

PLANNING APPLICATIONS COMMITTEE
25 May 2017

APPLICATION NO.

DATE VALID

17/P0093

06/01/2017

Address/Site Hatton House, 81 Hartfield Road, London

(Ward) Dundonald

Proposal: APPLICATION FOR CHANGE OF USE OF COMMERCIAL SPACES ON LOWER GROUND FLOOR ONLY TO CLASSES D1 (NON-RESIDENTIAL INSTITUTIONS) AND D2 (ASSEMBLY AND LEISURE) FOR THE PROVISION OF GYMNASIUM.

Drawing Nos WIM-A-L-01-001 rev 01, WIM-A-L-00-003 rev 1, Site location plan, un-numbered Parking Allocation Plan

Contact Officer: Arome Agamah (8545 3116)

RECOMMENDATION

GRANT Planning Permission subject to conditions

CHECKLIST INFORMATION

- Heads of agreement: no
- 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 – 91
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: No

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 is part of a mixed use development comprising of residential dwellings and commercial premises, located on the west side of Hartfield Road in Wimbledon. Hatton House is comprised of 5 storeys and a lower ground/basement level, with the ground floor and lower ground levels currently designated as B1 (office) use. At the front boundary of the site there is formed a setback that serves as a lightwell to the units at lower ground floor level.
- 2.2 The site is just outside the defined Wimbledon Town Centre and the immediate surrounding area is predominantly residential in character. Although the site itself is not within a conservation area, the boundary of the Bertram Cottage Conservation Area is on the opposite side of Hartfield Road.

3. **CURRENT PROPOSAL**

- 3.1 The current proposal is to change the use of the lower ground floor commercial space, currently use class B1 to use class D1/D2 in order to provide a gymnasium, and includes internal alterations to suit the proposed usage.
- 3.2 The proposed scheme indicates that the space will be divided into 2 self contained units and the primary means of access will be an external stairwell installed on the front façade that leads directly to the existing outdoor terrace serving the lower ground floor units. Permission has already been granted for the installation of the stairwell under a separate reference 17/P0009.
- 3.3 The application has been modified since the initial submission, restricting the change of use to the lower ground floor units only and an undertaking to exclude day nursery/crèche usage for the unit.
- 3.4 No separate client/customer parking provision has been proposed for the units, and there is no indication that the scheme will make use of the parking already allocated to the ground and lower ground units as part of the original permission.

4. **PLANNING HISTORY**

77 – 91 (now 77 – 85) Hartfield Road:

16/P3321 –Application for the discharge of condition 4 (contamination investigation and remediation) attached to planning application in 11/P2254. Partially granted 06/02/2017.

15/P4503 – Application for non-material amendment condition 4 attached to LBM planning permission 11/P2254. Granted 14/12/2015.

15/P1456 – Application for discharge of conditions 5, 6 and 7 attached to LBM planning permission 11/P2254. Granted 03/06/2016.

14/P4107 – Application for discharge of condition 4 attached to LBM planning permission 11/P2254). Refused 18/12/2014.

14/P2931 – Application for non-material amendment to energy strategy and condition 8 attached to planning application 11/P2254. Granted 18/08/2014.

14/P2490 – Application for non-material amendment to condition 4 attached to planning application 11/P2254. Granted 21/07/2014.

14/P2099 – Application for non-material amendments to planning application 11/P2254 comprising reconfiguration of basement, ground floor, first floor, third floor, and fourth floor internal layouts, relocation of cycle parking from basement to ground floor, and substitution of basement car lifts for ramps. Granted 28/07/2014.

14/P1058 – Application for discharge of conditions 3 (materials), 4 (site investigation), 7 (car lift) and 12 (construction method statement) attached to LBM planning application 11/P2254 dated 08/05/2012 relating to the demolition of the existing office and residential buildings and redevelopment of the site for a mixed use scheme comprising 54 x residential units (use class C3) and office floorspace (use class B1) with associated car parking at basement level and landscaping. Granted 29/05/2014

12/P1333 – Retrospective application for the retention of existing temporary (24 months) car wash with associated storage, office and waiting area. Refused 04/10/2012

11/P2254 – Demolition of the existing office and residential buildings and redevelopment of the site for a mixed-use scheme comprising 54 x residential units (use class C3) and office floorspace (use class B1) with associated car parking at basement level and landscaping. Refused 08/05/2012, appeal allowed 29/10/2012.

06/P1426 – Demolition of existing semi-detached pair and erection of an apartment block consisting of 9 flats (2 x 1, 6 x 2 and 1 x 3 bedroom) on five floors. Refused 08/08/2006, appeal dismissed 13/03/2007.

