

PLANNING APPLICATIONS COMMITTEE 14 FEBRUARY 2019

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
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18/P3505	09/11/2018
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Address/Site: 6-12 London Road,
Morden,
Surrey,
SM4 5BQ

Ward: Merton Park

Proposal: Continued use of Units 6 – 10 as a shop (use class A1) together with additional use as a tuition centre (use class D1) and flexible office space (use classes A2 and B1a). Toilet block to the rear of Unit 12 to remain as existing.

Drawing No.'s: AD/18/LON6_D1/PL01; AD/18/LON6_D1/PL02;
AD/17/LON6_D1/PL00; and AD/18/LON6_D1/PL00.

Contact Officer: Thomas Frankland (020 8545 3114)

RECOMMENDATION

Grant planning permission subject to conditions.

CHECKLIST INFORMATION

- S106: N/A
- 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: 2
- External consultations: 11
- Controlled Parking Zone: Yes (front of site only)
- Flood zone: Flood Zone 1
- Conservation Area: No
- Listed building: No
- Protected Trees: 0
- Public Transport Access Level: 6a

1. **INTRODUCTION**

- 1.1 This application is being brought to the Planning Applications Committee for determination because it departs from adopted planning policy and is therefore, not for officers to determine under the Council's scheme of delegation to officers.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site is located to the north-west of London Road, within Morden town centre. It consists of three units (numbers 6, 8 and 10 London Road) in the middle of a row of two storey retail units, together with a toilet and lift block located behind number 12 London Road. In total, the site measures 356m². It does not include any car parking spaces.
- 2.2 Morden town centre hosts a range of retail, business and employment uses, as well as public transport facilities. Beyond the town centre, the area is largely residential.
- 2.3 The site forms part of a Core Shopping Frontage within Morden's designated Primary Shopping Area. It has a PTAL of 6a (very high). The site is located on a section of transport for London's strategic road network with a pavement, cycle way and then double red line (no parking at any time) parking restrictions to the front of the site To the rear is a service road connection with Kenley Road and serving the applicant site and neighbouring units. The section of Kenley Road adjoining the service road is subject to single yellow line (no parking in working day) parking restrictions.

3. **CURRENT PROPOSAL**

- 3.1 The proposal is for continued use as a shop (class A1) with an additional use as a tuition centre (class D1) and flexible offices (classes A2 and B1a). It is intended that the additional tuition centre and office uses would be permitted such that in the event of these additional uses ceasing, the site would return to a singular use as a shop without the need for further planning permission.
- 3.2 It is proposed to alter the internal layout of the building, by way of the introduction of partition walls, to facilitate the additional uses. No alterations are proposed to the shopfront or the rear elevation.

Use	Monday to Friday	Saturday	Sunday and Bank Holidays	Unknown
A2 - Financial and professional services	Start Time: 08:00 End Time: 21:00	Start Time: 08:00 End Time: 21:00	Start Time: 08:00 End Time: 20:00	
D1 - Non-residential institutions	Start Time: 08:00 End Time: 21:00	Start Time: 08:00 End Time: 21:00	Start Time: 08:00 End Time: 20:00	

- 3.3 The applicant has indicated that the tuition centre would provide employment for two persons full time and three persons part time. The proposed offices are not being provided for a specific occupier but would instead be offered on the rental market, so the number of persons employed would depend on the nature of any businesses who choose to rent them. The applicant has not therefore, provided employment figures for these uses. The GLA London

Employment Sites Database Report May 2016 estimates 1 person per 11.3 sq.m of GIA for B1 offices in Outer London (https://www.london.gov.uk/sites/default/files/lesd_final_report_may-2016.pdf) which would potentially generate five to six jobs.

3.4 At the time of making the application the uses had not commenced, although works were taking place in the premises including creating partitions and decorating.

3.5 In support of the application the applicant advises that:

- During Summer 2017 the (retail) business did not pick up, and sales started declining;
- Sales unfortunately reduced to the point of needing to close down;
- There were difficulties in paying bills and employing more than 2 staff in the shop;
- Enquiries were received asking to rent office spaces so that they can use the premises to offer private lessons;
- The (retail) business closed in May 2018.

