

PLANNING APPLICATIONS COMMITTEE 17 AUGUST 2017

APPLICATION NO.

17/P2024

DATE VALID

22/05/2017

Address/Site:

14 Leopold Road, Wimbledon Park SW19 7BD

Ward

Wimbledon Park

Proposal:

Minor internal alterations in order to subdivide existing A3 unit (to remain under A3 use class) from No. 12 Leopold Road for both units not to operate jointly. Installation of a ventilation duct at the rear elevation.

Drawing No's:

Design and Access Statement dated 22nd May 2017 and Drawing Numbers ST/304/PL/AD/02 REV B, ST/304/PL/AD/03 REV A and ST/304/PL/AD/04 REV A.

Contact Officer:

Pedro Rizo (0208 545 3297)

RECOMMENDATION

GRANT Permission subject to Conditions

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: Yes
- 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 a ground floor commercial unit within a three-storey terrace, located on the northern side of Leopold Road, Wimbledon Park. The unit currently operates as a restaurant (A3 use class) that extends across No. 12 Leopold Road (Ambience Restaurant) and the terrace building contains residential flats on the upper floor levels.
- 2.2 The property forms 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 involves internal alterations in order to use unit 14 independently from No. 12 Leopold Road (currently merged to No. 12 Leopold Road as both units operate as a single restaurant). The works would therefore return the planning unit to its original condition as a single planning unit used under Class A3 use.
- 3.2 As background information, planning permission (ref. 17/P1297) was approved for changing the use of No. 10 Leopold Road from retail use A1 to a restaurant A3 in order to merge this planning unit with No. 12 Leopold Road. Given that these two units have been joined and will operate as a single business, it is noted that the application unit at No. 14 will no longer operate as the Ambience Restaurant, but will operate as a separate and small A3 unit for which planning permission is not required.
- 3.3 The proposed works include the installation of a ventilation duct at the rear, which would protrude by 1.00 metre above the parapet wall on the building's three storey outrigger.
- 3.4 In support of the proposal the applicant has commissioned a noise report which in summary concludes "a noise survey was carried out at the proposed location for a kitchen extract system at 14 Leopold Road, Wimbledon, SW19 7BD. From the survey the representative background noise at the nearest sensitive property was found to be 5dBLa90. Using guidance set out in BS4142:2014, noise levels from the proposed kitchen extractor units should not exceed 52 dBA at the nearest noise sensitive window. Based on the manufacturer's noise level data for the extractor fan with the inclusion of an acoustic attenuator, calculations show that noise levels at the nearest noise

sensitive receptor would be approximately 39dBA based on the proposed location. This does not exceed the maximum permissible noise level target of 45 dBA therefore complaints are deemed unlikely”.

4 PLANNING HISTORY

- 4.1 17/P1297 – Change of use of No. 10 Leopold Road from retail (use class A1) to restaurant (Class A3) and internal alterations in order to merge No. 10 Leopold Road with the existing restaurant that operates at No. 12 and 14 Leopold Road. Approved subject to conditions on the 22/06/2017.
- 4.2 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.
- 4.3 10/P3197 - Installation of new shop fronts - Grant Permission subject to Conditions 07-03-2011
- 4.4 392/P0815 - Alterations to front elevation at ground floor level - Grant Permission (subject to conditions) 18-12-1992
- 4.5 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
- 4.6 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.
- 4.7 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, 23 letters of consultation were sent to neighbouring properties at Leopold Road on the 05th June 2017. In addition, letters of consultation were sent to neighbouring residents at Waldemar Road on the 17th July 2017.

The consultation period expired on the 11th August 2017 and six letters of objection were received (one letter of objection signed by four different residents), noting the following concerns:

- The development would increase fumes from the proposed ventilation duct at the rear and would cause disturbance, when

considering that Nos. 10 and 12 would also be used under A3 use and that there is an existing extractor at No. 12.

- Proposed development would cause disruption by additional business (i.e. mopeds coming and going).
- The proposed extraction system affects visual amenity and generates noise.
- The development affects parking within the surrounding area,
- The proposed restaurant would cause a great amount of rubbish on Leopold Road.
- The development would affect the retail character of the parade of shops.
- The restaurant offers a take away service and any departure from the approved description should be enforced.
- The proposed plans misrepresent as these do not include an existing covered area.
- Development represents an over-dominance of restaurants within the parade and there would be no balance in types of commercial premises.
- The submission includes no details of opening hours and this point should be clarified.
- The unit should be returned to A1 use class.

