Agenda Item 9

PLANNING APPLICATIONS COMMITTEE 12 December 2013

UPRN APPLICATION NO. Item No: DATE VALID

13/P1077 05.04.2013

Address/Site The Cricketers Public House, 340 London Road.

Mitcham, CR4 3ND

(Ward) Cricket Green

Proposal: Change of use of public house (Class A4) to residential

(Class C3), comprising 4 x 1 bed and 3 x studio flats

Drawing No's Site location plan, 301, 303, 305,

Contact Officer: Leigh Harrington (020 8545 3836)

RECOMMENDATION

GRANT PERMISSION SUBJECT TO S106 OBLIGATION AND CONDITIONS.

CHECKLIST INFORMATION.

- S106 Heads of agreement: Sustainable transport
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted –No
- Design Review Panel consulted No
- Number of neighbours consulted 7
- Press notice Yes
- Site notice Yes
- External consultations: None
- Number of jobs created n/a

1. INTRODUCTION

1.1 The application is brought before PAC in order to enter into a S106 agreement the content of which would fall outside the scope of the recently amended scheme of delegation insofar as no affordable housing contributions are proposed.

2. SITE AND SURROUNDINGS

2.1 0.07 hectare site located at the junction of Lower Green West with London Road, south of Mitcham Town Centre. The Cricketers is a vacant two storey1950s public house with ancillary living accommodation. Currently the site boundary is marked by a dilapidated wooden fence and hedging. Land on the opposite side of London Road

- and the land that borders the Fire Station and Vestry Hall to the west and north, is designated as Open Space and Green Corridor.
- 2.2 The site is within Mitcham Cricket Green Conservation Area, and an Archaeological Priority Zone. To the north is Vestry Hall and to the west is Mitcham Fire Station, both of which are locally listed buildings. There are also a number of statutorily listed buildings in the immediate area. The surrounding character is mixed, comprising properties from various periods with different design features and massing, and a wide range of uses, including retail, office, school, residential and community.
- 2.3 The application site enjoys good access to public transport, (PTAL level 4), and is not in a Controlled Parking Zone.

3. CURRENT PROPOSAL

- 3.1 The current proposal involves the retention of the existing building, with only minor alterations to the front elevation involving new opening casement windows at ground floor, and the installation of two new rooflights to the rear roofslope. The proposed internal layout comprises three x 1 bedroom flats at ground floor, 3x studio flats at first floor and 1 x 1 bed flat at roof level. On-site provision is made for 7 new cycle parking spaces and 4 existing car parking spaces to the side of the building are retained.
- 3.2 The existing garden area, covering 226sqm, is retained to provide shared amenity space.
- 3.3 Separate access to 2 ground floor flats is proposed from London Road with access to all remaining flats from the rear of the building.
- 3.4 The applicants are willing to provide railings in front of the building to provide a defensible space and allow for greater privacy for the occupiers and to provide railings in front of the existing hedging to the rear to make the garden more secure. Details have not been supplied at this stage.

3.5 **Table 1: Floor areas and amenity space.**

	Floor	London Plan	Amenity	SPG
	area	standard	space	standard
	[Sq. M]	[Sq. M]	[Sq. M]	[Sq. M]
Apt 1	50	50 [one bed two	226	110
		person]	shared	shared
Apt 2	50	50 [one bed two	amenity	amenity
		person		
Apt 3	50	50 [one bed two	space	space
		person		
Studio 4	48.1	37 [One person		
		Studio]		
Studio 5	37	37 [One person		
		Studio]		
Studio 6	38.6	37 [One person		
		Studio]		
Apt 7	56.6	50 [one bed two		
		person		

4. PLANNING HISTORY

- 4.1 12/P2083- Appeal dismissed- Demolition of existing public house and redevelopment of the site with a new building providing 16 flats (11x1 bed, 5x 2bed) over four floors with associated parking. The appeal was lodged against the Council's non determination of the application although members subsequently agreed that the application would have been refused had the Council been able to determine.

