

Agenda Item 6

PLANNING APPLICATIONS COMMITTEE 13th February 2014

Item No:

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
57/22/1623/027	13/P2722	12 th Nov 2013

Address/Site The Former Atkinson Morley Hospital and The Firs, Copse Hill, SW20

(Ward) Village

Proposal: Application for Variation of Condition 2 attached to LBM Planning Application 11/P0346 dated 08/12/2011 (as amended by 12/P0537) relating to the redevelopment of the former hospital and the Firs for residential and recreational purposes

Variation of approved drawings listed in Condition 2 in order to substitute 8 detached and semi-detached houses (H10-H17) to the south of the former main hospital building with 2 residential blocks providing a total of 30 apartments, relocation of basement car park from in front of the former hospital to the rear, minor reconfiguration of apartments within main hospital building and revisions to the landscape masterplan including 7 additional car parking spaces to the north of the hospital building.

Drawing No.s Application form, cover letter Aug 2013, Planning and Heritage Statement, Transport Addendum, Design and Access Statement Addendum, Arboricultural Implications Addendum, Site Location Plan (4442_A_05), Proposed Overall Landscape Masterplan (W105596L01#), Hospital Site Masterplan (W105596L12D), Proposed Basement Car Park, Ground, First, Second, Third and Fourth Floor and Roof Plan (4442-D-10H, 11H, 12H, 13H, 14H, 15H, 16H) Proposed Context Elevations and Sections and Typical Wing Elevations (4442-D-20H, 21H, 22H, 23H, 24H) Proposed Revised Parking Strategy (4442-D- 30A), Additional Information Cover Letter (Oct 2013), Turkington Martin letter (18 Oct 2013), TTP letter (18 Oct 2013), accommodation schedule, MOL land swap proposals (4442-D-09K), Underground car park approach plan and section (131-D02-C), Podium Courtyard MOL section (131-D03), Courtyard Design (131-SKP01), Courtyard

section 131-D01, MOL Approach Bin Enclosure, Green Space NW of hospital building, Viability Statement (confidential), Viability summary, Berkeley letters dated 17th January and 24th January 2014 and associated plan.

Contact Officer: Susan Wright (020 8545 3981)

RECOMMENDATION

GRANT Variation of Condition 2 (list of approved drawings) attached to Planning permission 11/p0346 subject to variation of original S.106 legal agreement

CHECKLIST INFORMATION

- Is a screening opinion required:- Yes
- Is an Environmental Statement required:- No
- Press Notice:- Yes
- Site Notice:- Yes
- Design Review Panel:- Yes
- Numbers of neighbours consulted- 359

1.0 INTRODUCTION

This report comes before Members because of the number of representations received, the encroachment upon a small portion of the MOL for which compensatory land is being offered as well as the need for a deed of variation in relation to the original S.106 legal agreement.

2.0 SITE AND SURROUNDINGS

2.1 The planning permission site to which this variation of condition application relates covers approximately 10.12 hectares, and is situated on the south side of Copse Hill, extending southwards towards Cottenham Park Road, West Wimbledon. The site slopes steeply from north to south.

2.2 It comprises 3 main areas-

- the former Atkinson Morley hospital building and associated ancillary buildings and parking areas, approximately 1.59 hectares
- The Firs former nurses' accommodation further to the west along Copse Hill, approximately 0.52 hectares, separated from the main hospital by the Wolfson Rehabilitation Centre, which is not part of the application site
- the Metropolitan Open Land (MOL) associated with the hospital and The Firs, approximately 8 hectares

- 2.3 The changes proposed relate only to that part of the site containing the former Atkinson Morley hospital building and the land immediately to the south, all of which is located within the Copse Hill Conservation Area.
- 2.4 The original locally listed mid-19th century hospital building, with its side wings and central tower, forms the shape of a T. It is constructed over 3 to 4 levels including the lower ground floor. Numerous extensions and alterations were made to the original building, along with the addition of a number of modern freestanding buildings providing additional hospital floorspace. They were unsympathetic to and detracted from the appearance of the original hospital building and have now been removed by the applicant. The hospital use ceased in 2003 and the main building fell into some considerable disrepair prior to its acquisition by Berkeley.
- 2.5 A footpath runs from Copse Hill (to the west of the main hospital building) through the woodland to connect with Cottenham Park Road. At the Cottenham Park Road end of the footpath is a parking area previously used by the Wolfson Rehabilitation Centre, now very overgrown. Although a private footpath, it has been informally used by local residents to connect between the two roads and is required to be retained as a public pedestrian/cycle route through the extant planning permission.
- 2.6 The woodland to both sides of the north/south footpath as well as the south lawn (which is an area of acid grassland) is designated as a Site of Importance for Nature Conservation on the retained UDP (Oct 2003) Proposals map. All of the trees on the whole of the application site are covered by Tree Preservation Orders Merton (No.366) Preservation Order 2003 and Merton (No. 376) Tree Preservation Order 2004, and those on the main hospital site and within the MOL are also covered by the Conservation Area designation.
- 2.7 The northern half of the site falls within an Archaeological Priority Zone and the site is designated within the retained UDP (Oct 2003) as site 51P, with a proposed use of residential and community/employment, open space, nature conservation and recreation. The site is the subject of site specific Supplementary Planning Guidance in the form of a Planning Brief, 'Atkinson Morley hospital site July 2003'.
- 2.8 The surrounding area is predominantly residential, generally characterised by large detached houses along Copse Hill and semi-detached and terraced housing along Cottenham Park Road and adjoining roads to the south. The boundaries of the site are with Copse Hill to the north, the gardens of houses in Prospect Place, Heights Close, Cranford Close and Barclay Mews to the east, Cottenham Park Road to the south, Oberon playing fields, houses in Lindisfarne Road and Copse Hill to the west.

3. CURRENT PROPOSAL

Background

- 3.1 Planning permission was granted on 8th December 2011 for the redevelopment of the former Atkinson Morley hospital site and hospital staff accommodation at the Firs, Copse Hill to provide 79 residential units, 144 car parking spaces (56 within a basement car park sited between the Copse Hill boundary and the main hospital building) along with resurfacing and drainage of existing sports pitches, creation of a new ecological area, new sports pavilion and cottage, north/south public pedestrian/cycle route and transfer of open space into public ownership secured through a legal agreement. The 79 residential units were made up of 51 private units (25 houses and 26 flats within the converted hospital) and 28 affordable flats and maisonettes. To date, the new bus turning facility has been provided and the 8 detached houses on The Firs, forming Phase 1 of the development, are nearing completion. On the main hospital site, the unattractive later additions to the original hospital building have been demolished.
- 3.2 The main hospital building had suffered a period of neglect prior to Berkeley's purchase of the site in 2010. Remedial works were carried out immediately on grant of planning permission to prevent further deterioration. However, Berkeley have advised that there has been a significant increase in the costs forecast to convert the hospital building - whilst informed allowances were made at the time of the submission of the original application, removal of the later unsympathetic extensions added to the original building and soft strip of the hospital has allowed more detailed intrusive investigations to take place into the condition of the building.
- 3.3 The primary cause of the uplift is the significant structural works required to make the building safe. Although it was anticipated that some of the Victorian foundations would be in poor condition, the trial pits around the building have not only revealed that its foundations have completely deteriorated in some areas and are so weak in others that they can be broken away by hand, but also that there are wide variations in the level of deterioration. This is significant because whereas general deterioration would lead to a natural settling, random weak points result in a twisting pressure to the structure. These investigations were not possible until the later hospital extensions had been removed. The result is that more complex, costly and time consuming remedial work is required than was originally anticipated. Securing the building will require the installation of over 600 concrete piles, 15m deep across the entire building footprint followed by the installation of a new transfer slab.
- 3.4 The approved basement car park at the front of the site required a connection into the existing basement within the hospital building. This is no longer considered to be possible due to the structural condition of the main building.

- 3.5 The lack of sensitivity when later additions were added to the original facade, making external walls internal, has now been revealed with their removal. This affects very extensive areas of the lower facade. The trial removal of parts of the render and paintwork has shown that the original brickwork was scored to apply the original plaster. The repair of these areas will be time consuming and costly and will need to be carried out by hand. In addition, the existing upper facade is severely degraded and a test clean has revealed that it will need to be hand cleaned with an acid wash.
- 3.6 The extent of remedial works to the hospital building and the methods required are not only more costly but more time consuming than anticipated, resulting in an uplift in conversion costs in the region of £3.65m. A breakdown of costs has been provided for independent assessment by the Council. The result is that the originally consented scheme is no longer considered to be financially viable to deliver. Berkeley have reviewed the original scheme within the context of the additional cost of safeguarding the hospital building and restoring viability.