06/P2183 – Demolition of existing house and office and erection of an apartment block consisting of 9 flats (2 x 1 and 7 x 2 bedroom) and offices and basement level. Granted subject to s106 obligation 07/01/2008.

The Pointe 89 Hartfield Road:

12/P1838 – Retrospective application for temporary change of use of the premises from class B1 (office) to a flexible use encompassing use B1, D1 and a hostel use (Sui Generis) for a period of 24 months. Refused 18/09/2012, appeal allowed 07/03/2013.

03/P1796 – Installation of an external wall mounted air conditioning unit to the rear elevation. Granted 29/09/2003.

5. **CONSULTATION**

- 5.1 The proposal has been publicised by means of standard site notice procedure and individual letters of notification to adjoining properties.

Twenty nine objections to the proposals have been received on the following grounds:

- Noise
- Hours of operation
- Lack of privacy
- Lack of parking
- Accessibility
- Impact on Bertram Cottages
- Security

Following amendments to the scheme a reconsultation was carried out on 3 April 2017, 4 additional representations were received objecting to the scheme reiterating the previous objections and stating the following grounds:

- Scope of use inappropriate for the location
- Likelihood of visual harmful commercial signage

- 5.2 Transport Planning Officer Comments:

We would not have an objection to any of the proposed D class uses as the information submitted within the transport statement shows a low level of trip generation by the proposed changes of use. We would suggest that a condition is added for a travel plan to provide journey planning advice for future users, as well as a condition omitting a D class place of worship use from the permission.

- 5.3 Environmental Health Officer comments:

I would recommend the inclusion of the following conditions in any planning permission granted:

1. Due to the potential impact of the development on occupiers in adjacent residential premises a noise survey undertaken by a competent person is to be undertaken having regard to all relevant planning guidance, codes of practice and British Standards for the investigation of noise. The survey shall include recommendations and appropriate remedial measures and actions to minimise the impact of the development on the adjacent residential units. A scheme for sound insulation and noise control measures shall be submitted for the Council's approval and implemented to the satisfaction of the Council, prior to the operation of the D1 & D2 use.

2. Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any new plant/machinery associated with each separate commercial unit shall not exceed LA90-10dB at the boundary with the closest residential or noise sensitive property.

3. Prior to commencement of development an air quality assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment report shall include recommendations, appropriate remedial measures and actions to minimise the impact of the development on the surrounding locality and occupants of the building itself.

4. No development shall take place until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the local planning authority.

6. **POLICY CONTEXT**

6.1 Adopted Merton Core Strategy (July 2011)

CS 6 (Wimbledon Town Centre)
CS 12 (Economic Development)
CS 14 (Design)
CS 19 (Public Transport)
CS 20 (Parking, Servicing and Delivery)

6.2 Sites and Policies Plan (July 2014)

DM D2 Design Considerations in all developments
DM D3 Alterations and extensions to existing buildings
DM D4 Managing Heritage Assets
DM E1 Employment areas in Merton
DM E2 Offices in town centres
DM E3 Protection of scattered employment sites
DM EP2 Reducing and Mitigating Noise
DM T2 Transport Impacts of Development
DM T3 Car Parking and servicing standards

7. **PLANNING CONSIDERATIONS**

7.1 The principal planning considerations for this application are the principle of development, design, impact of proposals on the conservation area, transport and parking implications, impact on neighbouring amenity, and employment site implications.

Principle of Development

7.2 The application site is just outside the Wimbledon Town Centre, and is also in close proximity to the Site and Policies Plan designated P3 site comprising the car park site of 66 – 84 Hartfield Road Car Park. The allocated uses of the site are for “an appropriate mix of town centre type uses such as retail (A1

use class), café and restaurants (A3 use class), community (D1 use class), cultural, leisure and entertainment (D2 use class), offices (B1 [a] use class) and hotel (C1 use class). The site may incorporate residential development (C3 use class) on upper floors.” The application site itself is not employment site as designated in the adopted policies map.

- 7.3 Policy DM E3 of the Sites and Policies Plan seeks to promote the availability of employment facilities with a mix of size, type, tenure and location. It resists the loss of scattered employment sites unless it is demonstrated that their operations have a significant adverse impact on the amenity of local residents, the site characteristics render the site unsuitable or unviable for whole site employment use or there is no realistic prospect for employment or community use in the future.
- 7.4 The ground floor and basement level office units are currently vacant and have been so since their construction. The applicant has indicated that marketing activities have been carried from April 2014 till date, with no credible offers received to lease all or part of the space. The siting of the units at lower ground floor level is also noted as a potential factor in securing occupancy.
- 7.5 Following the initial consultations and feedback from officers, the current scheme has been amended since its submission to retain the office units on the ground floor/street level and limiting the change of use to the lower ground floor.
- 7.6 The proposed use of the lower ground floor unit as a gym will be consistent with a town centre type use, as a leisure and community location, and will be in keeping with the mixed use character of the extant development. The use as a gym will provide an employment use on the site, albeit at a moderate level and the retention of the ground floor office units is also deemed to mitigate losses of the potential employment spaces on the site.
- 7.7 As such the principle of amending the usage is acceptable in this context and is consistent with LPA policies with respect to the protection of employment sites and Town Centre uses.