5.2 Internal: Environmental Health Officer: No objections subject to condition.

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

- 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. 14 Leopold Road is currently used under A3 use class and operates jointly with No. 12 Leopold Road ('Ambience Restaurant'). The proposed development therefore does not involve a material change of use to the planning unit, as the works involve internal alterations to subdivide this unit from No. 12 Leopold Road to be used independently.
- 8.2 Planning application reference 17/P1297 for the "Change of use of No. 10 Leopold Road from retail (use class A1) to restaurant (Class A3) and internal alterations in order to merge No. 10 Leopold Road with the existing restaurant that operates at No. 12 and 14 Leopold Road" was approved by committee decision on the 22nd June 2017. The proposal follows previous approval, which was assessed considering that merging Nos. 10 and 12 Leopold Road was acceptable, if No. 14 Leopold Road was used as a separate planning unit. No. 14 Leopold Road was omitted from the approved plans under planning permission ref. 17/P1297.
- 8.3 The proposed works, which seek to ensure that No. 14 Leopold Road is no longer integrated to No. 12 Leopold Road is not development requiring planning permission involving only internal works.
- 8.4 Given that the proposed development does not involve a material change of use of the existing A3 unit (restaurants and cafes), the

proposed development would not have a material effect on the variety of business and on the viability and attractiveness of the neighbourhood parade.

- 8.5 Although concerns have been noted in terms of an over-concentration of restaurants (A3 use class) units within the parade of shops, the proposal does not represent an introduction of an A3 use within the unit. As reviewed during previous assessment for approved planning application reference 17/P1297, the parade retains sixteen A1 shops and three of these shops are vacant. There are four existing A3 units within the parade, with three additional take-away businesses (A5 use class) along both sides of Leopold Road. In the absence of a material change of use for the application retail unit and considering that the property would still operate as a restaurant and café (A3 use), the proposed development raises no concerns in terms of land use and impact on the attractiveness of the neighbourhood parade.
- 8.6 Whilst concerns have been noted over how the existing business at Nos. 12 and 14 Leopold Road operates as a hot food take away (A5 use class), this alleged breach of planning control should not warrant a reason for refusal, considering that the proposed development, which does not involve a change of use, is consistent with relevant policy DMR1 of the Merton's Local Plan (2014).
- 8.7 The approval of the planning application is therefore recommended with an informative that clarifies how planning permission would be required for any other use of the application site and clarifies how any breach of planning control concerning an unlawful use of the property may result in planning enforcement action.

9 DESIGN AND VISUAL IMPACT:

- 9.1 The proposed development does not seek permission for any external alteration to the shop front, customer access or signage. The front elevation of the property would remain as existing.
- 9.2 However, the application seeks planning permission for the installation of a ventilation duct, which would be positioned on the rear elevation of the terrace building. The proposed duct would protrude by 1.00 metre above the rear parapet wall on the building's three storey rear outrigger and would therefore sit below the main front parapet wall of the building.
- 9.3 Given the position at the rear and the fact that the structure would not exceed the main parapet wall at the front of the building, the proposed equipment would have no adverse impact on the visual appearance of

the building and its surrounding area, when viewed from public vantage points at Leopold Road.

- 9.4 The proposed duct would be similar to an existing duct that has been installed at No. 12 Leopold Road and would therefore not introduce an alien or obtrusive feature at the rear of the terrace buildings, considering that it would be consistent with the use of these commercial units.
- 9.5 In light of the above considerations, the proposed external duct would have no adverse impact on the design and visual appearance of the terrace building and surrounding 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 proposes a ventilation duct that would be positioned at a distance of 60 centimetres from the rear windows that serve habitable rooms on the upper floor residential flats within the terrace building. Given the small separation and the fact that the duct would have a silencer and carbon filter unit on its lower section, the proposed duct should not cause any significant harm to the residential amenities of the upper floor units within the terrace building in terms of noise, smells and general disturbance.
- 10.3 Moreover, the proposed duct would be positioned at a distance of approximately 20 metres from the rear elevations of terrace houses at Waldemar Road. The proposed equipment has been reviewed by the Council's Environmental Health Officer, who considered that the proposed duct was acceptable, subject to precaution conditions that restrict noise levels.
- 10.4 In terms of opening hours, the A3 unit would operate as existing (between the hours of 11:00 AM and 23:00 PM on Mondays to Sundays and all other days).

11 TRANSPORT AND PARKING:

- 11.1 The proposed development involving the installation of an extract duct raises no concerns in terms of parking and traffic generation. This

consideration also follows the fact that the site is positioned within a sustainable location, within close proximity to transport links at Wimbledon Station and a number of bus stops at Gap Road and Alexandra Road.

12 MERTON'S COMMUNITY INFRASTRUCTURE LEVY

- 12.1 Merton's Community Infrastructure Levy was implemented on 1st 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 the retention of an existing use and involves minor external alterations and the installation of an external duct. An Environmental Impact Assessment is not required in this instance.

14 CONCLUSION

- 14.1 The proposed ventilation duct at the rear would have no significant impact on the visual appearance of the building and surrounding Leopold Road Conservation Area or on the residential amenities of neighbouring residents.
- 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. D06 Kitchen Ventilation Extract Systems
The use hereby permitted shall not commence until detailed plans and specifications of a kitchen ventilation system, including details of sound

attenuation for a kitchen ventilation extract system and odour control measures have been submitted to and approved in writing by the Local Planning Authority. The kitchen ventilation extract system shall be installed in accordance with the approved plans and specifications before the use commences and shall be permanently retained as such thereafter.

Informatives:

INF2 Planning permission would be required for alterations to the shop front or for a change of use to a Hot Food Takeaway (Class A5) .

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

Please note these web pages may be slow to load

This page is intentionally left blank