Proposed Changes

- 3.7 The current planning application proposes a variation of the drawings listed in Condition 2 attached to planning permission 11/P0346 (as varied by 12/P0537) in order to substitute 8 detached and semi-detached houses (H10-H17) to the south of the former main hospital building with 2 residential blocks providing a total of 30 apartments, relocation of the basement car park from in front of the former hospital to the rear, minor reconfiguration of apartments within the main hospital building resulting in 1 additional unit and revisions to the landscape masterplan including 7 additional car parking spaces to the north of the hospital building. The revisions would result in an increase in the total number of units for 79 to 102.
- 3.8 The main proposed changes are therefore concentrated in the area to the south of the hospital building. Instead of 3 pairs of semi-detached houses and 2 detached houses in a linear formation directly to the north of the MOL boundary, sitting parallel to and between the rear of the main hospital and the south lawn, there would be two new detached blocks sitting at right angles to the main hospital, placed either side of the main central facade. Underneath the two blocks would be an 82 space basement car park with 50 cycle racks serving the 27 apartments within the converted hospital and the 30 apartments in the new blocks.
- 3.9 The two blocks are identical, each comprising 15 flats served by a lift and staircase coming up from the basement. In each block there are 2x 2bed flats and 2x 3bed flats at ground floor and at first floor, 1x 2bed and 2x 3-bed at second floor and 4x 3 bed duplexes arranged over 3rd and fourth floor levels. All apartments have some form of private

amenity space. The principal materials are yellow London stock with a natural slate roof.

- 3.10 The blocks are separated by a 41-45m wide landscaped courtyard on top of the basement providing views through to the rear central facade and a green link through to the south lawn.
- 3.11 The ground floor would be set at the same level as the ground floor of the main former hospital building, with 1st-3rd floor levels above and a fourth within the roof space. The roofing follows the same pitch as the existing hospital wings but the eaves are lower and the proposed ridge height is approximately the same height as the eaves of the original wings, maintaining the hospital as the tallest building.
- 3.12 Siting the blocks so that they do not obscure the rear main central facade of the hospital results in an incursion into the Metropolitan Open Land of 173.5 sq m. One of the original pre-application options showed no incursion but resulted in a much reduced courtyard, the obscuring of a significant proportion of the main central facade and a poorer relationship with the apartments within the hospital. The MOL incursion is intended to be compensated with an MOL boundary landswap of 620 sq m to be incorporated within the new development plan, involving land to the east and south of the hospital, with a net increase of 446 square metres.
- 3.13 The relocation of the basement car park from the front to the rear of the hospital building will have little visual impact on the Copse Hill frontage, however, the relocation of the new hospital stair cores from the front of the building to the rear, opposite the new blocks, will result in the front hospital elevation being reinstated to its original appearance.

4. **PLANNING HISTORY**

- 4.1 Atkinson Morley hospital opened as a convalescent home in 1869 and by the 1950's had become one of the foremost neurosurgical hospitals in the country. In 1953, permission was given for the formation of private playing fields for use by the hospital, including erection of a pavilion. In 1961, permission was given for the bungalow on the playing fields. Numerous planning permissions were granted from the 1950's onwards for various extensions and outbuildings in association with the hospital use of the site.
- 4.2 In the mid-1960's, The Firs was demolished and replaced with purpose-built staff accommodation for the hospital bearing the same name. Situated between The Firs and the main hospital site (outside the current application site), the Wolfson Neurorehabilitation Centre opened in 1967.
- 4.3 Since the designation of the Copse Hill Conservation Area in 1990, which includes all of the main hospital site, there have been numerous

applications for tree works, and various trees were made the subject of Tree Preservation Orders (Merton(No.366) Preservation Order 2003 and Merton (No. 376) Tree Preservation Order 2004.

- 4.4 The hospital closed in 2003 when neurology services were moved to a purpose built wing of the main St George's Hospital site in Tooting.
- 4.5 In August 2003, duplicate applications (03/P1746 and 03/P1758) were submitted for the redevelopment of the Atkinson Morley hospital, The Firs and the hospital sports ground. They proposed 102 residential units ranging from 2-5 storeys on the main hospital site, involving demolition of the ward wings, 47 flats and houses on The Firs, replacement bus turnaround, 206 parking spaces and 7.9 hectares of public open space. They were accompanied by duplicate Conservation Area Consent applications for demolition of 51 buildings including the hospital wings (03/P1755 and 1759). They were withdrawn following grant of planning permission for applications 04/P2678 and 04/P2684 (see below).
- 4.6 04/P2678 and 04/P2684 - Members resolved to grant planning permission at Planning Applications Committee in Oct 2005 on the site of the Atkinson Morley hospital and The Firs for a total of 94 residential units across both sites, including 28 affordable units, creation of a new bus turnaround, 765 square metres gym and 144 car parking spaces and retention of 30 car parking spaces for use by the Wolfson Centre. The resolution was subject to completion of a legal agreement for 30% affordable housing, transfer of the MOL to the Council with a contribution towards maintenance costs, provision of a bus turning facility and north/south cycle/footpath to be designated public highway, sustainable transport contribution, traffic calming on Copse Hill, contribution towards play facilities, retention of car parking adjacent to Cottenham Park Road for use of the MOL land on cessation of use of the Wolfson Centre, education contribution, and payment of council's legal and monitoring fees. The legal agreement was signed and planning permission was issued on 3rd April 2006.
- 4.7 07/P1347 and 07/P1344 – Members resolved to grant planning permission in December 2007 for alterations, extensions and new buildings in association with continued use of the site for hospital purposes, creation of a new bus turnaround, provision of 131 parking spaces, re-use of lower field in south-west corner as sports pitches and refurbishment of tennis courts with public access, new footpath and cycleway on different alignment to existing north/south path. The resolution was subject to a legal agreement for an Environmental Management Plan to safeguard the MOL, refurbishment of lower pitches, tennis courts and pavilion for use by the local schools and community, new footpath/cycleway for public use, bus turning facility and shelter dedicated as public highway, car parking management plan and travel plan, contribution towards local play facilities, retention of car park for use of pitches on cessation of use of Wolfson Centre as a

medical facility, payment of the Council's legal and monitoring costs. The legal agreement was drafted but was never signed, therefore no planning permission was issued.

- 4.8 The site was acquired from Laguna Quays by Berkeley Homes in 2010.
- 4.9 10/P2897 A section 73 planning application was submitted in late 2010 to vary the conditions attached to planning permission 04/P2678 (see 4.9 above) for the redevelopment of the main hospital and Firs site for 94 residential units. The application related to the 12 pre-commencement conditions (conditions required to be satisfied prior to works commencing on site). The application sought to vary the conditions in three ways (i) allow discharge of conditions on a phased basis in accordance with a submitted phasing plan showing 4 phases – 2 on The Firs and 2 on the main site, (ii) to amend the trigger point for submission of details for 9 of the conditions to establish that the details were not required prior to demolition works in a particular phase, only for works going beyond demolition, (iii) amalgamate 2 of the conditions relating to tree protection which overlapped to incorporate the requirements of both within one condition. On the basis that the purpose of the conditions – to allow the consideration and approval of details at a timely stage before such details are implemented on site remained intact, the application was approved in November 2010.
- 4.10 10/P3406 An application to discharge condition 16 (Tree Protection Plan) and condition 27 (MOL protection plan) for phase 1 of 04/P2678 (as amended by 10/P2897) was approved in December 2010. Demolition work in relation to phase 1 comprising four terraced houses close to the western boundary of The Firs took place in late February/early March 2011, involving demolition of one of the blocks of nurses' accommodation and a garage block. The site was visited by the Council's Development Control North Team Leader on 9th March 2011, who verified that the tree and MOL protection measures approved under Conditions 16 and 27 in relation to Phase 1 had been adhered to, and that the demolition work had taken place. Berkeley Homes were consequently advised that a valid commencement of works on site had taken place within 5 years of the grant of 04/P2678 on 3rd April 2006 (as it relates to Condition 1 and the duration of the permission).
- 4.11 11/P0050 An application to provide a replacement bus turning facility for the one currently outside the main hospital on Copse Hill, relocated to the west outside the Wolfson Rehabilitation Centre, was granted planning permission on 3rd June 2006. It is identical to that previously approved as part of planning permission 04/P2678 and was submitted by the applicant in anticipation that, if planning permission were to be approved for their intended revised residential application, for which pre-application discussions were underway, it would allow them to bring this element of the proposal forward more quickly.

- 4.12 11/P315 – An application to discharge conditions 16 (tree protection) and 27 (MOL protection) to allow demolition within phase 2 of 04/P2678 was approved on 10th June 2011, comprising the remaining blocks of nurses accommodation on The Firs site.
- 4.13 11/P0346 and 11/P0348 Members resolved to grant planning permission and Conservation Area Consent in July 2011 for demolition of extensions to former hospital building, existing outbuildings on the site and residential accommodation at The Firs. Residential redevelopment, including both new build and the conversion and refurbishment of the former Atkinson Morley hospital building, to provide a total of 79 residential units including 28 affordable dwellings, the provision of 261 square metres D2 (gymnasium) use, 144 car parking spaces, new access points from Copse Hill, landscaping and associated works. Resurfacing of existing 27 car parking spaces adjacent to Cottenham Park Road, Resurfacing and drainage of existing sports pitches. Refurbishment and extension of existing scout hut, replacement of existing sports pavilion with new changing room facility, demolition of existing cottage and erection of replacement cottage, landscaping, drainage works and other associated works. Planning permission was granted subject to a legal agreement for provision of 35% affordable housing within Blocks A, D and E, transfer of agreed areas of MOL (including scout hut land) to Council following completion of agreed MOL works (MOL works =Sports pavilion fully fitted out, south west sports pitch area restored to an agreed specification, creation of trim trail and landscaping/tree planting to perimeter , replacement cottage constructed, survey of woodland trees and detailed schedule of tree works to these and MOL boundary trees, removing deadwood and ivy, removing dead, dying and dangerous trees and alien/undesirable species and adding brash piles and hibernacula, eradication of invasive Japanese knotweed, replacement fencing where required around MOL including new scout hut land, utility connections to the cottage and pavilion, laying out of upper field as an ecological area with paths, attenuation pond designed to complement the ecological value, with landscaping and re-seeding works and laying out of new footpath link from the access road to The Firs for public access), sum of £360k for MOL dowry on transfer of land, £175.5k education and £39.5k sustainable transport contributions, n new north-south footpath and re-surfaced parking to agreed specification with lighting, signage and bollards to be completed prior to transfer of MOL land and transferred as dedicated highway, rental income from cottage ringfenced for MOL maintenance, routes through to MOL to be kept publicly available through The Firs to the ecological area and connection through main hospital site to north/south footpath, landscape management plan, management retained by residential estate and maintenance and management agreed for entire SUDS system including attenuation pond, control mechanisms and connections, car park adjacent to pavilion retained in association with playing fields on cessation of use of Wolfson centre. The S.106

agreement was signed and the planning permission was issued on 8th Dec 2011.