Impact on Neighbour Amenity

- 7.8 The scheme as amended retains the office usage on the ground floor and limits the change to D1/D2 usage to the lower ground floor. There will be no direct proximity between the gym spaces and residential units, as the office spaces will effectively form a barrier between the different zones and retain to a large extent the expected character of the development as initially approved. The current permission will have a condition restricting the use within the proposed D1/D2 usage class to a gymnasium only in order to preclude impacts on resident amenity that may come about as a result of the other activities that within that class.
- 7.9 The proposed layout of the lower ground floor comprises of two self-contained units with floor areas of 188 m² and 195 m². The sizes of the units are

modest and expected to lend themselves to relatively small numbers of clientele at any one time.

- 7.10 Conditions will be attached to the current permission as recommended by Environmental Health officers requiring the undertaking of noise surveys and requiring the submission and approval of remedial measures to ensure the amenity of neighbours.

Security and Accessibility

- 7.11 Access to the lower ground floor is made possible by the approved front staircase. Disabled access to the lower ground floor will be by lifts located near the internal courtyards which can be reached through the main access doors. Restrictions will be in place to prohibit commercial operators using this access as a main entrance and will be monitored by the lease agreement. A condition to this effect will be attached to the current permission.

Design and Impact on the Conservation Area

- 7.12 Permission has been granted under a separate reference 17/P0009 for the installation in the front lightwell of a staircase linking the basement level terrace with street level.
- 7.13 Other than the approved stairwell there are no other external additions or alterations that comprise the current scheme. As such the built fabric is largely retained at street level apart from the street level balustrades that comprise the stairwell, which are considered to have a relatively low impact on the existing street scene. All subsequent alterations to the external building fabric and erections of signage or similar structures are subject to approval of the LPA and will require planning permission.

Parking and Traffic Impacts

- 7.14 The commercial units currently have a designated parking space to the rear of the development at lower ground level for staff use only. No additional parking spaces have been proposed as part of the current scheme and the designated parking spaces will not be made available to clients or visitors. The application site is located within a high PTAL rating area (6b) and as such it is expected that future occupiers and users of the units would have direct access to a number of alternative public transport options.
- 7.15 The submitted transport appraisal indicates that there would be a low level of trip generation as a result of the use. The current permission will have a condition restricting the use within the proposed D1/D2 usage class to a gymnasium only, in order to preclude potential impacts on traffic that may come about as a result of the other activities that within that class. A condition will also be attached to the current permission requiring the provision of a travel plan comprising of journey advice for future users.

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 scheme as proposed would comprise primarily of alterations to the internal layout and does not comprise of any amendments that are considered to dramatically alter the appearance or character of the building. The scheme is deemed to be acceptable in design terms and is not expected to detract from the current street scene or result in an adverse impact on the character of the nearby conservation area.

9.2 The proposed change of use will comprise of activities that are appropriate for the location and the mixed use character of the overall development.

9.3 The concerns of the residents within the overall development have been noted and it is considered that the amendments in response, which minimises the extent of the proximity of the proposed gymnasium and residential units, have mitigated the impacts on the amenity of residents within the development with regards to the generation of noise, intrusion on privacy and overintensification of the use of the site.

9.4 It is therefore recommended that planning permission be granted.

RECOMMENDATION

GRANT PLANNING PERMISSION

and subject to the following conditions:-

1. A.1 Commencement of Development
2. A.7 Approved Plans
3. B.1 External Materials to be Approved
4. B.3 (External Materials as Specified)
5. D.1 (Hours of Use)
6. D.11 (Construction Times)
7. E.5 (Restriction – Use of Premises)
8. H.8 (Travel Plan)

9. H.09 (Construction Vehicles)
 10. H.10 (Construction Vehicles, Wash-down Facilities etc.)
 11. H12 (Delivery and Servicing Plan to be submitted)
 12. Non Standard Condition (Noise Survey)
 13. Non Standard Condition (Noise Levels)
 14. Non Standard condition (Air Quality Assessment)
 15. Non Standard condition (Demolition and Construction Method Statement)
 16. Non Standard condition (Disabled Access)
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