 Reason for refusal:
 - i) The proposed development, by virtue of its design, bulk, height and scale, on this landmark site within a Conservation Area, would –
 - (a) fail to respect or complement the design, scale, massing and form of existing nearby buildings, particularly locally listed buildings Vestry Hall and the Fire Station, which both together with The Cricketers, form the most significant group of buildings in this part of the Conservation Area;
 - (b) fail to respect or complement the nearby historic Mitcham Cricket Ground;
 - (c) fail to maintain important views within and out of the Mitcham Cricket Green Conservation Area, including views of Vestry Hall;
 - (d) fail to enhance or preserve the character and appearance of the Mitcham Cricket Green Conservation Area; and
 - (e) fail to provide a high standard of design that will complement the character and local distinctiveness of the adjoining townscape and landscape, contrary to Policies BE.1 and BE.22 of the Adopted Merton Unitary Development Plan (October 2003), and contrary to Strategic Objective 8 and Policy CS14 of the Merton LDF Core Planning Strategy (2011) and London Plan 2011 policies

- 7.4 (Local Character), 7.6 (Architecture), 7.8 (Heritage Assets and Archaeology), 7.9 (Heritage-Led Regeneration).
- 4.2 12/P2084 appeal dismissed Conservation Area Consent in respect of 12/P2083. The appeal was lodged against the Council's non determination of the application although members subsequently agreed that the application would have been refused had the Council been able to determine

Reason for refusal:

b) Had the Council been in a position to determine the application, it would have refused Conservation Area Consent for the following reason:

The demolition of the existing buildings would be premature and inappropriate in the absence of suitable replacement buildings and would be harmful to the appearance of the Mitcham (Cricket Green) Conservation Area contrary to Policy BE.2 of the Adopted Merton Unitary Development Plan (October 2003).

4.3 11/P3229 – Refused at PAC 16 February 2012 –
Demolition of existing public house and redevelopment of the site with a new building, providing 16 flats (11 x 1 and 5 x 2 bedrooms), over four floors, with associated parking provision.

Reason for refusal:

- i) The proposed development, by virtue of its design, bulk, height and scale, on this landmark site within a Conservation Area, would –
- (a) fail to respect or complement the design, scale, massing and form of existing nearby buildings, particularly locally listed buildings Vestry Hall and the Fire Station, which both together with The Cricketers, form the most significant group of buildings in this part of the Conservation Area;
- (b) fail to respect or complement the nearby historic Mitcham Cricket Ground:
- (c) fail to maintain important views within and out of the Mitcham Cricket Green Conservation Area, including views of Vestry Hall;
- (d) fail to enhance or preserve the character and appearance of the Mitcham Cricket Green Conservation Area; and
- (e) fail to provide a high standard of design that will complement the character and local distinctiveness of the adjoining townscape and landscape, contrary to Policies BE.1 and BE.22 of the Adopted Merton Unitary Development Plan (October 2003), and contrary to Strategic Objective 8 and Policy CS14 of the Merton LDF Core Planning Strategy (2011).

4.4 11/P3273 - Refused Conservation Area Consent at PAC 16 February 2012 - Conservation area consent for demolition of existing public house in connection with planning application 12/P2083.
Reason for refusal:

The demolition of the existing buildings would be premature and inappropriate in the absence of suitable replacement buildings and would be harmful to the appearance of the Mitcham (Cricket Green) Conservation Area contrary to Policy BE.2 of the Adopted Merton Unitary Development Plan (October 2003).

The above application references (11/P3229 and 11/P3273) were both dismissed at appeal.

4.5 10/P1090 – Refused at PAC (9th December 2010) and dismissed at appeal – Demolition of existing public house and redevelopment with a commercial (Classes A1, A2, A3, B1 or D1uses) unit at ground floor and 17 flats (10 x 1, 6 x 2 and 1 x 3 bedroom) over part ground, first, second and third floors, with associated parking provision.