- 4.14 The pre-commencement conditions relating to Phase 1 (The Firs) of 11/P0346 have subsequently been submitted and approved and the 8 detached houses have been constructed as well as the bus turning facility for the 200 bus outside the Wolfson Centre. The extensions and outbuildings around the main hospital were demolished under the earlier 2004 Conservation Area Consent.
- 4.15 The Wolfson Centre was vacated by the NHS in February 2012. Berkeley acquired the site and was granted planning permission for 8 detached houses (12/P2157 and 12/P2164) in May 2013.

5.0 **CONSULTATION**

- 5.1 The applications were advertised by means of statutory major application site and press notices and conservation area press and site notices and the dispatch of 359 individual letters to neighbouring residents. The application was not required to be referred to the Secretary of State. A Stage I referral was made to the Mayor of London. The applicants organised residents' consultation meetings prior to and post submission of the application.

5.2 **Mayor of London**

The application is referable to the Mayor under Category 3D of the Schedule to the Town and Country Planning (Mayor of London) Order 2008 as it constitutes development on land allocated as Metropolitan Open Land in the development plan and which would involve the construction of a building with a floorspace of more than 1000 sq.m. Although the floorspace encroaching into the MOL is much less than this threshold, it is part of a larger building which does exceed it and is still therefore referable.

- 5.3 The GLA's Stage I response was received on 18th December 2013. It advises that the **Deputy Mayor considers that the principle of the Section 73 application is generally supported and that he is content for the Council to determine the application in accordance with strategic and local planning policy. The application does not need to be referred back to the Mayor.** The report accompanying the response advises that the key strategic planning issue is the principle of development on a small portion of Metropolitan Open Land and concludes that very special circumstances exist in this case and therefore the principle is not considered inappropriate.
- 5.4 The full report is included as an appendix to this report, however, they key points are as follows: it is noted that the additional costs of unforeseen works to the hospital building have resulted in the scheme becoming undeliverable in its current approved form, prompting the proposed revisions. These revisions create the opportunity to

reconsider the relationship between the locally listed hospital building and the southern lawn, which would effectively be severed by the approved row of contemporary houses. The two replacement blocks of 15 units each, offset to either side of the central face of the hospital building are in line with the height of the eaves and parapets of the wings to ensure that they remain subservient to the central facade. However, as a result of the proposed positioning, the south east corner of the proposed eastern block will partially encroach into designated MOL by 173.5 sq.m.

- 5.5 The proposed positioning of the blocks provides for a 41- 45m opening between the two buildings to enable the creation of a new landscaped courtyard providing new open views of the central hospital facade, previously obscured by unsympathetic extensions and would be blocked by the approved row of houses. The landscaped courtyard also creates a green link between the main hospital building and the MOL, enhancing the setting of the locally listed building, the open nature of the adjacent MOL and the wider Copse Hill Conservation Area, when viewed from the south. If the proposed blocks were to have a more central position preventing any incursion into the MOL, approximately 16-20 metres of the central facade would be screened and the resultant narrower courtyard would make a lesser contribution to the open nature of the MOL .
- 5.6 In addition, the applicant is willing to re-provide a comparable amount of land to be designated as MOL to compensate for the minor encroachment of the eastern building and currently proposes an area of 448.5 sq m, immediately to the north east of the eastern block and small areas to the south and west resulting in a net gain of 367 sq m of MOL. Whilst development involving the loss of MOL in return for new open space is not considered appropriate in relation to London Plan 7.17, when considered as part of the wider benefits to the setting of the hospital, the open nature of the MOL and the wider Conservation Area, this additional mitigatory measure is welcomed and should be secured in the Section 106 agreement.
- 5.7 In summary, it is considered that while the revised proposals result in a minor encroachment into the MOL, the revised building layout will have an overall positive effect on the open character of the adjacent MOL and the setting of the locally listed building and represents a positive improvement over the extant planning permission. In light of these special circumstances, the principle of development in the small section of MOL is accepted.

PUBLIC CONSULTATION- FIRST ROUND

Individual Resident Responses

- 5.8 In relation to the first round of consultation, 119 objections were received, the main grounds of objection being as follows:

- overdevelopment, density too high, increase from 79 to 101 units is too much, more than both originally approved 94 and later approved 79. Had the original scheme contained 2 5-storey blocks it would have been rejected. Houses required in this location not flats
- should not alter previous judgements on planning issues and impact on local residents because of unforeseen costs of works to hospital building. Cost of restoration should have been more thoroughly investigated
- Should be transparent estimates of cost increases and profits, together with council's view of whether an enhanced s.106 payment is warranted or some other community benefits.
- greater density and activity levels, noise, light, disruption to wildlife, unacceptable next to parkland and a site of nature conservation and ecological value, Should be environmental impact assessment, no landscape visual impact assessment and therefore does not comply with EU Regulations
- partial encroachment on MOL land in conflict with Council and GLA policies – should be compensatory swap of useful MOL elsewhere in the site
- additional traffic will place too much strain on Copse Hill, will affect peak hour queues, already difficult to cross Copse Hill and to access from side roads at peak times, safety of school children will be affected, should be a controlled crossing point
- height and design of apartment blocks unacceptable, out of character with the area, too over dominant from sensitive views in the park and on the north-south path and to the south, will detract from public views of hospital and overdominate south elevation, the approved application preserves the silhouette of the upper storeys and roofline
- greater impact on schools and other local facilities
- greater impact on Cranford Close and other properties to the south/southeast of the hospital site
- Inappropriate to deal with the changes through a s73 application – should be a full application, should give same recognition to residents as previous applications
- concern about pedestrian safety on the route to the new car park at the rear of the site – increase in length of road shared by cars accessing the car park and pedestrians and cyclists as well as increase in cars, should be a footpath/bike path to separate from traffic
- will lead to overspill parking in surrounding streets if insufficient parking provided

5.9 1 letter of support was received advising that they preferred the new scheme from a visual point of view.

5.10 **Local Groups and Organisations**

5.11 **LUNG**

Object on the following grounds-

- Understates the implications of the revised development by suggesting that it is a modification of a condition and the substitution of submitted drawings when it is a major change from 79 units to 101
- Replacement of 8x 3-storey houses with 2 blocks of 15 flats rising to 5-storeys results in increased mass and density, partly obscuring the roofline of the locally listed main hospital. The southern elevation of the car park is to be built entirely above ground level then backfilled to create a steep green wall, therefore the true height of the southern elevations is 5 storey plus the height of the car park.
- Visualisations are not the most representative. Views from the lower slopes of the private lawn to the south and the impact of the new roofline of the flats should be shown. The perceived height of the new flats would exceed that of the retained building roofline.
- The view of the hospital and flats from the private lawn would only be available to residents. The near views for the local community will be views of the eastern side of the flats from the north/south path and only long distance partial views of the southern elevation. As the blocks are longer than they are wide, their massing is far greater than the view from the public lawn and is not mitigated by any green banking.
- The footprint of the new development makes a substantial incursion into the MOL and the area of land proposed as a replacement is not adequate compensation, not being visible from public areas, already protected due to the presence of high grade TPO trees, and due to the proximity of the proposed eastern block, unlikely to be developed in any event .
- Development of a 5-storey block of flats within the MOL and abutting the SINC conflicts with Borough and London Plan policies, with a visually detrimental impact from noise, light and environmental pollution and disturbance to indigenous wildlife and trees
- Solely driven by financial needs of Berkeley Homes. Historic neglect of main hospital and degradation of fabric taken into account in the sympathetic approach of the local community to the intensity of the existing scheme. If the developer feels that it has further calls on the understanding of the community, they should be willing to share the extent of their additional commitments and seek to provide relevant compensation for the additional intensification sought and proposed erosion of valued significant open space and possible harm to the SINC lawn through contamination of the soil in the creation of a bund or ha ha.
- Understood that Merton has asked for improvements to the sports pavilion, which Berkeley have agreed to but neither the costs or the re-design have been shared with the public – they should be revealed as part of the consideration of the proposal. Claims of commercial confidentiality obscure balanced consideration of the new scheme.

If, in spite of the above, the Council is minded to approve this material change, it should not do so until appropriate compensation in terms of return to MOL of developed land or material contributions towards

enhancement of the MOL is agreed. Currently offered compensation of a small area of unusable land is meaningless.

