

## PLANNING APPLICATIONS COMMITTEE 22 JUNE 2017

**APPLICATION NO.**  
17/P1297

**DATE VALID**  
23/03/2017

**Address/Site:** 10 – 12 Leopold Road, SW19 7BD

**Ward** Wimbledon Park

**Proposal:** Change of use of No. 10 Leopold Road from retail use (Use Class A1) to restaurant (Use Class A3) and internal alterations in order to merge No. 10 Leopold Road with the existing restaurant that operates at Nos. 12 and 14 Leopold Road.

**Drawing No's:** Design and Access Statement dated 23<sup>rd</sup> March 2017 and Drawing Numbers MAP/1609/01, MAP/1609/02, MAP/1609/03 and MAP/1609/04.

**Contact Officer:** Pedro Rizo (0208 545 3297)

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### **RECOMMENDATION**

**GRANT Permission subject to Conditions**

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### **CHECKLIST INFORMATION**

- Heads of Agreement: None
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 15
- External consultations: No
- Controlled Parking Zone: Yes (P1)

### **1 INTRODUCTION**

This application is being brought to the Planning Applications Committee for determination due to the number of objections received.

## **2 SITE AND SURROUNDINGS:**

- 2.1 The application site relates to two ground floor planning units within a three-storey terrace, located on the northern side of Leopold Road, Wimbledon Park. No. 10 Leopold Road is currently a vacant A1 shop and No. 12 is used as a restaurant (A3 use class), which extends across No 14 Leopold Road. The upper floor levels of the terrace buildings are used as flats.
- 2.2 The properties form part of a parade of shops, which are within the Leopold Road Neighbourhood Parade. The rear of the properties are accessed via an alley that can be accessed from Leopold Road, Waldemar Road and Strathearn Road.
- 2.3 This site is located within the Leopold Road Conservation Area and is within a controlled parking zone which operates Monday-Friday 11:00 - 15:00.

## **3 CURRENT PROPOSAL**

- 3.1 The application seeks to change the use of No. 10 Leopold Road from A1 use to A3 use, in order to merge this planning unit with the adjoining restaurant that currently operates at Nos 12 and 14 Leopold Road.
- 3.2 The applicant has advised in writing that No. 14 Leopold Road, which is currently merged with No. 12 Leopold Road, would be separated and as such, this unit is omitted from the application. As advised, the application proposes to merge Nos. 10 and 12 Leopold Road and No. 14 would be used as a separate planning unit.
- 3.3 The existing shop front would remain as existing. However, the proposed plans include the installation of a 'cold room' at the rear, which would measure 1.703 metres in depth x 3.75 metres in width. The plans also include minor internal changes to the internal layout.

## **4 PLANNING HISTORY**

- 4.1 17/P0044 – Part demolition of rear extensions at 14 Leopold Road and erection of new single storey rear extension at 14 Leopold Road, creating a new self-contained flat. Change of use of bar/restaurant at No. 14 to retail unit (A1). Refused on the 28/04/2017.
- 4.2 10/P3197 - Installation of new shop fronts - Grant Permission subject to Conditions 07-03-2011
- 4.3 392/P0815 - Alterations to front elevation at ground floor level - Grant

Permission (subject to conditions) 18-12-1992

- 4.4 90/P1188 - Erection of a single storey pitched roof extension at rear of premises to provide toilet kitchen and store facilities to existing public house - Grant Permission (subject to conditions) 25-04-1991
- 4.5 MER131/83 – (12 – 14 Leopold Road) - Single storey extension to restaurant to provide additional kitchen and ancillary storage space and enclosure of garden at rear. Refused on the 15/12/1983.
- 4.6 MER70/82 – (12 – 14 Leopold Road) – Change of use of ground floor from residential premises to licensed restaurant. Granted on the 15/04/1982.

## **5 CONSULTATION**

5.1 Site notice displayed and application published in press notice. In addition, 22 letters of consultation were sent to neighbouring properties on the 18<sup>th</sup> April 2017. The consultation period expired on the 13<sup>th</sup> May 2017 and four letters of objection were received, noting the following concerns:

- The proposed change of use would substantially increase the size of the restaurant.
- A larger restaurant would cause anti-social behaviour.
- The existing restaurant is not a neighbourhood restaurant and it is not kept in a clean tidy condition.
- The restaurant would dominate the parade of shops.
- The restaurant causes a great amount of rubbish on Leopold Road.
- Application does not specify the use of No. 14 Leopold Road, which contains a Shisha lounge at the rear that harms residential amenity.
- The proposed plans label the floor plan as a 'dance floor' and a nightclub style business would be inappropriate on this location.
- The existing restaurant operates late and there is no control over opening hours.
- The potential use of the unit as a takeaway business would be inappropriate.
- The proposed plan shows an extraction system, which should be revised in that it causes no harm on amenity in terms of noise and odours.
- The proposal could affect a tree at the rear of the site.