And suggest that:

- The proposals will benefit the local economy.

4. PLANNING HISTORY

6-12 London Road

4.1 87/P0114: Installation of an illuminated fascia sign to retail premises.
Planning Permission Granted

4.2 09/P1483: Change of use of the first floor of the former Woolworths store from a stock room to a function hall with alterations to the front elevation.
Withdrawn

4.3 09/P2331: Change of use of the first floor from a stock room used in connection with the ground floor retail unit to a function hall (use within class D2) including alterations to London Road elevation and use of part of yard to rear for refuse storage.
Planning Permission Granted

4.4 10/P0821: Application for discharge of condition 2 (materials), 3 (refuse storage), 4 (cycle parking) & 6 (sound proofing) attached to LBM planning application 09/P2331 dated 16/12/2009 relating to the change of use of the first floor from a stock room used in connection with the ground floor retail unit to a function hall (use within class D2) including alterations to London Road elevation and use of part of yard to rear for refuse storage.
Conditions Discharged

4.5 10/P3219: Application for the variation of condition 5 attached to LBM planning application 09/P2331 dated 16/12/2009 the business can currently open between 9am and 11pm Fridays and Saturdays and between 9am and 8pm on other days. The current proposal seeks to extend this to between 9am and 2am

Fridays and Saturdays and 9 am and 10.30 pm other days.
Refused

Reasons for refusal: The proposed extension of opening hours for the existing function hall [Use Class D2] by reason of the proximity of nearby residential properties and the existing rear access has the potential to result in undue noise nuisance that will be detrimental to the amenities of adjacent residential occupiers, contrary to policy PE.2 of the Adopted Unitary Development Plan 2003.

- 4.6 13/P3300: Application to vary condition 5 (hours of use) attached to LBM planning permission 09/P2331 (dated 16/12/09) in connection with the continued use of the first floor as a function hall (use within class D2) by extending the Sunday-Thursday closing times from 20:00 to 22:30 and Friday and Saturday closing times from 23:00 to 00:30.
Refused.

Reasons for refusal. The proposed extension of opening hours for the existing function hall [Use Class D2] by reason of the proximity of nearby residential properties and the existing rear access has the potential to result in undue noise nuisance that will be detrimental to the amenities of adjacent residential occupiers, contrary to policies 7.15 of the London Plan (2011) and PE.2 of the Adopted Unitary Development Plan (2003) .

Appeal Allowed

- 10 London Road
4.7 17/P3535: Change of use from A1 to mixed A1/A2 and the erection of a single storey rear extension.
Planning Permission Granted

- 12 London Road
4.8 16/P3766: Change of use from A1 to A1 and A2 mixed use.
Planning Permission Granted

6-12 London Road (street view)



5. CONSULTATION

- 5.1 Public consultation was undertaken by way of site and press notices (Departure from the Development Plan) and by post sent to neighbouring properties – no representations were received.

Internal consultees

- 5.2 Transport Planner: No objection.

External Consultees.

- 5.3 Transport for London. Comments awaited..

6. POLICY CONTEXT

6.1 London Plan (2016)

Relevant policies include:

- 2.15 Town Centres
- 4.2 Offices
- 4.7 Retail and Town Centre Development
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture

6.2 Merton Local Development Framework Core Strategy – 2011 (Core Strategy)

Relevant policies include:

- CS 3 Morden Sub-Area
- CS 7 Centres
- CS 12 Economic Development
- CS 13 Open Space, Nature Conservation, Leisure and Culture
- CS 15 Climate Change
- CS 20 Parking Servicing and Delivery

6.3 Merton Sites and Policies Plan – 2014 (SPP)

Relevant policies include:

- DM R1 Location and Scale of Development in Merton's Town Centres and Neighbourhood Parades
- DM R4 Protection of Shopping Facilities within Designated Shopping Frontages
- DM C2 Education for Children and Young People
- DM E1 Employment Areas in Merton
- DM E2 Offices in Town Centres
- DM E4 Local Employment Opportunities
- DM D2 Design Considerations in all Developments
- DM D3 Alterations and Extensions to Existing Buildings
- DM T2 Transport Impacts of Development

DM T3 Car Parking and Servicing Standards

6.4 Supplementary planning considerations

National Planning Policy Framework 2018

- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centres.
- 9. Promoting sustainable transport
- 11. Making effective use of land

Accessible London: Achieving an Inclusive Environment SPG 2014 (London Plan)

Merton Employment and Economic Land Study 2010

GLA London Employment Sites Database Report May 2016

7. **PLANNING CONSIDERATIONS**

7.1 Key planning considerations.

The key planning considerations include:

- Principle of development.
- Loss of retail unit.
- Provision of educational and office uses.