5.12 North West Wimbledon Residents' Association (NWWRA)

Object on the following grounds:

- The additional units would not have been approved in 2011 and nothing has changed to warrant their approval
- The application is not a minor amendment since it does not amend the approved 79 units but adds additional units. Berkeley have stated that the units are required to address a 'mistake' in their original estimates. To allow this as a minor amendment is an abuse of the planning system and may be unlawful
- Believe that the traffic calculations grossly underestimate the congestion which will be created on Copse Hill at peak times
- The additional buildings will encroach further onto MOL
- Increased light, noise and other pollutants on a Site of Importance for Nature Conservation and a habitat for protected species
- Access to the car park would be via a route shared with pedestrians and cyclists with no separation which is clearly a safety issue

5.13 Residents' Association of West Wimbledon (RAWW)

The proposed changes are major including an increase in the number of units from 79 to 101 with 8 houses replaced by 30 flats in 2 blocks. The bulk and height is substantially increased from the approved scheme. Object on the following grounds

- Eastern block of flats would be partially built on the MOL. Land proposed as replacement MOL is not publicly visible and already contains TPO trees so it is unlikely that it could be developed anyway. Two other small areas are meaningless. Comes after series of approvals for inappropriate uses including private gardens on the Firs and Wolfson sites, bus turning circle and access road. Would have a visually detrimental impact and create noise, light and environmental pollution and disturbance to the indigenous wildlife and trees.
- Flats and semi underground car park are closer to the MOL boundary than the approved houses. This combined with their height and slope of the land would make them very dominant when viewed from the south and have an adverse impact on the open land. The blocks are too high and too close to the MOL.
- The public will not be able to access the south lawn. The closest view will be from the north-south path where the side elevations of the blocks will be more dominant and are longer than their front and rear elevations. The semi-underground car park is not hidden by a grass bank.
- Relocation and increase in size of car park will increase traffic on proposed shared surface. A dedicated path should be provided.

Major modifications are required to make the application acceptable. If the Council is nevertheless minded to approve then it should not do so without

ensuring appropriate compensation in terms of addition to the MOL- the current offer is meaningless.

5.14 **Wimbledon Society**

- Compensatory MOL land required for this proposal to be acceptable. The main area being offered as compensation on the eastern side of the site is irrelevant- it is tucked away, doesn't conform to the ML alignment on adjoining land, and is part of the garden land around the hospital anyway. If MOL incursion is to be allowed, needs to be compensated with a significant and worthwhile publicly accessible addition – e.g, omitting a private house off Cottenham Park Road and adding it to public section of MOL.
- proposed blocks much closer to edge of MOL than previously approved houses which had private rear gardens as a buffer, hemming the MOL in contrary to Policy CS13. Should be set back.
- presumed that more social housing units will also be provided
- basement car parking does not show how structural elements are to be incorporated which will reduce number of spaces
- balcony overhangs will reduce natural light
- CSH level 5 would be desirable
- in relation to public footpath/cycleway through site from Copse Hill to Cottenham Park Road, as proposed basement car park brings 80 plus cars into close conjunction with it a shared surface approach does not now seem to be appropriate. A clear demarcation between vehicles and others on this route should be considered.
- Relationship between proposed raised square and adjoining MOL/SINC needs to be clarified. Is there a barrier or do the spaces flow through? Not clear where the SINC boundary is. Excavation of basement could cause damage to MOL?SINC and needs to be carefully controlled by condition. Could consider extending tree planting into MOL provided SINC remained protected
- No overall plan for the MOL showing proposed works or information about how it is to be managed and operated- will public have access, which areas are private etc
- Use of S.73 application not understood, the changes go beyond what can be classed as minor
- After appropriate amendments and the Council deciding on the MOL boundary as suggested above, in addition to normal conditions expected that further details of protection of MOL during construction will be required, protection of trees from Prospect House, ground level changes near basement and relationship to teh square, a hydrological report and details of an improved relationship between cars and the public path

5.15 **PUBLIC CONSULTATION – 2ND ROUND**

Amendments have been made to the original submission, principally in in relation to the community and MOL benefits being offered with some additional design changes. Initially, Berkeley were offering an additional £108k beyond the originally budgeted £544k in order to upgrade the

design of the sports pavilion to be constructed for the Council by Berkeley prior to handover of a large portion of the MOL land. In response to concerns expressed by local residents and residents' groups, they have written to advise the following-

- (i) They strongly support residents' desire to ensure that the land being transferred into public ownership will be available to the public during park opening hours except when the playing surfaces are in formal use, at which time the public should still have access to the perimeter areas and pathways, and are willing to insert a clause in the legal agreement which secures this. They also support residents' desire to resist the installation of floodlighting or artificial surfacing.
- (ii) They advise that they are willing to move the private garden boundary on Plot 1 on the Wolfson Centre to allow more land to form part of the approach into the new park and will submit revised details under Condition 3 of the Wolfson planning permission
- (iii) Wolfson lawn and area to south of H9, previously excluded from MOL transfer to Merton Council will now be added, with new tree planting and landscaping to enhance the ecological value of the woodland.
- (iv) An additional £75k to be provided for additional small scale enhancement works including new fencing, seating, bins etc to be agreed with the local community
- (v) Further charitable donation of £25k to the scout group for their hall extensions
- (vi) Additional land to form part of proposed MOL land swap
- (vii) Improvement to appearance of parking area next to hospital north wing and relocation of entrance to refuse area to the north to allow better screening to north-south route

5.16 **Individual Resident Responses**

A further round of consultation was carried out further to the proposed changes set out above. Responses were received from 71 residents which were as follows:

36 residents advise that they support the proposals subject to the additional community benefits referred to in 5.15 above being made a condition of the approval, or simply state that the benefits should be part of the approval in particular public access to all areas of Morley Park when the park is open, except the playing pitches when in formal use, no floodlighting or artificial surfacing on the playing fields and transfer of the additional MOL land referred to in 5.15 (iii) with new planting.

24 residents maintain their objections to the flats, in particular their height and massing and the increased density but if granted request that all the additional community benefits referred to in 5.15 above should be made a requirement of the approval

11 continue to object for the same grounds as previously

5.17 **LUNG**

Lung's view on 2 blocks of flats unchanged – they will have a detrimental impact on the MOL, near and distant views of the locally listed building and the SINC lawn and adjacent woodland. Regretted that latest amendments did not include a reduction in size. New 'community benefits' could be significant benefits which would improve Morley park and the northern access to it, contribute to its financial security and assist the scout group. In the latest stage of consultation, support for those community benefits is strong and need to be confirmed and secured as a condition of any planning consent.

- LUNG asks that the minimum area of private garden on Plot P01 of the Wolfson site to be transferred to provide a wider access route be specified to ensure that this is as residents have been led to expect and that in the detailed design, the gate be set back from the road in the interest of public safety
- If approved, a condition or covenant within the Deed of Variation to guarantee public access to all parts of the park when it is open with the exception of the playing pitches when they are in formal use so access to the perimeter path around the playing field is guaranteed at all times
- condition or covenant within the Deed of Variation to prevent installation of floodlights or artificial surfaces on or around the playing fields as part of any planning consent
- proposed transfer of 2 areas of MOL to Council as in plans submitted with letter of 24th January 2014
- setting of new park should match the rich quality of the recreational offer that will result from the improvements. If consent granted, should be a variation in the MOL works appendix of the S106 agreement to allow use of the additional £75k sum offered by Berkeley to finance substitution of approved weld mesh with metal railings and residual sum ringfenced to park and added to S106 dowry. Would be in line with Council approved boundary treatment of other local parks.

The rich mix of woodland, lawn, playing fields and south facing setting has attracted widespread and longstanding support for the creation of a park on the site. There is now an anxiety to see implementation of the plans locked into the approved scheme without further delay. The public have serious concerns over the potential impact that refusal of this application might have on the implementation of the plans for the park.

Since the consultation in November, there has been a substantial shift in opinion on whether this application should be approved. From almost universal objection, opinion is now divided on whether on balance, it should be approved or rejected. We do not see this as a mandate for

approval but are aware that many residents would be very disappointed if the park, as currently planned, were placed at risk.

If the council is now minded to approve this application, LUNG believes that Berkeley Homes should be asked to commit to implementing the newly revised plans without any further amendment.

5.18 **Wimbledon Society**

- proposed transfer of small garden areas and slivers of land to the Council for adding to the new park accepted and should be of benefit to layout and public use of land, removes anomaly of private garden land being presumed to be within the MOL

-addition of the area to the north-east less satisfactory – lpa is responsible for detailed designation of Green Belt boundaries and Council should reserve its position on actual boundary line

- proposed house fronting Cottenham Park Road should be omitted and the area incorporated into the park to comply with MOL guidance

-intention to improve public pedestrian approach and gateway from Copse Hill is welcomed, as is better fencing

-regrettable not to see single comprehensive set of proposals for the park – general layout, areas open to public, how public highway access for pedestrians/cycles to be designed, design of entrances, gates, railings, how SINC to be treated and protected, who is responsible for running and maintaining various parts of whole MOL and how local interests are to be involved. New public park should now be properly designed, costed and commented on and should be a priority for the Council

5.19 **Environment Agency**

No objection. Previously recommended that the applicants update the Flood Risk assessment to reflect the current scheme. The proposed amendments do not significantly affect the surface water drainage strategy and do not contradict the previously recommended conditions.