Reason for refusal:

The proposed development, by virtue of its design, bulk and scale, on this landmark site within a Conservation Area, would – (a) fail to respect or complement the design, scale and form of existing nearby buildings, particularly Vestry Hall, a locally listed building and the Fire Station, and also Listed Buildings in the vicinity;

- (b) fail to respect or complement the nearby historic Mitcham Cricket Ground;
- (c) fail to maintain important views within and out of the Mitcham Cricket Green Conservation Area; (d) fail to enhance or preserve the character and appearance of the Mitcham Cricket Green Conservation Area; and
- (e) fail to provide a high standard of design that will complement the character and local distinctiveness of the adjoining townscape and landscape, contrary to Policies BE.1 (iii) and BE.22 (i) & (ii) of the Adopted Merton Unitary Development Plan (October 2003).
- 4.6 10/P1911 Refused at PAC (9th December 2010) and dismissed at appeal Conservation area consent for demolition of existing public house in connection with planning application 10/P1909.

Reason for refusal:

The demolition of the existing buildings would be premature and inappropriate in the absence of suitable replacement buildings and would be harmful to the appearance of the Mitcham (Cricket Green) Conservation Area contrary to Policy BE.2 of the Adopted Merton Unitary Development Plan (October 2003).

5. CONSULTATION

- 5.1 The proposal was publicised by means of major and conservation area press and site notices, also letters to neighbouring occupiers. In response, an objection letter has been received from the Mitcham Cricket Green Community and Heritage raising the following issues:
 - The proposal will result in poor quality accommodation, which may not meet space standards;
 - The proposal will result in the loss of a community facility and the future of this building should be considered along with the other buildings across the island site;
 - The inadequate car parking arrangements at the front of the building have not been addressed;
- 5.2 Transport Planning have previously confirmed that the site has good access to public transport (PTAL level 4) and is not located in a CPZ. London Road is part of the strategic road network with significant levels of pedestrian and vehicular traffic along its length. There is no on street parking in the vicinity of the site because of bus lanes and double yellow lines. The numbers of on-site parking bays are within London Plan guidelines, but a parking management condition must be imposed. Subject to appropriate conditions and S106 obligations towards sustainable transport, there are no anticipated adverse impacts in terms of traffic generation or highway safety and therefore no objections to the principle of the development.
- 5.3 Environmental Health advise that the site is located on a busy road junction, in close proximity to the Fire Station and Vestry Hall. In the event that the scheme is recommended for approval, conditions relating to a Noise Survey and an Air Quality Survey should be imposed. The noise survey and air quality surveys are requested again given the sites location on a busy 'island' site with heavy levels of vehicle traffic passing in close proximity to the site.

6. POLICY CONTEXT

London Plan (July 2011)

- Relevant policies in the London Plan (July 2011) are 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Development), 3.8 (Housing Choice), 5.1 (Climate Change), 5.3 (Sustainable Design and Construction).
 - Merton LDF Core Planning Strategy (July 2011)
- 6.2 Relevant policies in the Core Strategy (July 2011) are CS8 (Housing Choice), CS9 (Housing Provision), CS11 (Infrastructure), CS13 (Open Space, Nature Conservation, Leisure and Culture), CS14 (Design), CS15 (Climate Change), CS18 (Active Transport), CS19 (Public Transport), CS20 (Parking, Servicing and Delivery).

Merton UDP (2003).

6.3 Relevant policies in the Adopted Unitary Development Plan (October 2003) are HS.1 (Housing Layout and Amenity), BE1 (Conservation Areas), BE13 (Archaeological Protection), BE14 (Archaeological Evaluation), BE.25 (Sustainable Development), C13 (Planning Obligations), L16 (Protection of Public Houses).

7. PLANNING CONSIDERATIONS

- 7.1 The main planning considerations include the principle of conversion for residential use, involving the loss of a public house; impacts on the Mitcham Cricket Green conservation area; housing targets, affordable housing and standard of accommodation; impact on neighbouring amenity; parking and servicing; planning obligations.
- 7.2 Redevelopment involving loss of a public house
 Adopted policy L.16 is relevant as it seeks to protect public houses
 outside town centre locations unless:
 - i) The applicant can demonstrate that the pub is no longer economically viable
 - ii) The applicant can demonstrate that reasonable marketing has been carried out for a period of no less than 2 years.
 - iii) There is alternative provision within the local area.
- 7.3 The Cricketers ceased trading in August 2010 and the building has been vacant since. The previous applications in 2010 and 2011 both considered marketing evidence submitted by the applicant. While members resolved to refuse permission, there were no grounds of objection raised in either case regarding policy L16 and therefore to the principle of the loss of the public house. No fresh issues are raised in this regard in consideration of the current proposals.