Principle of development

7.2 Morden's Primary Shopping Area consists of defined core and secondary frontages that place retailing and social activity at its heart, with other town centre uses, such as financial and professional services, leading away from it. Accordingly, proposals to introduce offices (class B1a) and financial and professional services (class A2) are directed away from the core frontages entirely, while community uses (class D1) may be supported but only where the site has been unsuccessfully marketed for retail purposes for a continuous period of at least 12 months.

7.3 Given that the site forms part of a core frontage, there is a fundamental conflict between the Council's policies and the proposed development, which seeks to replace most of the site's existing retail floor space with flexible B1a/A2 offices. However, the overriding aim of the development plan, in respect of town centres, is to enhance their vitality and viability by encouraging people to shop there. If it can be demonstrated that the proposed development would not conflict with this aim, it is possible that it could be supported.

Loss of Retail Unit

7.4 Policy CS 12 of the Core Strategy and Policy DM E1 of the SPP seek to promote employment opportunities both locally and regionally. Policy DM E4 of the SPP favours proposals that will increase the number of employment opportunities in the borough as well the provision of more highly skilled and higher earning jobs.

- 7.5 Policy DM R4 of the SPP states that proposals for a D1 use to occupy and A1 retail unit within core shopping frontages may be permitted subject to: the site being marketed for A1 use for at least 12 months; at least 50% of the units in the frontage being retained for A1 purposes; and the proposed use not detracting from the primary retail function of the area. It directs B1a and A2 uses away from the core frontages.
- 7.6 The site has been vacant since summer 2018 after the most recent occupier, “Timmy All-In-One” (a general goods store), closed down. It is understood that the site was not formally marketed for A1 purposes following their departure. However, work commenced to divide the shop floor into smaller rooms (as per the currently proposed plans) and this work is now substantially complete. It is understood that some tuition services have already been offered on the site on a small scale, informal basis.
- 7.7 The Merton Employment and Economic Land Study (2010) identified that the financial and other business services sector grew significantly in the 2000’s and that provision of these services within the borough is higher than the South London average. This suggests that the borough offers some competitive advantage for these businesses and that demand for premises will be higher than usual. Provision of retail and education was closer to the average.
- 7.8 While retention of retail units within core shopping frontages is a priority, it is considered that there would be greater demand for financial and professional services or other business services to occupy the site in the foreseeable future. It is also noted that the site lies towards the end of the frontage away from the tube station, where footfall is lower. This is likely to make it less attractive to a retail occupier than sites closer to the station. Were alternative uses to retail not considered, then it is possible that the site could remain vacant, leading to a deterioration of the vitality of the centre overall.
- 7.9 Furthermore, the site is adjacent to an existing accountant’s office and a hairdressers, with an accident claim specialist occupying the end unit in the frontage. In this context, it is not considered that the proposed uses would detract from the designation of the retail function of the area.
- 7.10 Although the proposed uses are not retail orientated, they would nonetheless be uses which would generate employment (2 full-time and 3 part-time staff within the tuition centre, plus any additional staff associated with the office uses). It is considered that the benefits of the uses in creating employment opportunities would be of greater community and economic benefit than the unit being left vacant. Therefore, a deviation from planning policy is considered to be acceptable in this instance. Should planning permission be granted for the proposal, it is recommended that a condition be imposed requiring a return to the A1 use upon cessation of the additional uses.

