



Appeal Decision

Site visit made on 28 January 2014

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 February 2014

Appeal Ref: APP/T5720/A/13/2201609
153 – 161 The Broadway, London, SW19 1NE.

- 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 Mr Mustak Ibrahim against the decision of the Council of the London Borough of Merton.
 - The application Ref 11/P3437 dated 5 December 2011, was refused by notice dated 18 April 2013.
 - The development proposed is change of use (from Class B1) office to (Class C1) hotel involving the demolition of the 1st, 2nd and 3rd floors of the existing building and the erection of eight new floors to form a 149 bedroom hotel above existing ground floor bar use.
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Costs

1. An application for costs was made by Mr B Mohamed against the Council of the London Borough of Merton. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for change of use (from Class B1) office to (Class C1) hotel involving the demolition of the 1st, 2nd and 3rd floors of the existing building and the erection of eight new floors to form a 149 bedroom hotel above existing ground floor bar use at 153 – 161 The Broadway, London, SW19 1NE in accordance with the terms of the application, Ref 11/P3437 dated 5 December 2011, subject to the conditions set out in the schedule attached to this decision.

Main Issues

3. The first main issue is the effect of the scheme on the character and appearance of the adjoining buildings at 143–151 The Broadway and on the street scene. The second main issue is the effect of the scheme on the living conditions of the occupiers of the properties located to the south of the Appeal site, with particular regard to visual impact, daylight and sunlight.
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Reasons

Character and appearance

4. The Appeal site is located within a mixed commercial area within Wimbledon town centre. Within this area policy CS6 of the London Borough of Merton Core Strategy (Core Strategy) promotes retail, office and leisure developments which will maintain and enhance the retail core of the centre and attract visitors to the area. This policy accords with Strategic Objective 4 of the Core Strategy which is to make Merton more prosperous and strong with diverse long term economic growth. Consistent with this, policy T.1 of the London Borough of Merton Unitary Development Plan (UDP) states that the development of large hotels will be directed to town centres.
5. The proposal would involve the demolition of the existing office space and its replacement with a eight storey high hotel above the existing bar/restaurant. Whilst this would involve the loss of the existing office space, it would result in a new 149 room hotel. The hotel would be located towards the eastern end of The Broadway, where policy CS6 of the Core Strategy states that the provision of leisure facilities will be supported. The scheme would also be consistent with policy CS12 of the Core Strategy which supports the development of a diverse local economic base by increasing the provision of the overall number and range of jobs, including those related to leisure, business and culture.
6. The existing building on the Appeal site was constructed in the 1960's and comprises a bar/restaurant use on the ground floor, with three floors of vacant offices above. The building itself is of no particular architectural merit and is unattractive. Due to its form and design it relates poorly to the adjacent buildings fronting The Broadway. To the west is a modern six storey commercial building (CIPD) with a curved and projecting glazed curtain wall and to the east is a multi level commercial building. Opposite the Appeal site is a modern seven storey mixed use building. To the rear of the site the character of the surroundings is quite different to The Broadway and comprises two storey Victorian dwellings.
7. It is noted that in 2007 the Council resolved to grant planning permission for a four storey extension to the existing building, which whilst slightly lower than the Appeal scheme, projected further forward into The Broadway.
8. The proposed resultant building on the Appeal site would be approximately five metres taller than the adjoining building to the west and so would contribute to the varied building heights along this section of The Broadway, without being uncharacteristically tall. At the same time, above ground floor level the front elevation of the building would be set back from the street and recessed behind the front elevation of the adjoining building to the west.
9. The design of the resultant building would respect the strong horizontal and vertical lines of the CIPD building and the front elevation would comprise a series of uniform metal rainscreen cladding, buff brickwork and extensive areas of aluminium framed glazing. The general colour scheme used on the external surfaces, including bronze, buff and turquoise would complement both the CIPD building and the building to the east.