7.4 Impacts on Conservation Area

Mitcham Cricket Green Conservation Area was originally designated in 1969 and the particular features which merit the designation include its historical background, the number of listed buildings and the character and diversity of buildings generally and the generous open spaces. The Cricketers Public House stands at a prominent corner site between the Vestry Hall and Mitcham Fire Station.

- 7.5 Adopted UDP policy BE1 states that proposals for new development in conservation areas are required to preserve or enhance the character and appearance of the conservation area and development proposals are expected to complement the character and appearance of the wider setting, by careful consideration of how the proposed density, scale, design and materials relate to the urban setting in which the development is placed.
- 7.6 The most recent applications have all involved demolition of the pub and redevelopment of the site with a new building. Key reasons for

refusal had related to the negative impact that larger replacement buildings would have had, particularly in relation to height, bulk and massing. The current scheme involves only minor changes to the external appearance of the building, with conversion to form new residential accommodation. It is considered that the current scheme would preserve the character and appearance of the conservation area.

7.7 The Council published the draft Mitcham Cricket Green Conservation Area Appraisal and Management Plan in 2010 and this noted that the Lower Green and Cricket Green form the central focus of the conservation area. The Inspector noted in his consideration of the 2010 scheme that the most dominant feature of the conservation area is the visual impact of the large areas of green space, around which built form is clustered creating well defined edges. The current scheme proposes retention of the existing building and all the open space around the building, thus raising no issues in connection with the preservation or enhancement of the character and appearance of the conservation area.

7.8 Housing Targets/ Affordable Housing

The proposed residential accommodation would make a welcome contribution towards meeting the Council's housing targets, although this must be measured not only against housing need, but alongside other factors including amenity space and on site provision for parking.

7.9 Schemes for new development involving housing of less than 10 dwellings should provide a contribution towards the provision of off site affordable housing subject to justification based on a Three Dragons Toolkit financial assessment. The current proposal was submitted with an Economic Viability Assessment dated July 2012 and this has been assessed taking into consideration matters such as construction costs, S106 costs, development costs including fees etc, the assigned existing use value of the site and sales values of the scheme's market homes. This assessment concluded that the scheme is unable to support an on-site affordable housing contribution. This has been assessed and found to be sound. Thus, no off site financial contribution towards affordable housing would be sought in this instance.

Standard of Accommodation

7.10 The London Plan (2011) (Policy 3.5) and it's supporting document, The London Housing Supplementary Planning Guidance 2012 as well as Adopted UDP policy HS1 provide detailed guidance on minimum room sizes and amenity space. These recommended minimum gross internal space standards are based on the numbers of bedrooms and therefore likely future occupiers. In the case of a one person, one bedroom unit, the minimum standard is 37 sq m, for a two person, one bedroom flat the minimum standard required is 50 sq m. Each flat either meets or slightly exceeds this standard, with all habitable rooms receiving reasonable levels of daylight, outlook and natural ventilation. Each flat

has an acceptable internal layout, therefore providing appropriate internal living accommodation for future occupiers.

7.11 The current scheme involves a mix of 1 bed and studio units. New residential development should be compliant with Lifetimes Homes Standards and therefore a condition is recommended to ensure that the new accommodation reaches this standard.

Amenity Space

7.12 Adopted UDP policy HS.1 requires that 10 square metres of amenity space should be provided on-site, per habitable room, for the communal use of occupiers of new flats. Given that a total of 11 habitable rooms are proposed for the scheme, the Council would expect provision of 110 sq m of communal on-site amenity space. The current proposal provides 226sqm of shared outdoor amenity space at ground floor, laid mainly to grass with hedging around the boundary that defines private and public space to the Lower Green West site frontage. The scheme therefore more than meets the minimum standard for the provision of on-site amenity space. In order to make this space as usable and secure as possible the provision of railings on the rear boundary, which will allow for the hedge to continue to grow and provide a level of privacy for the occupiers is recommended and a condition is proposed to address this. Similarly in order to ensure adequate privacy to the front of the site, railings are posed. While details have not been submitted this may reasonably be addressed by condition.

