

## PLANNING APPLICATIONS COMMITTEE 16 MARCH 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

### **Contact Officer:**

Richard Allen (8545 3621)

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## RECOMMENDATION

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

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## 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 – 14
- 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. There is access from the rear of the site via the mews development which is mixed commercial/residential in character. There is a variety of architectural style 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 extension would be 10.8 metres in length and 12 metres in width. The extension would have an eaves height of 9.2 metres and would have 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. Within the rear of the ground floor of the extension the entrance to the flats would be provided and integral refuse and cycle storage provided. At first floor level two one bedroom/two person flats would be formed within the original building, with a one bedroom, two person flat and a one bedroom studio flat provided within the extension. At second floor level 2 x one bedroom, two person flats would be provided at second floor level within the original building, with a further one bedroom, two person flat and a two bedroom, four person duplex that would occupy part of the floor above. Juliette balconies would be provided at first, second and third floor levels to provide external amenity space for four of the proposed flats.
- 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 numbers 100 The Broadway. No car parking would be provided for the proposed development, however secure cycle parking would be provided.

### **4. PLANNING HISTORY**

- 4.1 In June 2014 a pre-application meeting was held into the proposed conversion and extension of numbers 96 and 98 The Broadway to provide 9 residential units above the existing ground floor retail unit. (LBM Ref.14/P0818/NEW).
- 4.2 100 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. In response 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 4<sup>th</sup> floor would overlook 37A South park road.
- The development would result in noise and nuisance.
- The development of 100 The Broadway set the precedent for extending within the rear areas of The Broadway properties. However, the proposed works to 96/98 should not be allowed in their present form. The resulting structure when combined with that at 100 The Broadway would have an overbearing impact and be visually intrusive upon Cobden Mews.
- The development at 100 The Broadway has resulted in loss of sunlight to 2 Cobden Mews and the proposals for 96/98 would result in further loss of light.
- 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.
- There is already too much noise from various restaurants without further development.
- The site is too small for 8 x 1 and 1 x 2 bedroom flats.
- The proposed extension would reduce light to the offices in Cobden Mews.
- The plans effectively remove parking spaces available for this building.
- The occupiers of 3 Cobden Mews have already experienced noise and inconvenience from the years of building work at 100 The Broadway.
- 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 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 'Juliette' balconies and first, second and third floor level to provide small areas of external space for each flat. 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 any further representations will be reported to committee.

### 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 are 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----). 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

The design of the proposed rear extension is similar to that previously approved at 100 The Broadway, with the building being 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 polices CS14, DM D3 and DM D

### 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	55m2	50m2
2	Studio	39m2	37m2
3	1 bed	51m2	50m2
4	1 bed	51m2	50m2
5	1 bed	56m2	50m2
6	2 bed duplex	74m2	70m2
7	1 bed	51m2	50m2
8	1 bed	50m2	50m2
9	1 bed	54m2	50m2

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 standard 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 Juliette 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 away 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. The proposal is therefore considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments).

#### 7.6 Parking

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 proposal is therefore considered to be acceptable in terms of policies CS20 (Parking) and DM T1 (Sustainable and Active Transport).

#### 7.8 Sustainability Issues

The Government removed the requirement for compliance with the Code for Sustainable Homes on 26 March 2015, as part of the Deregulation Act 2015. However, in the absence of any other replacement guidance, the Code for Sustainable Homes standard has been adopted for this development. Policy CS15 required all new developments to achieve Code level 4 of the Code for Sustainable Homes. Policy DM H4 of the Sites and Policies Plan states that a proposal to demolish and rebuild a single dwelling will be required to enhance the environmental performance of the new development beyond minimum requirements. The policy requires that Carbon Dioxide emissions to be limited in line with Code for Sustainable Homes level 5. Notwithstanding that the Government removed the requirement of compliance with the Code for Sustainable Homes; the architect has stated that by using passive means for achieving energy efficiency will be the starting point with low U values for the external fabric of the building, improved air tightness, reduced thermal bridging and making effective use of resources and materials, minimizing water and CO2 emissions. The architect has also confirmed that the design of the proposed house meets the Lifetime Homes criteria.

#### 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.

### 8. **SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

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

### 9. **CONCLUSION**

- 9.1 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 confirming that the development has achieved CO2 reductions of not less than a 19%

improvement on Part L regulations 2013, and internal water usage rates of not more than 105 litres per person per day.

Reason for condition: In the interest of sustainable development and to comply with policy CS15 of the Adopted Merton Core Planning Strategy (2011).

14. INF.1 (Party Wall Act)
  15. INF.8 (Construction of Vehicular Access)
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