10. The proposed balcony and glazed canopies above the front entrance and ground floor windows on the front elevation would add to the diversity and vitality of the street scene and the separate bar/restaurant and hotel uses would be clearly identifiable.
11. Overall, subject to the use of high quality materials and careful attention to the precise colours/tones used in the glazing and cladding, the proposed resultant building would contribute positively to the street scene and would complement the adjacent buildings.
12. To the rear the resultant building would be stepped in from the boundaries of the site, which would reduce its actual and perceived scale when viewed from Griffiths Road and the rear garden environment of the adjacent dwellings. It would sit comfortably between the CIPD building and the building to the east. Through its broken building lines and varied palette of materials the proposed building would enhance the currently rather drab rear elevations along this stretch of The Broadway.
13. For these reasons the scheme would comply with policy CS14 of the Core Strategy, which requires new development to enhance local character and distinctiveness. It also allows for tall buildings within Wimbledon town centre where they do not cause harm to the townscape and would bring benefits towards regeneration and the public realm. It would similarly be consistent with paragraph 16.14 of the Core Strategy which states that new taller buildings should contribute to the clusters of tall buildings found within Wimbledon town centre, to create a consistent scale of development based on a range of similar but not uniform building heights.
14. The scheme would also comply with policies T.1, TC.3, BE.16 and BE.22 of the UDP. Together and amongst other things these policies seek to ensure that new development responds to and reinforces local distinctive patterns of development, respects the siting, rhythm, scale, density, proportions, height, massing and materials of surrounding buildings and complements the character and distinctiveness of the adjoining townscape.
15. I conclude on this main issue that the scheme would respect and blend in appropriately with the adjacent buildings and would make a positive contribution to the street scene and the townscape in general. The scheme would therefore comply with policies T.1, TC.3, BE.16 and BE.22 of the UDP and policies CS6, CS12 and CS14 of the Core Strategy.

Living conditions

16. The proposed resultant building is T shaped and at the rear would be stepped away from the boundaries of the site. The scale and depth of the rear part of the resultant building would be smaller than that of the CIPD building and the upper floors would be less than 15 metres in width. The building would be of a scale that is proportionate to and in keeping with the adjacent buildings to the west and east and would sit comfortably between them.
17. The ground and first floor elements of the rear section of the building would be sited over 23 metres from and to the north of the rear elevations of the adjacent dwellings in Griffiths Road. In addition, a landscaping strip is shown adjacent to the rear boundary of the site within part of the existing rear service

- yard to the bar/restaurant. Above ground floor level the proposed windows in the rear wing either face west and east or would be obscure glazed. As a result the scheme would not result in a material loss of privacy for residents.
18. For these reasons, although the proposed building will be prominent in views from the rear windows and gardens of the adjacent dwellings between the Appeal site and the gardens to those properties, it would not be visually overbearing or look inappropriate in any way, within this town centre environment. The scheme would not result in a material loss of sunlight for any local residents, would facilitate views of the sky around the building and would not result in a material loss of privacy.
 19. If the existing service road behind Highlands House was opened up it would reduce the need for service vehicles to access the Appeal site via Griffiths Road. However such a proposal is not before me and the proposed rear service area is already used for servicing and deliveries in connection with the existing building. In addition, with the proposed service yard area the scope for parking will be reduced and the bin storage area has been moved to the existing car park. This will largely obviate the need for refuse collection vehicles to access the service yard. As a result the proposed service yard area and access to it would be highly unlikely to have a materially adverse impact on the living conditions of local residents.
 20. The existing car park at the rear of the site would be retained, although it would be changed to include disabled parking spaces and cycle parking. It would also include an enclosed bin store. As a private car park with fewer parking spaces, the rear car park is likely to generate fewer vehicle trips than at present.
 21. It is acknowledged that the use of the hotel could attract staff and guests with cars. However, staff will be aware of the constraints of the car park and the surrounding highway network and guests generally enquire about the availability of parking spaces when booking rooms. More importantly the site is located in an accessible town centre with good transport links and the scheme makes provision for the parking of cycles.
 22. The hotel has been designed so that both restaurants would be located at the front of the building, with the bedrooms, which require a quiet environment at the rear. In addition, the main hotel entrance would be at the front of the building and would relate well to local public transport routes, thus minimising the need for guests and staff to use the rear entrance.
 23. Finally, any noise or fumes generated by plant and extraction systems can be controlled through the imposition of appropriate conditions to ensure that they do not cause undue noise or disturbance for residents.
 24. For these reasons, I conclude on this issue that the proposal would not have a materially adverse impact on the living conditions of the occupiers of the adjoining and nearby properties due to its visual impact or loss of daylight and sunlight. The scheme would therefore comply with policy BE.15 of the UDP which seeks to protect the living conditions of existing residents.