Neighbour Amenity

7.13 The existing public house building is a two storey structure with rooms in the roof. There is no proposed change to the bulk or massing of the building and given the separation distances to the nearest dwellings in lower green West on the opposite side of a busy through route, no direct or adverse impacts are anticipated for any existing residential occupiers with regard to overlooking or noise levels.

7.14 Traffic, Parking and Servicing

Current central government guidance seeks to encourage use of sustainable travel modes and to reduce reliance on private car travel. The current scheme makes provision for 7 cycle parking spaces with 4 cars to the side of the building and this is in line with London Plan guidelines.

7.15 The Council's Transport Planning Officer has previously advised that the proposal for residential use must be subject to a standard condition to provide a Parking Management Strategy. On-street parking is controlled by double yellow line restrictions and the level of additional traffic generated by the residential units is unlikely to result in undue detriment to the existing highway conditions which already carry heavy traffic loads. Given the level of on-site parking, it is considered that the

development would be unlikely to result in adverse impacts for highway safety or increased demand for on-street parking to an extent that would warrant refusal of the scheme.

- 7.16 The proposed level of cycle parking is satisfactory with a separate area that has been allocated at ground floor for 7 cycle parking spaces although it is recommended that the layout will need to be secured by way of condition. The existing pavement and pedestrian areas have suffered damage from car parking in front of the building and in order to restore the footway to a safe and suitable surface that encouraged pedestrian and cycle use. In the event that a scheme for 7 flats were to be approved, S106 contributions of £500 per new unit, (total £3,500) would be requested towards sustainable transport improvements in the form of improvements to the footway surfaces outside the development.
- 7.17 It is considered that adequate facilities would be provided for storage and collection of refuse and recycling.

7.18 Planning Obligations

The adopted Supplementary Planning Document on Planning Obligations, guided by central government planning circular 05/2005, sets out the Council's approach to obtaining obligations designed to offset the impact of new development. The developer has agreed in principle to financial contributions in respect of the following "Heads of Terms": Sustainable transport, and drafting and monitoring costs.

7.19 None of the accommodation would be suitable for family occupation and no contribution toward off setting pressure on local education facilities would therefore be appropriate.

7.20 Local Financial Considerations

The proposal would be liable for the Mayor of London's Community Infrastructure Levy, the funds for which will be applied for by the Mayor towards the Crossrail project. The CIL amount is non negotiable and planning permission cannot be refused for failure to pay the CIL.

7.21 Archaeology and contaminated land

The proposal does not involve any demolition or excavation works and therefore the imposition of conditions relating to archaeology or land contamination are not considered appropriate.

8. <u>SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT</u> REQUIREMENTS

8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of an Environmental Impact Assessment (EIA).

9. CONCLUSION

9.1 It is considered that the proposal is acceptable insofar as it involves the provision of new residential accommodation at a location that is close to Mitcham town centre. There is no change to the existing appearance, height, size and siting of the building. The proposals would have no direct or adverse impacts on the setting of adjacent locally listed buildings, and would preserve the character and appearance of the Mitcham Cricket Green Conservation Area. The principle relating to the loss of the vacant public house and the use of the site for residential purposes have previously been considered as acceptable by the Planning inspector and the current scheme raises no fresh issues in that respect.

<u>RECOMMENDATION</u> GRANT PERMISSION subject to planning conditions and the completion of a Section 106 Obligation covering the following heads of terms:

- 1. Provision of financial contribution towards sustainable transport improvements (£3,500)
- 2. The developer agreeing to meet the Council's costs of preparing, drafting and monitoring the Section 106 obligations.

