once they were outside the premises. But I do not have any evidence that anti-social behaviour in the Town Centre encroaches into the residential areas that adjoin it. The provision of CCTV facilities in the vicinity of the appeal premises would go some way, I believe, to mitigating any anti-social behaviour that could arise.

15. There are a number of bars and similar establishments in Wimbledon Town Centre and the Council’s Licensing Committee has adopted a ‘Statement of Licensing Policy’. Wimbledon Town Centre has been designated a Cumulative Impact Zone where the Council considers that the area has or is becoming saturated with licensed premises. In the Cumulative Impact Zone there is a rebuttable presumption that applications for licences for new premises will normally be refused unless it can be demonstrated that the operation of the premises will not add to the cumulative impact already being experienced. I have noted the situation in Wimbledon Town Centre that has caused this licensing policy to be adopted
but these are matters for the Licensing Committee as the policy has not been adopted for planning purposes pursuant to PPS6.

16. I have taken into account the dwellings above the commercial uses on Wimbledon Hill Road. The comings and goings of the number of people who could be accommodated in the proposal would, in my opinion, be unlikely to increase any noise and disturbance to these flats to any significant degree given the noise from traffic on Wimbledon Hill Road and the number of other drinking establishments and restaurants in the area. Measures to prevent noise leakage from the premises and other noise that could arise from, for example, the disposal of refuse could be imposed by way of planning conditions to mitigate against any adverse impact.

17. I therefore conclude that the proposal would not have any significant harmful implications for the occupiers of nearby residential properties with regard to noise and disturbance and that the proposal would not be contrary to development plan policies to which I have been referred.

Other Matters

18. As well as criteria relating to vitality and viability and residential amenity, policy S.3 of the UDP has 2 other criteria. Criteria (i) and (iii) appear to me to be complementary in that they refer to shopping frontage and the need for a window display. In my opinion there would be no reason why a bar as proposed could not have a window display, for example, a special promotion of a particular product, and this could be imposed by way of a planning condition. The Council accepts that in principle a Class A4 use may be compatible with a shopping frontage and given the findings I have made in respect of vitality and viability I consider that the proposal would not be in conflict with criteria (i) and (iii) of policy S.3 of the UDP.

19. I was told about a planning permission that has been granted for the appeal site and the next door premises at No.58A for an enhanced size of retail unit and residential development above and behind. I was also made aware of a planning permission in respect of No.58A for a Class A3 use which has not yet been issued. Reference was also made to a number of appeal decisions relating to, for example, extensions to Class A3 (as it then was) uses in the vicinity of the appeal site. However, the circumstances relating to those applications and appeals are different from the circumstances in this appeal and they are therefore not comparable. I have, however, taken them into account insofar as they consider issues material to the main issues in this appeal. I have, in any event, determined this appeal on its own merits.

Conditions

20. In addition to the usual time condition the Council has suggested a number of conditions. I have already stated that conditions relating to the provision of CCTV and noise attenuation measures would be necessary. In addition, given the small size of the appeal premises and the proximity of residential uses above, I consider that live music would be unreasonable and that conditions should be imposed in respect of the opening of both front and rear doors. The appeal site was shown on the application plans as being the shop unit only although the Appellant Company was shown as having control over, among other things, the yard at the rear. I consider that it would be reasonable to impose a condition requiring provision to be made for the storage and collection of refuse and the unloading and loading
of vehicles, including the times in which these activities took place, to keep disturbance to a minimum. I also consider that it would be appropriate in the circumstances of this case to impose a condition relating to the hours of opening given the proximity of nearby residents. I have amended the suggested conditions having regard to the advice in Circular 11/95 'The Use of Conditions in Planning Permissions'.

Conclusions

21. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

22. I allow the appeal, and grant planning permission for a change of use from Class A1 to Class A4 at 58 Wimbledon Hill Road, Wimbledon, London, SW19 7PA in accordance with the terms of the application, Ref 05/P2915, dated 28 November 2005, and the plans submitted with it, subject to the following conditions:

1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.

2) No development shall take place until details of a scheme for the provision and implementation of CCTV facilities has been submitted to and approved in writing by the local planning authority. The CCTV facilities as approved shall be installed prior to the commencement of the use hereby permitted and retained thereafter in working order to the reasonable satisfaction of the local planning authority. The CCTV facilities as installed shall not be removed without the prior consent in writing of the local planning authority.

3) No development shall take place until details of a scheme for the storage, collection and removal of refuse (including recyclable materials) and the unloading and loading of vehicles, including the times at which such activities may take place, has been submitted to and approved in writing by the local planning authority. The scheme as approved shall be in place prior to the commencement of the use hereby permitted and shall continue thereafter. The scheme as approved shall not be altered without the prior consent in writing of the local planning authority.

4) No development shall take place until details of sound proofing measures to provide effective resistance to the transmission of air borne and impact sound between the ground floor Class A4 use and the first floor accommodation has been submitted and approved in writing by the local planning authority; all works which form part of the scheme shall be completed before the use hereby permitted begins and the sound proofing measures approved shall be retained thereafter.

5) Before the use hereby permitted begins all plant and/or machinery required by the use shall be enclosed with sound-insulating material and mounted in a way which will minimise transmission of structure borne sound in accordance with a scheme to be approved in writing by the local planning authority. The approved measures shall be retained thereafter.

6) The use hereby permitted shall not begin until a lobby for the front door has been constructed in accordance with details to be approved in writing by the local planning authority. The lobby for the front door shall be retained thereafter.
7) The back door of the premises shall only be opened in the case of an emergency or in accordance with the scheme approved in Condition 3 above.

8) No live music shall be played on the premises.

9) The use hereby permitted shall not begin until a shop front has been installed in accordance with details to be approved in writing by the local planning authority. The shop front shall be retained thereafter.

10) The use hereby permitted shall not be open to customers outside the following times:
    08.00 – 23.30 Monday to Saturday
    08.00 – 23.00 Sunday

_Gloria McFarlane_

INSPECTOR

[Signature]

LONDON BOROUGH OF...
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London Borough of Merton
100 London Road
Morden
Surrey
SM4 5DX

Wellington House
Wimbledon Hill Rd

Scale 1:1250
Date 6/4/2009

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DEVELOPMENT CONTROL
225

DEVELOPMENT CONTROL
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GROUND FLOOR - REAR ELEVATION
Detail showing proposed extraction route
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