Other matters

25. The Appellant has submitted a signed Unilateral Undertaking, which makes a contribution to the provision of sustainable transport in accordance with the contribution sought by the Council.
26. In accordance with paragraph 204 of the National Planning Policy Framework (NPPF) the Council has submitted evidence to demonstrate that the contributions being sought are directly related to the proposed development; necessary to make the development acceptable in planning terms; and are fairly and reasonably related in scale and kind to the proposed development.
27. In particular, the contribution sought would be used to encourage the use of sustainable forms of transport, with the objective of mitigating the impact of new development on the highway network and the public realm. Bearing in mind the proposal is for a 149 bedroom hotel with limited on-site parking, the development has the potential to place pressure on the existing highway network. By improving the public realm and providing enhanced facilities for cyclists in the immediate area it will encourage cycling and walking to the proposed hotel from local transport hubs and in particular the station. Similarly, amendments to on-street parking controls in the immediate area could help discourage trips to the hotel by car.
28. The level of contribution sought is based upon the number of visitor bedrooms and specific improvements to The Broadway are identified in the London Borough of Merton Mini-Hollands in Outer London Submission document. Whilst this document has no statutory basis and is a separate initiative, it nonetheless identifies specific transport and public realm works that would relate directly to the proposed scheme. From the evidence submitted it will be important to improve cycle and pedestrian links with the station and the immediate area. At the same time, in view of the nature of the proposed use it would be necessary to review and adapt existing on-street parking controls to protect the living conditions of local residents and in the interests of highway safety.
29. Having regard to the level and nature of the evidence submitted by the Council it has been demonstrated that the infrastructure contribution sought satisfies the tests set out in the NPPF and Regulation 122 of the Community Infrastructure Levy Regulations 2010. It is also consistent with policy CS20 of the Core Strategy, which seeks to ensure that appropriate and necessary arrangements are provided to meet the infrastructure needs arising from new developments.
30. Although the proposal would result in a loss of office space, the existing offices are vacant and the proposed hotel use would add to the number and range of jobs within the town centre. The hotel would also likely attract visitors into the area, which would aid the vitality and viability of the town centre as a whole. Accordingly the economic benefits that would result from the scheme would outweigh the loss of the existing office space.

Conditions

31. The Council has suggested the imposition of conditions relating to external materials; hard surfacing details; refuse and recycling facilities; kitchen

- ventilation and extraction equipment; external storage areas; external lighting; the soundproofing of plant and machinery; on-site parking; cycle parking; travel plan; delivery and serving plan; parking management strategy; obscure glazing to the rear staircase windows; hard and soft landscaping; hours of use of the rear service yard; demolition method statement; energy efficiency; and full details of all changes to the ground floor elevations of the building.
32. These conditions are all necessary to protect the living conditions of local residents; to ensure the scheme blends in appropriately with its surroundings; to ensure that satisfactory refuse, recycling, cycle parking and vehicle parking facilities are provided; to achieve a high standard of sustainability in the development; and to promote sustainable travel measures. I have however amended the wording of some of the conditions in the interests of precision and enforceability.
33. Conditions have also been suggested which restrict construction times and which ensure on-site loading/unloading and parking facilities are provided during the construction of the development. These conditions are necessary to protect the living conditions of local residents and in the interests of highway safety. In addition, a condition is necessary which requires the development to be carried out in accordance with the submitted drawings, for the avoidance of doubt and in the interests of proper planning.

Conclusion

34. Having regard to the conclusions on both main issues and having regard to all other matters raised the Appeal is allowed.

Elizabeth Lawrence

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the design and access statement, Environmental Noise Assessment and Planning Statement and the following approved plans: PL-AL(99)001 Rev:E, PL-AL(99)002 Rev:F, AL(99)003 Rev:F, PL-AL(99)004 Rev:E, PL-AL(99)005 Rev:E, PL-AL(99)006 Rev:E, PL-AL(99)007 Rev:E, PL-AL(99)008 Rev:E, PL-AL(99)009 Rev:E, PL-AL(99)010 Rev:E, PL-AL(99)011 Rev:E, PL-AL(99)012 Rev:E, AL(99)014 Rev:D, AL(99)015 Rev:E, AL(99)016 Rev:E, AL(99)017 Rev:E, AL(99)018 Rev:C, AL(99)019 Rev:B, AL(99)020 Rev:B, AL(99)021 Rev:A, AL(99)023 Rev:A, AL(99)024 Rev:A, AL(99)025 Rev:A, AL(99)030 Rev:A, AL(99)031 Rev:A, AL(99)032 Rev:A, AL(99)033 Rev:A, AL(99)034 Rev:A, AL(99)035 Rev:A, AL(99)036 Rev:A, AL(99)037 Rev:A, AL(99)038 Rev:A and PL-SL001.
- 3) Notwithstanding the materials specified in the application form and on the approved drawings, particulars and samples of the materials to be used in all external surfaces of the development hereby permitted, including walls, roof, window frames, doors and rainwater goods shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of the surfacing of all those parts of the site not covered by buildings or soft landscaping, including parking and service areas, roads, footpaths and hard landscaping have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be completed prior to the first occupation/use of the hotel hereby permitted.
- 5) No development shall take place until full details of the storage area for refuse and recycling has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the hotel hereby permitted shall not be first occupied/used until the refuse and recycling storage facilities have been provided. The facilities shall thereafter be retained for use at all times from the date of first occupation/use of the hotel.
- 6) No development shall commence until full details of any plant and machinery to be installed, together with details of all sound insulation/attenuation measures to ensure that noise from new plant/machinery does not increase in any one-third party octave band between 50Hertz and 160Hertz have been submitted to and approved in writing by the local planning authority. The plant and machinery shall be installed in accordance with the approved details prior to the first occupation/use of the hotel hereby approved and shall be permanently retained thereafter in full working order unless otherwise agreed in writing by the local planning authority.
- 7) The use hereby permitted shall not commence until detailed plans and specifications of the kitchen ventilation system, including details of sound