5.20 **Thames Water**

No objections raised. Previous Thames Water comments regarding this development still valid.

5.21 **Natural England**

Natural England's standing advice should be followed in relation to protected species. There may be opportunities to incorporate features beneficial to wildlife such as bird and bat boxes in accordance with para. 118 of the NPPF and bring benefits to the community, e.g through green space provision and access to nature.

5.22 **English Heritage (Archaeology)**

No further archaeological work necessary.

5.23 **Design Review Panel**

The proposal was considered at the meeting of the DRP in July 2013 at pre-application stage. Their comments were as follows;

Overall the Panel felt the proposal for the widened space in front of the hospital was a very positive move and a significant improvement on the arrangement in the consented scheme. This was considered a richer approach and creates a new three-sided courtyard where there previously was nothing. It was also felt that the massing and materials were generally acceptable, though care should be taken to ensure the new buildings are not too visually dominant when viewed from the south. In terms of the detailed design it was felt this warranted further consideration as it simply was not working as well as it could, and that this related directly to its visual relationship with the hospital building, and its impact on it. It was felt that the new buildings were potentially verging on the dull or twee and that this could easily be changed for the better. The balconies and railings could be made less clunky with the use of structural glass. The elevations could relate better to the form of the hospital building by having an odd number of bays instead of even. This was more true to the hospital design and the layout of classical architecture on which it is based. It was also felt that the plan form needed to be expressed more strongly through the elevations and that it needed to appear more authentic. Related to this it was felt that each elevation could possibly better respond to the different context on each the buildings sides, and this could particularly be improved on the southern side overlooking the open space which is an opportunity to create large openings that make more of this pleasant aspect. Whilst the new buildings generally improved views from flats in the hospital building, care needed to be taken that none were unduly compromised. It was also noted that to achieve the new space in front of the hospital required alterations to the Metropolitan open Land boundary on the form of a land swap. The Panel felt that it was important this was done soberly and properly and be fully justified – relating to the improvements it brought elsewhere. Attention was drawn to the remaining wide tarmac strip between the hospital and proposed buildings and the importance that the opportunity was taken to make sure the new space was well designed, particularly for pedestrians. This raised the general point that that the landscaping needed further detailed work. This was also true for some of the parking on the north west side of the hospital building. Here the landscaping could be improved by relocating the parking spaces into the new underground car park, to enable it to match the quality of landscaping to the north east. Landscaping was also important in relation to the design of the car park. The slab between the car park and courtyard appeared quite shallow, but this should not compromise the ability to implement a high quality landscaping scheme in the courtyard. It was also strongly felt that cycle parking should not be in the underground car park and there were good opportunities for it to be located above ground, notably the central access stair from the car park. Here, this could be enlarged to a small pavilion building integral to the landscaping scheme but also providing cycle storage. It was also considered important to ensure

vehicle speeds within the site were kept low, even if this required physical measures – particularly as vehicle access was shared with a through pedestrian route. Given the detailed comments, the Panel were unanimous in their verdict.

VERDICT: **GREEN**

5.24 **Planning Policy**

In relation to open space planning policy matters the relevant policies are NPPF paras 83-85, London Plan 7.17 MOL, Merton Core Strategy CS13, Submission Draft Sites & Policies Plan and Policies Map, UDP NE.1 MOL, Policy CS13 and London Plan Policy 7.17 seek to protect MOL, refusing inappropriate development except in very special circumstances. The Copse Hill MOL is approximately 160,000 sq m in area. The current proposals affect a 173.5 sq m area (0.1%) and propose a net increase of 367 sqm of compensatory MOL land. If the design benefits set out in the Design and Access Statement are accepted, the minor amendment to the MOL boundary together with the net increase in MOL is considered to be acceptable. If the proposals are considered acceptable, the amended MOL boundary would be adopted as a minor amendment to the emerging Policies Map in 2014.

5.26 The viability statement advises that there will be no additional profit gained from the proposed amendments. It is therefore appropriate for the viability assessment to be subjected to independent examination.

5.27 **Transport Planning**

Copse Hill is a predominantly residential road off Coombe Lane (A238) in Wimbledon. It is not located within a Controlled Car Parking Zone (CPZ) and has a PTAL rating of 2 which indicates that it has poor access to public transport services. Copse Hill is not located within a Controlled Car Parking Zone (CPZ). There was a previously consented scheme for 94 residential units. The variation is for the removal of 8 units to be replaced by two blocks of 30 units. The proposal moves the agreed underground car park to be contained under the new units with increased capacity from 56 to 82 bays.

5.28 The evidence provided demonstrates that the net increase of residential units equates to a peak traffic generation of 1 vehicle every 4 minutes. This would not be considered as severe and would have a negligible impact on Copse Hill peak time traffic.

5.29 In relation to possible conflict between pedestrians/ cyclists and the proposed entrance and exit of the new underground car park, a stage 1 / 2 safety audit of the access road has been provided.

5.30 **Off street parking levels**

The approved application provided underground parking for 56 plus ground floor parking for units D and E (11) and for unit A (19), plus the individual houses. The 8 houses being removed had an allocation of 16 spaces. In this variation the proposed underground parking is for 82

spaces. Vehicles exiting bays 60 and 61 could come into conflict with vehicles entering and exiting the car park entrance. It is recommended that those bays are removed and the area marked with hatching to discourage parking in those bays or utilise that space for the cycle parking currently located on the other side of the car park to make it more attractive to cycle use. There also should be 10% disabled bays and it is short by 2. To achieve this we recommend that bays 79 -82 are reduced to 3 to allow 2 of the remaining bays to become suitable for disabled. This results in growth from 56 bays to 79. 20% of the 80 bays need to have electric charging points and the power infrastructure needs to have the ability to increase this provision for the whole car park.

5.31 The application has also increased parking by the northern hospital wing from 11 to 19 bays - we cannot see any justification for that increase however the increase has identified a better arrangement for the 11 approved bays utilising both sides of road. I have spoken with the transport consultant TTP consulting and they will be taking into account the amendments recommended to the parking layout of the underground car park including the repositioning of some of the cycle parking. They will also update the parking layout for units D and E to reflect the agreed levels of parking. The combination of the 2 areas of reduction will make the higher overall levels of parking more acceptable especially as the PTAL is low and there is no CPZ.

5.32 **TFL**

Not within close proximity to the TfL Road network or the Strategic Road network. Nonetheless, TfL would encourage a reduction in parking provision of 1.5 spaces per unit which is not compliant with London Plan policy.

5.33 **Green Spaces (Parks)**

The Green Spaces have no objection to public use of the remainder of the MOL land to be transferred to the Council whilst the playing surfaces are in formal use and advise that there is currently no intention to install artificial lighting or artificial surfacing to the pitches.

5.34 **Landscape Design and Tree Officer**

No objections subject to suitable controls over works in proximity to protected trees.

6.0 **POLICY CONTEXT**

6.1 National Planning Policy Framework

6.2 **REGIONAL PLANNING GUIDANCE**

The London Plan (July 2011)

Relevant planning policies include: 3.3 Increasing housing supply, 3.4 optimising housing potential, 3.5 Quality and design of housing developments, 3.8 Housing Choice, 3.12 Negotiating Affordable

Housing, 5.2 Minimising co2 emissions, 5.3 sustainable design and construction, 5.7 renewable energy, 5.11 green roofs, 5.13 sustainable drainage, 6.9 cycling, 6.10 walking, 6.12 road network capacity, 6.13 parking, 7.4 local character, 7.5 public realm, 7.17 Metropolitan Open Land, 7.19 biodiversity and access to nature, 7.21 trees and woodlands

6.3 **LOCAL PLANNING GUIDANCE**

London Borough of Merton Adopted Core Strategy (July 2011)

The Core Strategy was adopted on July 12th 2011. The relevant planning policies are:

- CS8: Housing Choice : Requires new developments to be well designed, socially mixed and sustainable, and to aim for the Borough wide affordable housing target of 40%, with a 60/40 rented, intermediate split.
- CS9: Housing Provision: Supports provision of new housing and resists net loss of residential units and aims to facilitate delivery of the Borough's housing targets
- CS13: Open Space, nature conservation, leisure and culture: seeks to protect and enhance the Borough's public and private open spaces including MOL
- CS14: Design. All development to be designed to respect, reinforce and enhance the local character of the area, conserving and enhancing Merton's heritage assets and wider historic environment
- CS15: Climate Change. All major development required to demonstrate how it minimises water use and CO2 emissions, all new dwellings to achieve Code for Sustainable Homes Level 4.
- CS16: Flood Risk Management . Seeks to implement Sustainable Urban drainage systems across the Borough and work towards effective management of surface water flooding
- CS17: Waste Management. Requires integrated, well designed waste storage facilities that will include recycling facilities for all new developments where appropriate
- CS18 : Active Transport Encourages walking and cycling through design of new developments, enhancement of pedestrian and cycle networks, and safe, covered cycle storage
- CS20: Parking, Service and Delivery. Seeks to implement effective traffic management

6.4 **Retained Policies of the London Borough of Merton UDP (2003)**

Key policies in relation to this application are: HS1: Housing Layout and Amenity, CS13: Planning Obligations for Educational Provision, Policy NE.1 Metropolitan Open Land – Only buildings providing essential facilities for sport are acceptable, and only if they do not prejudice the open aspect of the land, NE2- Development in Proximity to MOL, NE11 Trees: Protection, BE1: New Development, Change of Use, Alterations and Extensions, BE11: Local List; Rehabilitation and Maintenance, BE.15: New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise, BE16: Urban Design, BE22: Design of New Developments, BE23: Alterations and New

Extensions, BE.25: Sustainable Development, Policy BE33: street Furniture and Materials, PE.7: Capacity of Water Systems- encourages SUDS, and requires adequate water supply and sewerage disposal, F2: Planning obligations, Schedule 6- parking standards

6.5 The Submission Draft Sites and Policies Plan and Policies Map 2013 is currently undergoing examination in public and is therefore timetabled to become adopted policy later in 2014.