5.2 A letter of support was also received, noting how the proposed restaurant would be a positive venue for local residents.

## **6 POLICY CONTEXT**

National Planning Policy Framework (2012)

London Plan (March 2015)

- 4.8 Supporting a Successful and Diverse Retail Sector
- 4.9 Small Shops
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture

Core Planning Strategy (July 2011)

- CS7 Centres
- CS11 Infrastructure
- CS14 Design
- CS17 Waste Management
- CS18 Active Transport
- CS19 Public Transport
- CS20 Parking, Servicing and Delivery

Sites and Policies Plan and Policies Map (July 2014)

- DMD2 Design considerations in all developments
- DMD4 Managing heritage assets
- DMR1 Location and scale of development in Merton's town centres and neighbourhood parades
- DMR2 Development of Town Centre type uses outside Town Centres
- DMR3 Protecting Corner/Local Shops
- DMR4 Protection of shopping facilities within designated shopping frontages.
- DMR5 Food and Drink/Leisure and Entertainment Uses
- DMT2 Transport impacts of development

## **7 PLANNING CONSIDERATIONS**

Key planning considerations:

- Principle of Development
- Design and Impact upon the Character and Appearance of the Area
- Impact upon Neighbouring Amenity
- Transport and Parking

## **8 PRINCIPLE OF DEVELOPMENT:**

- 8.1 No. 10 Leopold Road is a vacant A1 shop and adjoins the 'Ambience'

- restaurant, which currently operates at Nos. 12 and 14 Leopold Road. The proposed change of use to No. 10 would result in merging No. 10 and 12 Leopold Road, as these two units would be used as the restaurant. No. 14 would be omitted and would therefore operate as a separate planning unit.
- 8.2 The main consideration relates to the principle of the change of use from A1 to A3. Given that the site is positioned within a neighbourhood parade, the proposal is assessed against policy DMR1 of the Merton's Local Plan (2014), which aims for residents to have an access to a range of local shops and services, which can be easily accessible. The policy seeks for a variety of businesses that enhance the viability and attractiveness of the business location.
- 8.3 The Leopold Road Neighbourhood Parade contains a variety of retail units, with 30 retail units along both sides of the parade. As noted on site, there are three vacant shops and a range of uses which comprise A1 (shops), A3 (restaurants and cafes), A5 (hot food takeaways), B1 (offices), D1 (art gallery) and sui generis use (massage centre and nail bar). The parade retains sixteen A1 shops and three of these are vacant. There are four restaurants (A3 use class) along both sides of the parade and three additional take-away businesses (A5 use class).
- 8.4 Policy DMR1 adds how the Council encourages retail shops and services, cafes, restaurants, leisure and entertainment facilities, offices and community uses in order to support growth that is appropriate to neighbourhood parades and their surrounding residential areas.
- 8.5 Given that there are only four restaurants (A3 uses) within the neighbourhood parade, it is considered that the principle of changing the use of the vacant A1 shop to a restaurant A3 use class would not affect the attractiveness and viability of the parade. It is noted that over 50% of the current uses within the parade are retained under A1 use class and the proposal would not lead to an over-concentration of A3 uses within the shopping parade.
- 8.6 Although merging No. 10 Leopold Road with No. 12 is in principle unwelcomed and policy DMR1 seeks to retain small units in order to enhance business diversity, it is noted that this policy only resists amalgamating existing units within the Wimbledon Village area and does not refer to Neighbourhood Parades.
- 8.7 The proposed integration of both units in order to form one restaurant (Ambience) would therefore not represent a reason for refusal, by reason that there are existing units within this parade that have been joined into one business (i.e. art gallery at Nos. 2 and 4 Leopold Road, nail bar at Nos. 15 and 17 Leopold Road). A precedent has already been

established. As advised in writing, No. 14 would be separated from No. 12 and would operate as a separate unit; therefore only Nos. 10 and 12 would operate as a joined business unit so the number of conjoined units in the parade would remain the same.

- 8.8 Given that the proposal would bring a vacant shop into use and the principle of an A3 use within this unit is considered acceptable and consistent with the requirements of policy DMR1 of the Merton's Local Plan (2014), the proposal raises no concerns in terms of land use.

## **9 DESIGN AND VISUAL IMPACT:**

- 9.1 The current application does not seek permission for any external alteration to the unit, shop front, customer access or signage. Whilst the proposed front elevation shows a new fascia sign over the shop front, this feature should be addressed under a separate application for advertisement consent. An informative is therefore recommended, which clarifies that advertisement consent would be required for any advertisement at the front of the retail unit or that planning permission would be required for any material alterations to the shopfront.
- 9.2 Concerns have been raised over potential impact on a tree at the rear of the site. However, the proposed external alteration only involves the formation of a cold room at the rear, which would measure 1.7 metres in depth. Due to the minor scale of this structure and the position of the existing tree adjoining the rear boundary fence (approximately 6.00 metres setback from the rear elevation), the submission of an arboricultural report would not be required in this instance.
- 9.3 The proposed change of use raises no concerns in terms of design and visual impact on the character and appearance of the neighbourhood parade and Leopold Road Conservation Area. The proposed development therefore does not conflict with policies DMD2 and DMD4 of the Merton's Local Plan (2014).