- attenuation for a kitchen extraction system and odour control measures have been submitted to and approved in writing by the local planning authority. The kitchen ventilation extraction system shall be installed in accordance with the approved plans and specifications before the use hereby permitted commences and thereafter the system shall be permanently retained and maintained in full working order in accordance with the manufacturers details and recommendations.
- 8) No goods, equipment, or other materials shall be stacked or stored within the open areas of the site without the prior written approval of the local planning authority.
 - 9) No external lighting shall be installed without the prior written approval of the local planning authority.
 - 10) The vehicle parking area shown on the approved drawings shall be provided before the development is first occupied and shall thereafter be retained solely for parking purposes by the occupiers and users of the development hereby permitted and for no other purpose.
 - 11) No development shall commence until details of secure cycle parking facilities have been submitted to and approved in writing by the local planning authority. The approved facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted. Thereafter the cycle parking facilities shall be permanently retained solely for use for cycle parking unless otherwise agreed in writing by the local planning authority.
 - 12) Within three months of the first occupation of the development hereby permitted a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall follow any "Travel Plan Development Control Guidance" current and applicable at that time and shall include:
 - i) Targets for sustainable travel arrangements;
 - ii) Effective measures for the ongoing monitoring of the Plan;
 - iii) A commitment to delivering the Plan objectives for a period of at least 5 years from the first occupation of the development;
 - iv) Effective mechanisms to achieve the objectives of the Plan by both present and future occupiers of the development.Thereafter the development shall be occupied in accordance with the approved Travel Plan.
 - 13) Full details of the obscure glazing to the rear staircase shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter the glazing shall be retained.
 - 14) Full details of a soft landscaping scheme for the planted strip adjacent to the rear boundary of the site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the development.

- 15) Full details of the hours of use of the rear service yard shall be submitted to and approved in writing by the local planning authority. Thereafter no servicing shall take place within the service yard outside the agreed times.
- 16) Prior to the commencement of the development hereby permitted a demolition method statement shall be submitted to and approved in writing by the local planning authority. The demolition shall be undertaken in accordance with the approved details.
- 17) No development shall take place until a copy of a letter from a person that is licensed with the British Research Establishment (BRE) or other equivalent assessors as a BREEAM – Pre Commencement (New build non-residential) assessor that the development is registered with BRE under BREEAM (either a “standard” BREEAM or a “bespoke” BREEAM) and a Design Stage Assessment Report showing that the development will achieve a BREEAM rating of not less than “Very Good” has been submitted to and approved in writing by the local planning authority. The submission shall also include evidence to show how the development will meet the London Plan CO2 reduction targets (equivalent to minimum emissions reductions required to achieve BREEAM (excellent)).
- 18) Unless otherwise agreed in writing by the local planning authority, no part of the development hereby permitted shall be used or occupied until a Post-Construction Review Certificate issued by the Building Research Establishment or other equivalent assessors confirming that the non-residential development has achieved a BREEAM rating of not less than “Very Good” has been submitted to and approved in writing by the local planning authority. The submission shall also include confirmation that the development will meet the London Plan CO2 reduction targets (equivalent to minimum emissions reductions required to achieve BREEAM (excellent)).
- 19) Prior to the commencement of the development hereby permitted full details of the proposed changes to the ground floor front elevation of the building shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 20) No demolition or construction work or ancillary activities such as deliveries shall take place before 08.00 hours or after 18.00 hours Monday to Friday inclusive, or before 08.00 hours and after 13.00 hours on Saturdays, or at any time on Sundays or Bank Holidays.
- 21) The development shall not commence until details of the provision to accommodate all site workers’, visitors’ and construction vehicles and loading/unloading arrangements during the construction process have been submitted to and approved in writing by the local planning authority. The approved details must be implemented and complied with for the duration of the construction process.

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