6.6 Merton Supplementary Planning Guidance : Planning Brief - Atkinson Morley Hospital Site (July 2003)

Provides detailed informal guidance for the development of the site.

Advises that as part of any future development, the Council will require:

- mixed use including :housing, employment or community use, open space and recreation,
- SINC and wildlife habitats protected and enhanced
- Conservation Area is preserved or enhanced
- Existing trees protected and retained
- Historic core of locally listed hospital building is retained
- Open character of MOL protected and its landscape character enhanced
- Existing views across the site retained
- Public access provided to open space
- Public footpath and cyclepath provided through the site
- Existing bus turning facility retained or new facility provided, including dedication of land
- Archaeological remains preserved
- Playing fields reused and new or refurbished appropriate ancillary facilities provided

Aspirations include – retention of scout hut facilities, adaptation of locally listed building, provision for further views, landscaped grounds protected and enhanced, green area between Copse Hill and buildings protected, footpath on western boundary widened, appropriate setting formed to main hospital building, sustainable design and construction including Sustainable Urban drainage and energy efficiency etc.

6.7 Other relevant Merton planning documents are Merton SPG - New Residential Development (Dec 1999), the Copse Hill Conservation Character Assessment and accompanying Design Guide.

7.0 **PLANNING CONSIDERATIONS**

7.1 The proposed changes to the original planning permission for the former Atkinson Morley hospital and the Firs site are generally restricted to the parcel of land to the south of the main former hospital building. There are other concomitant changes in other parts of the site, but these are principally the removal of the underground car park at the front of the site and the new circulation cores to the front of the hospital building and their relocation to the rear. The remainder of the layout would be unchanged. Submission of a S.73 application to vary the

approved drawings allows the local planning authority to concentrate on the issues raised by the substitution of 8 houses to the rear of the hospital with 30 apartments, including the need or otherwise to vary the S.106 legal agreement, and requires the same procedure and levels of consultation as a full application.

- 7.2 The 19th century locally listed former Atkinson Morley hospital building is a major contributor to the character of the Copse Hill Conservation Area. One of the key requirements of the Council's Planning Brief for the hospital site which has guided consideration of proposals following its vacation by the NHS has been retention of the historic core of the hospital building. As described in para's 3.1-3.6 above, the submission of the current application is the result of a review of the viability of the originally consented scheme against the backdrop of the more intrusive site investigations made possible by the removal of the later additions attached to the lower floors. These have revealed more far reaching structural problems requiring more extensive, costly and time consuming remedial works than were anticipated, with the result that the originally consented scheme is no longer considered to be financially viable to deliver. Berkeley have therefore reviewed the original scheme within the context of the additional cost of safeguarding the hospital building and restoring viability.
- 7.3 The key planning considerations in relation to this application to vary the original planning permission are considered to be as follows:
- design and massing, density, impact on locally listed former hospital building and the Conservation Area and adjoining MOL, encroachment on MOL
 - viability and s.106 issues/additional community benefits
 - highway/parking issues
 - impact on pedestrian/cycle safety
 - impact on trees and nature conservation/SINC
 - quality of accommodation
- 7.4 **Design Issues - Density/ Acceptability of Flatted Form/ Impact on Locally Listed Hospital Building and Conservation Area and Metropolitan Open Land Encroachment**
- 7.5 The need to develop revised proposals to take account of the cost of safeguarding the hospital building has provided the opportunity to reconsider the relationship between the hospital, the new development to the south and the south lawn. The originally approved scheme for 96 residential units proposed a terrace of houses between the hospital and the edge of the south lawn and the later Berkeley approved scheme of 79 units proposed a line of semi-detached and detached houses in the same location, effectively severing the hospital from the open space beyond. The original relationship between the historic hospital and the south lawn had been weakened over time by the later ground floor additions to the south and the formation of a parking and servicing area but their removal and the redevelopment of the site provides an

opportunity to re-establish the original historic connection between the main hospital rear facade and the adjoining open space.

- 7.6 An alternative design approach has therefore been developed, with two apartment blocks sitting at right angles to the rear of the hospital facade, offset to either side of the main central facade, providing definition to a new 41-45m wide landscaped courtyard opening out towards and connecting with the south lawn/Metropolitan Open Land beyond. The finished ridge heights are at a similar level to the eaves and parapets of the existing building in order to maintain an appropriately subservient scale.
- 7.7 The revised approach was presented to the Design Review Panel at an early stage in July 2013, prior to submission of the planning application. The panel's comments are set out in full in the Consultations section of the report. Overall, subject to detailed design comments, the Panel felt that the proposal for a 3-sided courtyard to the rear of the hospital was a very positive move and a significant improvement on the consented scheme. It was given a unanimous GREEN verdict. In response to their detailed comments, revisions were made to the elevations prior to submission, with modern windows and balconies used to contrast against the historic building, with the southern elevations opened up with floor to ceiling picture windows and the traditional roof form cut back to create a contemporary gable end.
- 7.8 The proposal benefits views of the main front facade of the hospital as viewed from Copse Hill and the route through the site in 2 ways. It allows additional landscaping by virtue of the relocation of new circulation cores from the front to the back, in order to relate better to the basement car park, and by relocating the circulation cores, results in a front elevation which would be restored to its original appearance.
- 7.9 **MOL Encroachment**
Positioning the blocks towards the wings, either side of the more architecturally important central facade, and creating the large 41-45m central courtyard opening out to the south involves a 173.5 square metre incursion into the adjoining Metropolitan Open Land by a corner of the eastern block. A version of the re-design was presented by Berkeley at pre-application stage which avoided any encroachment into the MOL. This resulted in a courtyard almost half the size at approximately 25m in width, obscured a 16-20 metres section of the central facade and has a poorer relationship with the windows of the apartments within the hospital conversion. The Council's Design and Conservation section and the Design Review Panel strong preference was for the more widely spaced blocks, the design benefits of which, in relation to the locally listed building and its relationship to the adjoining open space, were considered to provide sufficient justification for the minor encroachment into the MOL.

- 7.10 In policy terms, it is clear that the proposed blocks would constitute inappropriate development within the Metropolitan Open Land. Policy 7.17 of the London Plan states that the strongest protection should be given to London's MOL and inappropriate development refused, except in very special circumstances, giving the same level of protection as in the Green Belt, and that essential ancillary facilities will only be acceptable where they maintain the openness of the Green Belt. This policy is echoed by saved policy NE1 in the Council's adopted UDP and CS13 of the adopted Core Strategy. The application was required to be referred to the Mayor under the Town and Country Planning (Mayor of London) Order 2008 in relation to the encroachment into the MOL. The stage 1 response is summarised at para's 5.2-5.7 of the report and is provided as an Appendix. The report supports the new open views of the historic facade of the hospital and the creation of a 'green link' between the hospital and the MOL, and the subsequent enhancement of the setting of the locally listed building, the open nature of the adjacent MOL and the wider Conservation Area. A repositioning of the blocks to avoid encroachment would form a narrower courtyard which they consider would make a lesser contribution to the open nature of the MOL and be less beneficial overall. They note the offer for a larger area of land to be designated as MOL to compensate for the minor encroachment of the eastern building, which they welcome as part of the wider benefits to the setting of the hospital, increased open nature of this part of the MOL, and benefits to the Conservation Area. In summary, they conclude that while the revised proposals result in a minor encroachment into the MOL, the revised building layout will have an overall positive effect on the open character of the adjacent MOL and the setting of the locally listed building and represents a positive improvement over the extant planning permission. In light of these special circumstances, the Mayor considers that the minor encroachment into a small section of MOL is acceptable.
- 7.11 The Mayor's views are reiterated by the Council's planning policy section, who advise that the proposals affect an area which comprises only 0.1 % of the Copse Hill MOL and provides compensatory land for inclusion within the MOL which far exceeds the 173.5 square metres affected. If the proposals are accepted, the proposed amended MOL boundary would be adopted as a minor amendment to the emerging Policies Map 2014.
- 7.12 Density
A number of representations have raised the issue of the increase in numbers from 79 residential units to 102, with a concern that the proposal represents an overdevelopment of the site. It should be borne in mind that Members have previously approved a scheme for 94 units which was superseded when Berkeley acquired the site.
- 7.13 Policy 3.4 of the London Plan, 'Optimising Site Potential', advises that taking into account local context and character, development should optimise housing output for different types of location within the relevant

density range shown in Table 3.2. This advice is reiterated in para. 18.27 of the Core Strategy. The site has a Public Transport Accessibility Level of 2 and sits within a suburban setting with predominantly lower density development. The appropriate density range within the London Plan matrix would be 150-250 habitable rooms per hectare (ha/hr), or given the average dwelling size, 35-65 units per hectare(u/ha). Berkeley's consented scheme has a density based on 349 habitable rooms of 37.5 u/ha or 166 ha/hr, sitting within the lower end of the range. The previously approved scheme was 44.7 u/ha and 184 ha/hr. The proposed revisions would result in 67 additional habitable rooms and 23 additional units and would have a density of 197 ha/hr or 48.5 u/hr. This stills sits comfortably within the middle of the range set out as being appropriate within the London Plan for this type of suburban setting.