Provision of Educational and Office Uses

- 7.11 While policy DM R4 of the SPP directs office and cultural uses away from Core Shopping Frontages, the overriding aim of policies relating to town centres is to enhance their vitality and viability. Policy 2.15 of the London Plan states that planning decisions should accommodate economic growth through intensification and selective expansion, as well as support the competitiveness, quality and diversity of town centre uses, including retail, employment and other consumer or public services. The Council's own policies which are applicable to Morden Town Centre reiterate these principles.
- 7.12 In particular, Policy CS 7 of the Core Strategy encourages a range of uses to locate in centres, including retail, cultural, offices and other uses which might contribute to its vitality. Such development should be commensurate with the scale and function of the centre concerned and should respect or enhance its character.
- 7.13 The applicant in this case is the current leaseholder of the site, and is seeking to find a viable use for the space following the departure of the most recent retail occupier. As such, no alternative premises have been considered for the proposed uses.
- 7.14 It is considered likely that use of the site would be fairly consistent throughout the day. Although all of the uses would have the same opening hours, the offices would generally be busiest during normal office hours, with the peak hours for the tuition centre being during the evenings and at weekends. It is therefore, considered unlikely that the proposed use would interfere with the operation of the neighbouring business units.
- 7.15 Although within relatively close proximity to a residential area to the north-west, it is considered that the proposed uses could operate without resulting in any disturbance over and above the existing retail use of the site. It is also noted that there is an accountant's office adjacent to the site.
- 7.16 Furthermore, there is a function hall on the first floor of the application building, which has opening hours of: 09:00 to 22:30 Sunday to Thursday; 09:00 to 00:30 on Fridays and Saturdays; and 09:00 to 20:00 on bank holidays. These hours exceed those proposed under this application and it is likely that the function hall would generate considerably more noise and activity than a tuition centre or offices.
- 7.17 Having regard to the above, it is considered that the uses currently proposed could operate without being detrimental to the amenities of residents.

Transport Considerations

- 7.18 Although the proposed uses have the potential to attract more users to the site at any one time than the existing retail use, the site lies in an area with very high public transport accessibility (PTAL 6a), which means it is readily accessible by means other than private car. In light of this, together with the

availability of pay and display parking in the area, it is not considered that the lack of any off-street parking would cause any unacceptable impact on the highway network. No objection has been raised from Transport officers on these matters.

- 7.19 Furthermore, it is considered that the proposed uses as offices and a tuition centre would require far less intensive servicing than the existing retail unit. In light of the fact that the service road to the rear of the site is narrow and congested, it is considered that the proposed uses would be better suited to the site than the existing use in this regard.

8. CONCLUSION

- 8.1 The proposal will involve alterations and improvements to a retail unit, providing educational and office facilities that will generate additional employment, training and consumer opportunities within a designated town centre. The specific operational requirements of the use are considered to be commensurate with the central location and high accessibility of the site and it is not considered that the proposed uses would be detrimental to the amenities of surrounding businesses and residents. Taking into consideration these factors, the proposed use of the site for a tuition centre and flexible offices is preferable to the site remaining vacant.
- 8.2 There are no other policies in the development plan which indicate the application should be refused. Therefore, it is recommended to grant planning permission subject to conditions.

RECOMMENDATION

Grant planning permission subject to the following conditions:

1. A1: The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.
2. A7: The development hereby permitted shall be carried out in accordance with the following approved plans: AD/18/LON6_D1/PL01; AD/18/LON6_D1/PL02; AD/17/LON6_D1/PL00; and AD/18/LON6_D1/PL00.
3. E05: In the event that the areas labelled "D1USE" on the approved plans cease to operate as a tuition centre, the use shall revert to a use within Class A1 (retail).
4. E05: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the areas labelled "A2/B1a" on the approved plans shall be used only as flexible office space for uses falling within classes A2 or B1a and for no other uses whatsoever. In the event that these areas are no longer used

for flexible office space, the use shall revert to a use within Class A1 (retail).

5. D01: The D1, A2 and B1a uses hereby permitted shall operate only between the hours of 08:00 to 21:00 Monday to Friday, 08:00 to 21:00 on Saturdays, and 08:00 to 20:00 on Sundays and Bank Holidays.
 6. D03: No music or other amplified sound generated on the premises shall be audible at the boundary of any adjacent residential building.
 7. D10: Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.
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[Click here](#) for full plans and documents related to this application.

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