And the following conditions:-

- 1. A.1 Commencement of development for full application
- 2. A.7 Approved plans Site location plan, 301, 303, 305.
- 3. B.4 Details of surface treatment
- 4. B5 Details of Walls/Fences
- 5. C.6 Refuse and re-cycling (details to be submitted)
- 6. D.10 External lighting
- 7. F.1 Landscaping/ Planting Scheme
- 8. F.2 Landscaping (Implementation)
- 9. H.3 Redundant crossovers
- 10. H.4 Provision of Vehicle Parking
- 11. H.7 Cycle Parking to be implemented
- 12. H.11 Parking Management Strategy
- 13. J.1 Lifetime Homes
- 14. J.3 Level Access
- 15. Non standard condition An air quality assessment shall be undertaken and submitted to the Council before development commences. The assessment report, which should include dispersion modelling, shall be undertaken having regard to all relevant planning guidance, codes of practice, British Standards for the investigation of air quality and national air quality standards. The assessment report shall include recommendations and appropriate remedial measures and actions to minimise the impact of the surrounding locality on the development. A scheme of proposed remedial measures shall be submitted for the

Council's approval and implemented to the satisfaction of the Council, prior to the occupation of the residential properties.

Reason: To safeguard the amenities of occupiers of the development hereby approved and ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.

16. Non standard condition; Due to the potential impact of the surrounding locality on the development, 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 surrounding locality on the development. 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 occupation of the residential properties. Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.

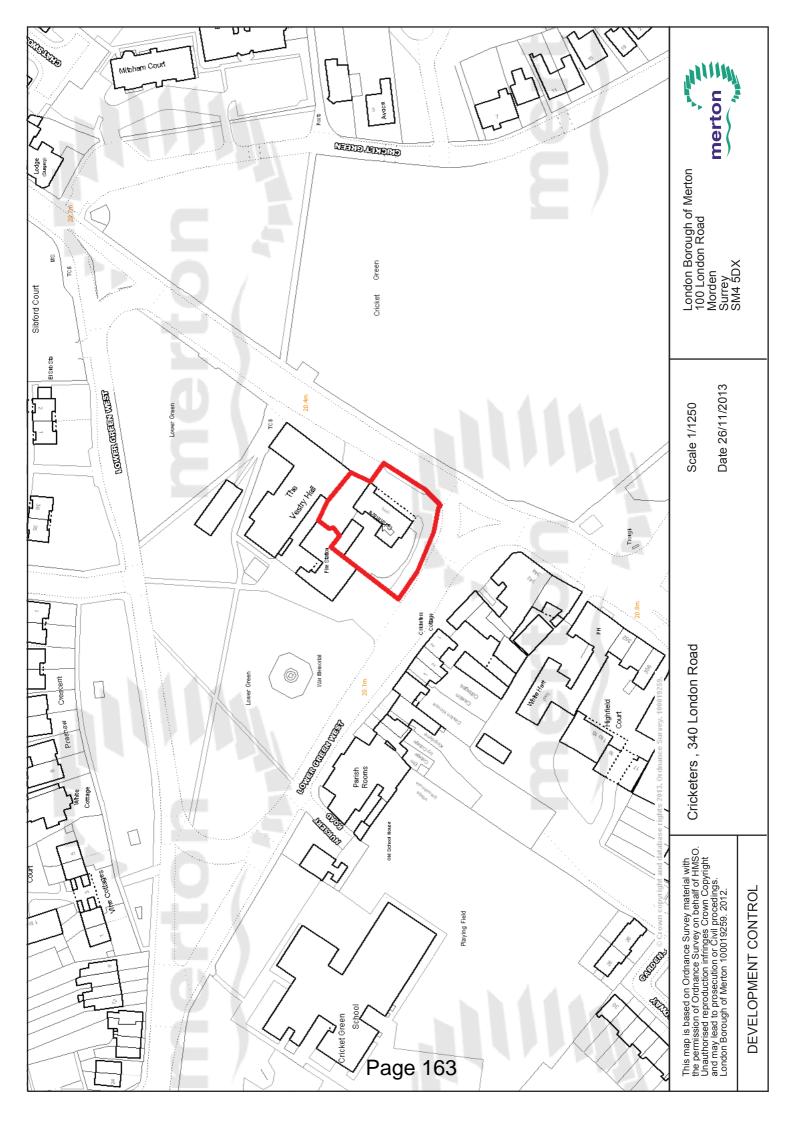
Informative INF 9:

