

PLANNING APPLICATIONS COMMITTEE
09 February 2017

APPLICATION NO. **DATE VALID**
15/P1569 24/04/2015

Address/Site 96-98 The Broadway, Wimbledon SW19 1RH

Ward **Trinity**

Proposal: Alterations and extensions to existing building to create 8 x 1 bedroom and 1 x 2 bedroom flats to upper floors and extension to existing ground floor retail units.

Drawing Nos 6512-PL01 and 6512-PL02 (Received dated 15/12/2016) and Design and Access Statement, Site Location Plan and SO-474-01 and 02 Existing Plans and Elevations

Contact Officer: Richard Allen (8545 3621)

RECOMMENDATION

GRANT Planning Permission subject to Completion of a S.106 Agreement and Conditions

CHECKLIST INFORMATION

- Heads of agreement: Yes
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- Yes
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted – 20
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone:

1. **INTRODUCTION**

1.1 This application has been brought to the Planning Applications Committee due to the number of objections received.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a pair of mid-terrace properties situated on the north side of The Broadway. The ground floor of each property is in commercial use, with residential accommodation on the upper floors, comprising 1 x two bedroom flat and 1 x four bedroom flat. There is access from the Broadway into the rear of the site from Cobden Mews, which is mixed commercial/residential in character. There is a variety of architectural styles in the immediate area of the application site. The application site is not within a conservation area, but is within a Controlled Parking Zone (CPZ W3).

3. **CURRENT PROPOSAL**

- 3.1 The current application involves the alterations and extensions to the existing building to create nine flats (8 x 1 bedroom and 1 x 2 bedroom units) and rear extension to existing retail units.
- 3.2 The proposed rear extension would be 10.8 metres in length and 12 metres in width. It would have an eaves height of 9.2 metres and a mansard roof with an overall height of 11.5 metres. Internally, at ground floor level, the existing shop units would be refurbished and extended rearwards. An entrance to the flats would be provided from Cobham Mews within the rear of the ground floor of the extension, as well as integral refuse and cycle storage. At first floor level, 2 x one bedroom/two person flats would be formed within the original building, with a 1 bedroom, two person flat and a 1 bedroom studio flat provided within the extension. At second floor level, 2x one bedroom, two person flats would be provided within the original building, with a further 1 bedroom, two person flat and a two bedroom, four person duplex that would occupy part of the floor above. At third floor, there would be the other part of the duplex plus a further 1bed 2person flat. Balconies would be provided at first and second and third floor levels to provide external amenity space for four of the proposed flats within the new extension.
- 3.3 The proposed rear extension has been designed in a 'warehouse' style and is of similar design and proportions to the existing rear extension to the adjoining property at 100 The Broadway. There is no car parking but secure cycle parking would be provided.

4. **PLANNING HISTORY**

- 4.1 100 The Broadway
In March 2011 planning permission was granted for the erection of a third floor and conversion of flat 2 from a 3 bedroom flat to a 4 bedroom flat, flat 3 from a 2 bedroom flat to a 5 bedroom flat and addition of a mezzanine level to existing restaurant and installation of a new shopfront (LBM Ref.11/P0345). The proposed rear extension to the existing building at 96/98 is of similar height to that constructed at 100 The Broadway.

5. **CONSULTATION**

5.1 The application has been advertised by site notice and letters of notification to occupiers of neighbouring properties. 13 letters of objection have been received. The grounds of objection are set out below:-

- The proposed extension would overlook residential properties in South Park Road.
- Rooms within the 4th floor would overlook 37A South park road.
- The development would result in noise and nuisance, already too much noise from various restaurants.
- The resulting structure when combined with the previous extension at 100 The Broadway would have an overbearing impact and be visually intrusive upon Cobden Mews. The height of the proposed extension would be almost double that of the existing buildings and is disproportionate given the narrowness of the yard.
- The development at 100 The Broadway has resulted in loss of sunlight to 2 Cobden Mews (solicitor's offices) and the proposals for 96/98 would result in further loss of light to offices opposite.
- The provision of secure cycle parking is supported, however there are already parking problems in the area with illegally parked vehicles in Cobden Mews/Printers Yard. Any increase in congestion will make running a business very difficult.
- The site is too small for 8 x 1 and 1 x 2 bedroom flats.
- The plans effectively remove parking spaces available for this building.
- The occupiers of 3 Cobden Mews have already experienced noise and inconvenience from building work at 100 The Broadway.
- The propose development would affect the day to day running of businesses in Cobden Mews/Printers Yard.
- The increase in the number of dwellings would put pressure on rubbish storage and the area is already struggling with overflowing bins and poorly stored rubbish and failed collections from contractors.