## **10 IMPACT UPON NEIGHBOURING AMENITY:**

- 10.1 Policy DMR1 states that proposals should not have an undue negative impact upon amenity of neighbourhood properties in terms of loss of sunlight/daylight, noise, odours, visual intrusion or general disturbance to the living conditions of neighbourhood residents.
- 10.2 The proposed plans do not show changes to the ventilation system or details of any filter equipment/ducting for discharging potential cooking odours. Whilst this point of concern has been noted in a letter of representation, it is noted that the "Proposed Section Drawing A-A" shows

an existing duct at the rear of No. 12 Leopold Road, which is shown on the “Existing and Proposed Rear Elevation”. A condition is therefore recommended, which requires details of discharging cooking odours and ventilation system, in case any new equipment is installed. As observed on site, there is an existing extractor at the rear of No. 12, which would remain unaltered (as per the drawings).

- 10.3 Moreover, concerns have been raised over how the proposed A3 use could be used as a “dance hall” (D2 use class). The proposed use refers to A3 use class as a restaurant and does not involve a D2 element (assembly of leisure). The proposed floor plans have therefore been amended, by reason of clarity. The representation also refers to the unauthorised use of the rear section of No. 14 Leopold Road as a Shisha Lounge. Although these concerns are noted, the proposal refers to Nos 10 and 12 Leopold Road only and any unauthorised activities at No. 14 should not affect the merits of the proposed use. Furthermore, no evidence of shisha smoking was gathered on site, during the site inspection.
- 10.4 Although additional concerns have been raised with reference to litter, it is noted that this matter is controllable by Environmental Health legislation. Potential problems of litter are not likely in themselves to be a sufficient reason for refusal of planning permission. In terms of the comments concerning anti-social behaviour, it is considered that in case public disorder takes place within or outside the planning unit during opening hours, then it is the responsibility of the Police to take action if problems arise accordingly and this should not be seen as a reason for considering refusing the proposed change of use.
- 10.5 In terms of opening hours, the A3 unit would operate with the existing A3 unit at No. 12 Leopold Road and would be permitted between the hours of 11:00 AM and 23:00 PM on Mondays to Sundays and all other days. The letter of objection mentions how opening hours are not clearly proposed in the application. However, this point is now clarified by condition.

## **11 TRANSPORT AND PARKING:**

- 11.1 Core Strategy policy CS20 requires that development would not adversely affect street parking and traffic management for the convenience of local residents. The application site has PTAL level of 5 and the parking provision for the proposed restaurant is no different from the parking provision which was available for the retail unit when it was operating as an A1 shop.
- 11.2 Given that the proposal does not change the existing situation and taking into account the sustainable location of the site within close proximity to

transport links with main bus routes and Wimbledon Station, the proposed change of use would not change the current situation to the previous shop. The proposed use therefore does not raise concerns on parking grounds.

## **12 MERTON'S COMMUNITY INFRASTRUCTURE LEVY**

- 12.1 Merton's Community Infrastructure Levy was implemented on 1<sup>st</sup> April 2014. This enables the Council to raise, and pool, contributions from developers to help pay for things such as transport, decentralised energy, healthcare, schools, leisure and public open spaces - local infrastructure that is necessary to support new development. Merton's CIL has replaced Section 106 agreements as the principal means by which developer contributions towards providing the necessary infrastructure should be collected. The development is not liable to CIL.

## **13 SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

- 13.1 The proposal is for a change of use to an existing small retail unit and an Environmental Impact Assessment is not required in this instance.

## **14 CONCLUSION**

- 14.1 Having regard to the above considerations, it is considered that the change of use of the existing vacant A1 shop would not be harmful to the vitality, viability or function of the neighbourhood parade. Furthermore, the proposal would not cause undue harm on the residential amenities of neighbouring residents or on the visual amenities of the street scene. Moreover, due to the location of the site, the proposal would not cause affect transport and highways.
- 14.2 Accordingly, it is recommended that planning permission be granted.

### **RECOMMENDATION:**

#### **GRANT PERMISSION**

Subject to the following conditions:

1. A1 Commencement of Development (full application)
2. A7 Plans
3. D02 Hours of Opening/Use (A3, A4 and A5 premises)

4. D06 Kitchen Ventilation Extract

Informatives:

INF2 Other permission may be required for alterations to the shop front or installation of extractor flue.

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[Click here](#) for full plans and documents related to this application.

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