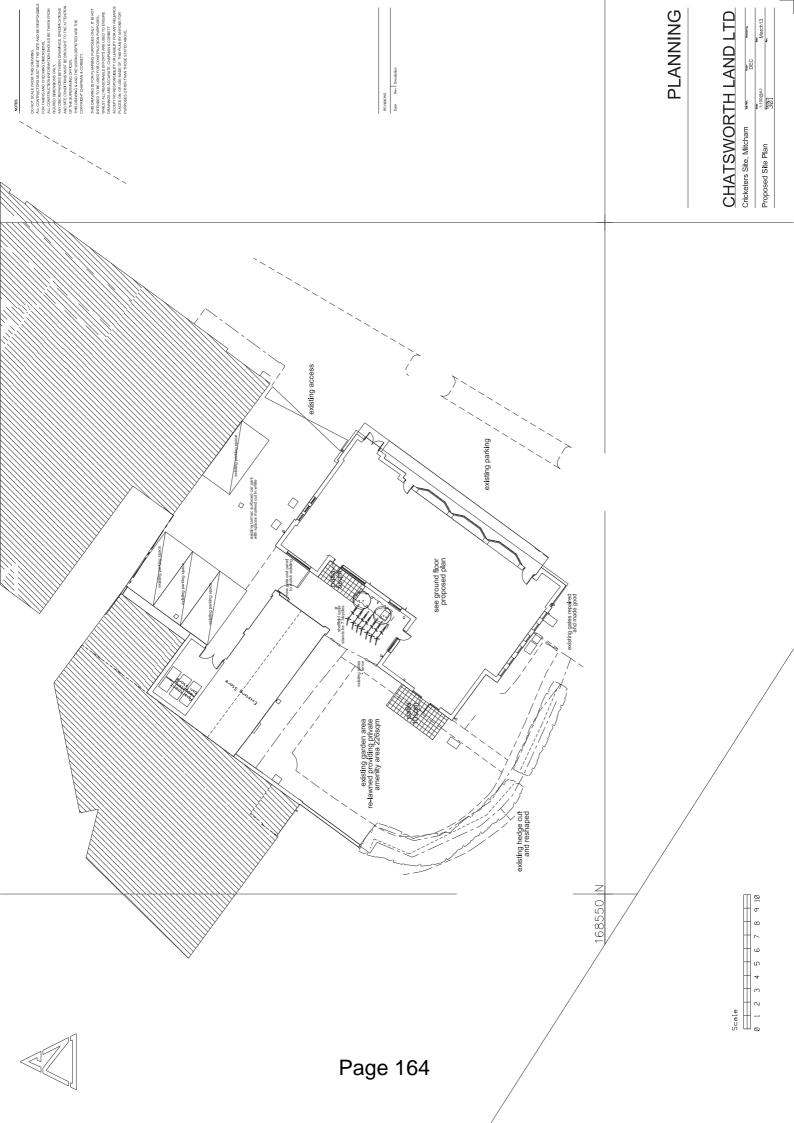
You are advised to contact the Council's Highways team on 020 8545 3700 before undertaking any works within the Public Highway to obtain the necessary approvals and/or licences. Please be advised that there is a further charge for this work.

Non standard Informative: Due to historical land uses in the Mitcham area, should any possible sources of ground contamination be found during the development works, Merton's Environmental Health Service (020 8545 3944) should be notified and

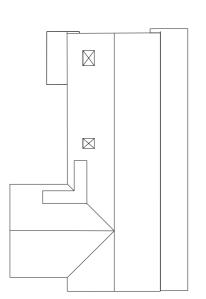
Informative INF 27 CIL

NPPF Informative





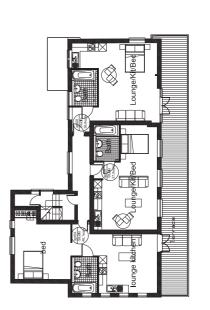
Second Floor Plan



Roof Plan

CHATSWORTH LAND LTD Cricketers Site, Mitcham

Proposed Floor Plans



First Floor Plan

		l	10
	ŀ	H	6
	H	H	œ
	ŀ	H	7
	H	H	9
	H	H	2
	ŀ	H	4
	ŀ	H	3
	ŀ	ŀ	2
Scale	ŀ	ŀ	-
Ο̈	L	L	0

Ground Floor Plan Page 165