5.2 Amended Plans

The plans were amended to provide 1 balcony at first floor, 2 at second floor and 1 at third floor level. The layout of the refuse storage and cycle storage areas has also been amended to improve access and revisions to the fenestration of the rear elevation undertaken. A reconsultation has been undertaken and one further representation has been received from the occupiers Unit 2, Printers Yard, 90A The Broadway. The grounds of objection are set out below:-

- The height of the proposed development will be disproportionate to the surrounding buildings and restrict light to Printers Yard and Cobden Mews.
- The business in Printers Yard and Cobden Mews are already severely compromised by too many rubbish bins and inadequate collections by private contractors. In addition collection vehicles have difficulty in reaching bins owing to parked cars and delivery vans frequently blocking the way.
- The substantial increase in the number of dwellings proposed would cause additional pressure on the area that is already struggling with an excess of

vehicles and overflowing bins. Additional poorly stored rubbish and failed collections have increased problems with vermin in the area.

- The proposed development would have an adverse impact upon an existing business.

5.3 The Wimbledon Society

The proposal is regarded as unsafe and fails to comply with Merton's policies on safety requirements for new development as access to the flats would be through a narrow alley at the rear of the building and the third floor has no means of escape in case of fire. The internal layout of the units is unsatisfactory with poor outlook and inadequate daylight and sunlight. The Society is of the view that the number of units is excessive and is development of the site and the quality of the living conditions and safety of future residents is unsatisfactory.

5.4 Climate Change Officer

The Design and Access Statement does not make reference to the need to achieve a 25% improvement over Part L1 of the Building Regulations. However, all new domestic units assessed under Part La will be subject to requirements outlined above.

5.5 Transport Planning

No off street car parking is proposed for the development. However given the location of the application site within Wimbledon Town Centre and the high PTAL score (PTAL 6A). The development should be designated 'permit free' secured through a S.106 Agreement.

6. **POLICY CONTEXT**

6.2 Adopted Merton Core Strategy (July 2011)

CS8 (Housing Choice), CS9 (Housing Provision), CS13 (Open Space, Nature Conservation, Leisure and Culture), CS14 (Design), CS15 (Climate Change) and CS20 (Parking)

6.3 Sites and Policies Plan (July 2014)

DM H2 (Housing Mix), DM D1 (Urban Design), DM D2 (Design Considerations in all Developments), DM D3 (Alterations and Extensions to Existing Buildings), DM T1 (Sustainable and Active Transport) and DM T4 (Car Parking and Servicing Standards).

6.4 London Plan (March 2015)

3.8 (Housing Choice), 5.1 (Climate Change Mitigation), 5.3 (Sustainable Design and Construction) and 7.6 (Architecture),

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern design, standard of accommodation, neighbour amenity, parking, and sustainability issues.

7.2 Design Issues

A number of representations have been received concerning the height/scale of the proposed development when viewed from the mews. However, the design of the proposed rear extension is similar to that previously approved at 100 The Broadway in terms of its height and siting. It should also be noted that the separation distance between the mews elevation of 100 The Broadway and 92 Cobden Mews is only 4.5 metres, whereas the separation distance between the mews elevation of the proposed development and 90 Cobden Mews is 10 metres. The separation distance between the proposed building and 90 Cobden Mews is considered to be acceptable and is greater than in between properties elsewhere in the mews. The proposed building would be constructed in a warehouse style with yellow stock facing brickwork, with red brick lintels, slate roof and lead clad dormer windows and sash windows. The design of the proposed extension is considered to be acceptable in terms of policies CS14, DM D3 and DM D2.

7.3 Standard of Accommodation

The gross internal floor areas of each flat is set out below:-

Flat	Unit type	Floor space	London Plan Minimum Standard
1	1 bed	55m ²	50m ²
2	Studio	39m ²	37m ²
3	1 bed	51m ²	50m ²
4	1 bed	51m ²	50m ²
5	1 bed	56m ²	50m ²
6	2 bed duplex	74m ²	70m ²
7	1 bed	51m ²	50m ²
8	1 bed	50m ²	50m ²
9	1 bed	54m ²	50m ²

The Mayor of London's minimum floor space standards specify a minimum of 37m² for a one person unit, 50m² for a one bedroom/two person unit and 70m² for a two bedroom/2 person unit. Therefore the gross internal floor area of each unit exceeds the minimum standards set out in policy 3.5 (Quality and Design of Housing of the London Plan). In terms of amenity space, flat numbers 1, 5, 6 (the duplex unit) and 9 within the extension would each have an 'inset' balcony with railings to the mews elevation. The inset balconies would provide a small area of external space for four of the flats within the new extension, although flat 2 (the studio) unit would not benefit from a balcony, nor would flats 3, 4, 7 and 8 have any amenity space as they are formed within upper floor of the existing frontage building. Given the Town Centre location and the close proximity of public open space (South Park

Gardens) the proposed amenity space is considered to be acceptable. The proposal is therefore considered to be acceptable in terms of policies CS8 (Housing Choice) and DM D2 (Design Considerations in all Developments).