- 7.14 In terms of the character of the area, Berkeley's consented scheme changes relative to the previous permission were welcomed. The main change was the removal of the 2 geometrically shaped flatted blocks from The Firs and their replacement with 8 rhythmically placed detached houses which were considered to be more appropriate in relation to the pattern of adjoining development on Copse Hill. The Berkeley proposed layout of the 8 houses to the south of the hospital was a little more spacious but not dissimilar to the layout of the terrace of narrow fronted houses that it replaced. The proposed revision, with 2 blocks creating a new 3-sided courtyard, reforging a link between the main hospital and its grounds to the south, is considered to be an appropriate building form which is preferable, in terms of the character of the site, to earlier proposals. The blocks are subservient in height to the main hospital and create a new landscaped courtyard of an appropriate scale relative to the main hospital. They are similar in form to blocks which Members resolved to approve as part of a previous proposal to maintain the hospital use. The layout does not appear cramped and creates a new green link between the hospital and the MOL. Officers do not consider that there is any demonstrable overdevelopment of the site.
- 7.15 In summary, although the review of the consented scheme came about because of the need to restore viability due to the increase in cost, time required and complexity of the remedial works required in order to restore the former Atkinson Morley hospital, the resulting changes to the design, siting and layout to the south of the hospital are considered to be positive and appropriate to the character of the Conservation area and the setting of the locally listed building. They allow for views through to the original rear facade, create a green link with the adjoining open space, and the blocks are considered to be of an appropriate, subservient scale, with a ridge height at the level of the eaves and parapet of the hospital. The minor encroachment of the eastern block into the MOL is considered to be acceptable relative to the design benefits of the larger courtyard, and the relationship to the facade of the hospital building and is considered to be acceptable in

policy terms by both the Mayor and the Council's policy team. The proposed revisions are considered to be acceptable relative to London Plan policy 7.17, Core Strategy CS13 and saved UDP policies NE1 and NE2 relating to the MOL and Core Strategy policy CS14 and saved UDP policies BE1 and BE11 relating to design and locally listed buildings.

7.16 **Viability/S106 Issues/Additional Community Benefits**

Viability

Berkeley have advised that the current proposals do not generate additional profit but bring the overall scheme back into viability taking into account the greater than anticipated remediation costs for the hospital, and have submitted a viability assessment as part of their submission. They therefore advise that they are committed to the S106 requirements set out in the existing S106 agreement, and are not proposing to reduce the level of affordable housing, but cannot increase it. This would mean that the % provision in terms of number of units would drop from 35.4% to 27.5%. They have, however, as part of their initial submission, advised that they are prepared to provide an extra £180k on top of the approx £544k already earmarked for the new sports pavilion required by the S.106 in order to provide an enhanced design. Mayoral CIL will be required for the uplift in floorspace which will be in the region of £77k.

7.17 The Council has had the viability report independently assessed by external consultants, BNP Paribas, including the use of cost consultants, who have confirmed that it would not be considered viable to require any further contributions beyond those already encapsulated within the existing legal agreement. The lack of any increased affordable housing offer is considered to be acceptable on this basis.

7.18 In response to concerns expressed by local residents and residents' groups in relation to the impact of the proposal on the MOL and the need for meaningful compensation/community benefits if the current proposal were to be approved, Berkeley have set out proposed additional benefits within letters dated 17th and 24th January 2014. This is set out in the consultations section of the report but to reiterate, these are as follows.

- (i) They strongly support residents' desire to ensure that the land being transferred into public ownership will be available to the public during park opening hours except when the playing surfaces are in formal use, at which time the public should still have access to the perimeter areas and pathways, and are willing to insert a clause in the legal agreement which secures this. They also support residents' desire to resist the installation of floodlighting or artificial surfacing.
- (ii) Wolfson lawn and area to south of H9, previously excluded from MOL transfer to Merton Council will now be added, with new tree

planting and landscaping to enhance the ecological value of the woodland.

- (iii) An additional £75k to be provided for additional small scale enhancement works including new fencing, seating, bins etc to be agreed with the local community
- (iv) Further charitable donation of £25k to the scout group for their hall extensions
- (v) They advise that they are willing to move the private garden boundary on Plot 1 on the Wolfson Centre to allow more land to form part of the approach into the new park and will submit revised details under Condition 3 of the Wolfson planning permission

7.19 In relation to the above, Members are reminded that the S106 attached to the consented scheme involves the transfer of the majority of the MOL land to the west of the public footpath including the woodland, ecological area, pitches and scout hut area (this area to be leased back to the scouts at peppercorn rent) into the ownership of the Council, who would then either maintain and manage the land itself or devolve this responsibility to a trust. The proposals include re-laying of the sports pitches within the south-west corner of the site with improved drainage and improved playing surface, an extended area of land for use by the scouts, provision of a new 407 square metres sports pavilion on the site of the former building, rebuilding and re-siting of the existing 2-bed cottage to provide a rental income that can be used as part of the funding of the maintenance of the MOL, new ecological area and various other works prior to transfer to the Council as well as provision of a £360k dowry for future maintenance and management of the open space. Within the consented scheme, there are two land parcels within the MOL to the west and south of house H9, on the west side of the north/south footpath which within the consented scheme are retained by the residential estate to be maintained and managed as part of the woodland rather than transferred to the Council.

7.20 In relation to point (i) in para 7.18 above, the purpose of transferring the land within the MOL to the west of the north-south footpath/cyclepath into Council ownership, as set out in the Council's Planning Brief, was to provide public access to open space. There are a number of policies within the UDP, Core Strategy and London Plan which also apply. Policy L1 of the UDP promotes and encourages informal recreation on areas of open land where there is no unacceptable conflict with nature conservation and the necessary provision of formal sports facilities, encourages the opening up of private open land for public access and informal recreation. Policy L8 identifies the development site as falling within an area deficient in local park provision where provision will be sought as part of new development creating additional demand. Policy CS13 seeks to improve access to open space and nature conservation and protect and enhance the open space network. Given the intention behind the land transfer, officers have no objection to a clause being inserted into the legal agreement which guarantees availability of the

park to the public during park opening hours except when the playing surfaces are in formal use, at which time the public would still have access to the perimeter areas and pathways.

- 7.21 In relation to the desire for a clause which prevents the installation of floodlighting or artificial surfacing, there is no intention of installing floodlighting or artificial surfacing at the current time and in any event, such a proposal would require planning permission. Officers do not consider that either element would preserve the open, green and landscaped character of the MOL and would be contrary to planning policy and therefore unacceptable. An additional condition could be added prohibiting their provision if Members consider this desirable although planning permission would be required in any event.
- 7.22 In relation to (ii), officers welcome the inclusion of the two land parcels to the south and west of house H9 within the transfer to Merton Council and the additional tree planting and landscaping to enhance the ecological value of the woodland. This will require inclusion within a Deed of Variation to the existing S106 and the landscaping works should be added to the specification of works to be carried out prior to transfer of the land.
- 7.23 The additional £75k to be provided for additional small scale enhancement works including new fencing, seating, bins etc to be agreed with the local community (including upgrade from weld mesh to railing along street boundaries) is also welcomed. This needs to be incorporated within the Deed of Variation with a requirement that any upgraded boundary fencing or gates needs to be agreed and installed prior to transfer of the land.
- 7.24 Berkeley's offer of a further charitable donation of £25k to the scout group for their hall extensions is welcomed.
- 7.25 The proposal to incorporate additional land from the proposed garden to house P01 on the Wolfson Centre site within the landscaped strip forming the approach down to the ecological area is welcomed, and would be expected to form part of the details required under Condition 3 of the Wolfson approval. A plan has been requested showing the minimum amount of land that would be so incorporated.

7.26 **Traffic and Parking**

The Council's Transport section advises that the additional predicted traffic generation from the additional units equates to a net peak traffic increase of 1 vehicle every 4 minutes. They advise that this would not be considered as severe and would have a negligible impact on Copse Hill peak time traffic.

- 7.26.1 The proposal replaces the 56 parking spaces within the basement for 26x 1bed, 2bed and 3bed apartments and the 20 spaces for the 8x

4bed houses (total 76 spaces for 34 units ratio 2.2 spaces per unit) with an 82 space basement serving 27 apartments within the converted hospital and 30 new build apartments (total 82 spaces for 57 units 1.4 spaces per unit) Additional visitor parking is also proposed at surface level which takes the ratio to 1.5, meeting the Council and London Plan maximum standards. Transport Planning have requested deletion of 3 of the bays in the basement car park- 2 for safety reasons and 1 to allow the provision of additional disabled bays and 20% of the bays will be required to have electric charging points - revised plans are awaited. The revised level of parking provision is acceptable and is not considered likely to lead to problems with overspill parking into surrounding roads.