7.4 Neighbour Amenity

A number of objections have been received from occupiers of residential properties in South Park Road. However the rear elevation of the proposed extension to 96-98 The Broadway would be 38.5 metres and there is the two storey B1 office building known as Cobden Mews situated between the rear elevations of residential properties in South Park Road and the application site. There would be 10.6 metres separation distance between Cobden Mews and the front elevation of the proposed extension. Given the separation distance between the rear elevation of the extension and both Cobden Mews and residential properties in South Park Road there would be no loss of amenity as a result of the proposed development. Concern has also been expressed by the occupiers of the offices at 90 Cobden Mews concerning the potential impact of the development upon daylight/sunlight. However, the mews elevation of the proposed building would be sited 10.6 metres away from the front elevation of 90 Cobden Mews, a considerably greater separation distance than that between the rear of 100 The Broadway and 92 Cobden Mews. The relationship between the proposed building and Cobden mews is therefore considered to be acceptable. A number of representations have also been received from occupiers of other properties within the mews concerning potential disruption during construction works. However, potential problems can be mitigated by appropriate planning conditions controlling hours of operation and the submission of a construction management plan to control the timing of deliveries to the site. Therefore with appropriate planning conditions the proposal is considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments).

7.5 Parking and Sustainable Transport

The proposed development does not provide any off street car parking. However, the application site is within Wimbledon Town Centre and has a high PTAL score. Therefore, a permit free development would be appropriate in this instance secured through a S.106 Agreement. The development would however provide 9 secure cycle parking spaces. The proposal is therefore considered to be acceptable in terms of policies CS20 (Parking) and DM T1 (Sustainable and Active Transport).

7.6 Sustainability Issues

On 25 March the Government issued a statement setting out steps it is taking to streamline the planning system. Relevant to the proposals, the subject of this application, are changes in respect of sustainable design and construction, energy efficiency and forthcoming changes to the Building Regulations. The Deregulation Act was given the Royal Assent on 26 March. Amongst its provisions is the withdrawal of the Code for Sustainable Homes.

7.7 Until amendments to the Building Regulations come into effect the government expects local planning authorities not to set conditions with requirements above Code Level 4 equivalent. Where there is an existing plan

policy which references the Code for Sustainable Homes, the Government has also stated that authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard.

7.8 In light of the government's statement and changes to the national planning framework it is recommended that conditions are not attached requiring full compliance with Code Level 4 but are attached so as to ensure that the dwelling is designed and constructed to achieve CO2 reduction standards and water consumption standards equivalent to Code for Sustainable Homes Level 4.

7.9 Affordable Housing

The council is not currently seeking affordable housing onsite or financial contributions for affordable housing (under Policy CS8 of Merton's adopted Core Planning Strategy (July 2011)) from developments of 10 dwellings or less and no more than 1000 sqm of residential floor space. This follows a Court of Appeal decision supporting the retention of government policy set out at paragraph 31 (Reference ID: 23b-031-20160519) of the government's Planning Practice Guidance that seeks an exemption from affordable housing contributions for such developments. The council's position on this will be reviewed following any successful legal challenge to this decision or a judgement in support of local authority affordable housing policy for such a development. The council's policy will continue to be applied to developments of 11 units or more and developments involving more than 1000 sqm of residential floor space.

SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

9.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly there is no requirement for an EIA submission.

10. **CONCLUSION**

10.1 The concerns of the neighbours have been noted and the proposal is considered to be acceptable in terms of neighbor amenity, subject to appropriate planning conditions concerning working hours. The design of the proposed building is considered to be acceptable. Accordingly, it is recommended that planning permission be granted.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subjection to completion of a S.106 Agreement covering the following heads of terms:-

1. The new residential units being designated 'permit free'.
2. The developer paying the Councils legal and professional cost in drafting and completing the legal agreement.

and subject to the following conditions:-

1. A.1 Commencement of Development
2. A.7 Approved Plans
3. B.1 (Approval of Facing Materials)
4. B.4 (Site Surface Treatment)
5. B.5 (Boundary Treatment)
6. C.2 (No Permitted Development Doors/Windows)
7. C.4 (Obscure Glazing)
8. C.7 (Refuse and Recycling-Implementation)
9. D.9 (External Lighting)
10. D.11 (Construction Times)
11. H.7 (Cycle Parking Implementation)
12. H.9 (Construction Vehicles)
13. No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority demonstrating that the development has achieved not less than CO2 reductions (ENE1) (a 25% reduction compared to 2010 part L regulations), and initial water usage (WA1) (150 litres/per/day) standards equivalent to Code for Sustainable Homes Level 4.

Reason for condition: To comply with the requirements of policy DM D2 (Design Considerations in all Developments) of the Adopted Merton Sites and Polices Plan (July 2014).
14. INF.1 (Party Wall Act)
15. INF.8 (Construction of Vehicular Access)

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