7.27 **Impact on North/South Pedestrian/Cycle Route**

The level of peak traffic flow predicted from the basement is well within the preferred level for a successful shared surface arrangement as set out in the Manual for Streets guidance. Traffic calming in the form of 3 road humps on the access road is also proposed. Given that the proposed entrance to the basement car park is sited just to the north of the point where the shared surface road becomes a pedestrian/cycle path, the Council's Transport Planning section requested that a Stage1/2 safety audit be carried out on the north/south route with particular reference to potential conflict between vehicles and pedestrians and cyclists. The audit did not identify any safety issues other than the need for clear entry/exit signage to the basement to avoid the potential for unnecessary manoeuvres at the entrance/exit. The underground car park approach and section indicates that bollards could be used to guide vehicles and provide a safeguarded pedestrian and cycle zone. Pedestrian priority would be emphasised through choice of surface treatment. The revised proposal continues to meet the requirements of published guidance for shared surface arrangements.

7.28 **Impact on trees and nature conservation/adjacent SINC**

Policy NE.11 Trees; Protection, does not permit development if it would result in the loss or damage to trees protected by a Tree Preservation Order or within a Conservation Area except where necessary in the interests of good arboricultural practice or the reason for development outweighs the amenity value of the tree. No additional trees are required to be removed as a consequence of the revised proposals. An Arboricultural Implications Addendum was submitted with the application.

7.28.1 The relocation of the basement will allow the reinstatement to soft ground of land to the south of the Copper Beech (85) to the benefit of the tree's root environment.

7.28.2 The western wing will be further away from the crown of the mature London plane trees T75 and 78 than plot H10 in the consented scheme. The location of the ramp to the basement car park has been

carefully chosen to minimise disturbance within the RPAs. Subject to proposed engineering solutions being limited to the previously disturbed area, it is not considered that the ramp would have an adverse impact on the tree's health or stability. It is considered that with adequate tree protection and precautionary measures, the revised proposals can be carried out without adverse impact to the trees to be retained and therefore accord with saved Policy NE1.

7.28.3 Policy CS13 advises that the Council will refuse development that has a significant adverse effect on the population or conservation status of protected or priority species and priority habitats, and will require any development proposals likely to affect a Site of Importance for Nature Conservation to demonstrate that it will not adversely affect the conservation values of the site. The woodland blocks to the west and east of the north/south footpath and the acid grassland lawn to the south of the hospital are designated as a SINC.

7.28.4 As for the consented scheme, no part of the SINC would contain new buildings or roads and the acid grassland would continue to be separated from the developed part of the site by a landscaped bund. Protection to the SINC is already required by condition before development commences within that particular phase as well as a fully detailed habitat maintenance and management plan as part of the S.106 .

7.28.5 The ecological assessment advises that although there could be an increase in levels of noise and human presence, the SINC designation is largely based on the habitats present rather than the fauna. The potential increase in residents on site is not considered likely to have a significant impact on the woodland or acid grassland and as the revised element is based on apartments rather than houses, the risk of significant numbers of domestic pets being introduced is minimal.

7.29 **Impact on Neighbour's Amenity**

In terms of direct impact on neighbours' amenity from the proposed revisions, there is considered to be no material impact given the separating distances from the nearest residential properties as well as the intervening mature trees and woodland. The eastern block is almost 40m from the eastern boundary and properties in Prospect Place, over 80m from the nearest property in Heights Close and 120m from those in Hill View and Cranford Close.

7.30 Traffic and parking issues have already been considered previously in the report –the additional traffic generation is considered to be insignificant and the parking provision meets the Council's and the Mayor's maximum standards.

7.31 **Standard of accommodation**

- 7.31.1 The proposed residential units within the new blocks all meet the required minimum GIA as set out in Policy 3.5 of the London Plan. The majority of the units are either dual aspect or have a favourable west facing aspect. There are no single aspect north facing units and all have pleasant outlooks onto woodland and open space or the generously sized landscaped courtyard. All units have direct access to private amenity space in the form of patios or balconies as well as the courtyard and adjoining open space to the south.
- 7.31.2 The hospital conversion flats have been slightly reconfigured to take account of the positioning of the new blocks and ensure a pleasant outlook to main habitable rooms. It is considered that the removal of the vehicular access road to the south as a consequence of removal of the 8 houses and its replacement with a pedestrian route and landscaped courtyard with views through to grassland and woodland has generally enhanced the outlook to the conversion units.
- 7.31.3 Policy CS8 of the Core Strategy requires new housing proposals to create socially mixed neighbourhoods with a range of housing types, sizes and tenures, for all new housing to be to Lifetime Homes standards and for 10% of new housing to be wheelchair accessible or easily adaptable for wheelchair users. The revised scheme still continues to provide a good mix of flats and maisonettes ranging from 1bed to 3bed, and houses from 4 to 6bed. Within the consented scheme, 10 of the 79 units (12.6%) of units on the site have been designed to be easily adapted to wheelchair standards. This remains sufficient for the revised scheme of 102, meeting the Council's 10% requirement. The new units will, in common with the remainder of the consented scheme be expected to meet the 16 Lifetime Homes criteria.

7.32 Required Changes to S106/Securing of Community Benefits

- 7.32.1 Officers have had regard to the requirement that any obligation meets the tests of being directly related to the development, necessary to make it acceptable and fairly and reasonably related in scale and kind to the development. A number of elements have been offered by the developers which are considered to directly relate to the quality of the MOL and open space and the overall benefits of the scheme and are part of the weighing up of the merits of the revised proposals. The following elements would therefore need to be secured through Deed of Variation to the original s.106 if the application were to be approved
- Additional £180k to be added to budget of just over £544k for the provision of the pavilion to enable an enhanced design
 - Wolfson lawn and area to south of H9 to be included within land parcel to be transferred to the Council with new tree planting and landscaping prior to handover
 - An additional £75k to be provided for small scale enhancement works to the MOL transfer land, including upgrade of boundary treatment from weldmesh to railings and gates. Boundary treatments and gates to be provided prior to land transfer.

- Additional £25k for scout group towards their hall extension
- Officers consider that a clause inserted into the agreement/land transfer guaranteeing public access to the park during opening hours except when the pitches are in formal use, at which time the public would still have access to the perimeter areas and pathways is in the spirit of the requirement for the MOL transfer and recommend its inclusion

7.32.2 Planning permission would be required for the installation of artificial surfacing or floodlighting to the pitches and there are no such proposals. However, a condition could be added prohibiting their installation if Members considered this desirable.

7.32.3 Berkeley should provide an undertaking that the details of the landscaped approach to the ecological area will include a minimum amount of additional land taken from the garden to house P01 in accordance with the requested plan as already tabled to local residents' groups.

7.32.4 The proposed MOL 'landswap' should be incorporated as an amendment into the emerging Policies Map.

8.0 **CONCLUSION**

8.1 The revisions to the consented scheme have been developed in response to the unanticipated increase in the cost of providing structural stability and restoring the fabric of the locally listed former hospital building, revealed further to more intrusive site investigations only possible after the removal of the extensive later additions. The consented scheme is consequently no longer viable in its current form. Retention of this key building within the Copse Hill Conservation area has always been of the Council's main aspirations for the redevelopment of this site.

8.2 The proposed revisions provide additional floorspace in order to restore viability – although this is part of the overall planning considerations, the proposed revisions still need to be acceptable in their own right in terms of their impact on the character of the locally listed building, the Conservation Area and the MOL.

8.3 The changes proposed have reviewed the relationship between the hospital, the proposed development to the south of the rear elevation and the adjoining south lawn/MOL. It is the view of officers, the London Mayor and the Design Review Panel, that the proposed changes from an access road and a linear 'wall' of houses separating the hospital from the open space, to the formation of 2 new blocks at right angles to the hospital forming a new generously sized landscaped courtyard open towards the south lawn and providing a green link between the original rear elevation and the south lawn is a positive change, beneficial to the setting of the locally listed building, the character of the

conservation area and the openness of the MOL. The blocks are considered to be visually subservient to the main hospital and appropriate in scale.

- 8.4 The minor encroachment upon the MOL by the eastern block is considered to be acceptable by the Mayor and the Council's policy section in the context of the proposed revisions. Compensatory MOL land is being offered as well as a package of benefits which increase the amount of land being transferred to public ownership, provide for enhancements to the new public open space and make a contribution towards local community facilities, increasing the quality and quantity of new public open space. The inclusion of the proposed clauses relating to public access following transfer (and a condition preventing artificial surfaces and lighting if Members consider desirable) will assist in allaying public concern concerning potential restrictions on future community use.
- 8.5 The revisions, which affect only a limited part of the overall site, are considered to provide a better urban design solution and will secure the progression of the next phase of development, including the substantial package of improvements to the MOL prior to transfer to the Council as a significant new public open space.

9.0 **RECOMMENDATION**

(1) GRANT VARIATION OF CONDITION 2 IN ORDER TO SUBSTITUTE REVISED DRAWING NUMBERS (TO ALLOW SUBSTITUTION OF 8 HOUSES WITH 30 APARTMENTS) subject to additional planning conditions including prohibition of artificial surfaces and lighting to pitches, the completion of a Deed of Variation to the s.106 Agreement covering the items set out in para. 7.32, an undertaking setting out the minimum additional land to be included in the landscaped approach to the ecological area and inclusion of MOL landswap as an amendment to the emerging Policies Map

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