

PLANNING APPLICATIONS COMMITTEE  
27<sup>th</sup> March 2014

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>Item No:</u> <u>DATE VALID</u>
	13/P2162	16/09/2013
<b>Address/Site</b>	The Bell House, Elm Grove, Wimbledon, London, SW19 4HE	
<b>Ward</b>	Village	
<b>Proposal:</b>	Demolition of existing building and erection of a three storey building to provide nine studio offices and associated site works.	
<b>Drawing Nos</b>	4485 D 10A, 11, 12B, 13C and 14	
<b>Contact Officer:</b>	Stuart Adams (0208 545 3147)	

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## RECOMMENDATION

**GRANT Planning Permission subject to conditions.**

## CHECKLIST INFORMATION.

Heads of agreement: - N/A  
Is a screening opinion required: No  
Is an Environmental Statement required: No  
Has an Environmental Impact Assessment been submitted – No  
Press notice – No  
Site notice – Yes  
Design Review Panel consulted – No  
Number of neighbours consulted – 52  
External consultations – No.  
Number of jobs created – 35  
PTAL score – 2  
CPZ – W1

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## 1. **INTRODUCTION**

The application has been brought before the Planning Applications Committee for consideration, given the number of objections received and case officer's recommendation to grant permission subject to conditions.

## 2. **SITE AND SURROUNDINGS**

- 2.1 The building on the application site is currently being used for storage purposes in association with a neighbouring operator within the business park. The existing industrial building on the site is in a very poor state of repair. The surrounding area comprises a mixture of commercial and residential uses.
- 2.2 To the north-east of the application site are two storey residential properties fronting onto Elm Grove. To the south, south-east and west are other industrial units within this small industrial estate.
- 2.3 The application site is not located within one of the Council's industrial areas however it does form part of one of the Borough's smaller scattered employment sites. Vehicular and pedestrian access to the site is via Elm Grove.
- 2.4 The site is not located within a Conservation Area.

## 3. **CURRENT PROPOSAL**

- 3.1.1 The proposal is for demolition of existing building and erection of a three storey building to provide nine studio offices (851 sq m) and associated site works.
- 3.1.2 The north east elevation of the proposed building steps back in stages from the neighbouring residential properties in Elm Grove. The rear wall at ground floor level would abut the rear gardens of the residential properties in Elm Grove. There would be 4m separation at first floor level and 6m at second floor level. The design also includes a lift shaft area at second floor level measuring 2.1m (width), 3.5m (height) and would be situated 4m off the rear boundary.
- 3.1.3 The proposed building is of modern design and would be set at a variety of heights, reaching a maximum of 9.5m high and 22.5m in wide.

## 4. **PLANNING HISTORY**

- 4.1 LBM ref - 07/P3518 - Demolition of existing building and erection of a

- three storey building to provide nine studio offices and associated site works – Grant - 03/10/2008
- 4.2 LBM Ref - 06/P2441 - Demolition of existing building and erection of three studio offices and associated site works – Granted at planning applications committee on 2/3/07
- 4.3 LBM Ref - 05/P2266 - Demolition of existing building and erection of a part single part two storey building to provide a warehouse/assembly area and meeting/showroom on ground floor with offices at first floor – Granted under delegated powers on 15/11/2005
- 4.4 LBM Ref - 00/P2075 - Demolition of existing industrial building and erection of a two storey building for storage/distribution and office purposes together with associated car parking – Granted under delegated powers on 23/5/01

## 5. **CONSULTATION**

- 5.1 The application has been advertised by standard site notice procedure and letters of notification to the occupiers of neighbouring properties.
- 5.1.1 In response to the consultation, 28 duplicate letters (8 lacking full postal addresses) and 11 individual objection letters were received following consultation. The letters of objection raise the following points:
- Parking (area is already congested from large delivery vehicles and customer car parking, nine new units will make the issue worst)
  - Nine units would likely bring 40+ office workers on a daily basis into the business park.
  - Development unlikely to be car free
  - Increased noise
  - Building would not look good
  - Loss of light to rear gardens and properties
  - Building extends to unreasonably high level
  - Building imposing, ridiculously demonstrative and will loom over properties
  - Impact upon views from gardens and properties
  - Box in several gardens (feel oppressive).
  - Proposed units should not be described as studios due to their large size
  - Proposal appears to be designed with residential in mind (if residential were to be considered, the whole estate should be developed. This should include associated infrastructure and development as a whole rather than on a piecemeal basis.
  - Architecture is absolutely underwhelming

- Visually appalling and demoralizing
- Aesthetically, the building proposed is at best utilitarian and has a design predicated on the cheapest materials and building methods.
- Area has a series of complaints to Merton Council regarding traffic conditions, noise, planning violations and rubbish.
- Business park and Elm Grove is presently disorganized and chaotic, causing inconvenience and distress to residents and is unable to sustain any increase in activity in its present use and layout.
- Proposed building is a bleak, imposing wall, three storeys high
- Impact upon mature ash tree in rear garden of 12 Elm Grove
- Over development of plot
- Excessively tall and dominating
- No design and access statement, misleading plans no site notice
- Fails to meet SPG guidance
- Site is no longer vacant and is therefore providing employment
- Larger units of office space should be within town centre locations
- BRE test is incorrect, 2m metre point above ground level is wrong, point should be taken from 1.53m above ground level and therefore angle between neighbours and proposed building would exceed the 25 degree angle rule.
- Inadequate cycle parking with potential issues relation to loss of privacy and noise disturbance from proposed location and design (possible area for people to congregate, talking, smoking etc)
- Unsuitable location to rent small office units due to poor location (identified problems within the business park)
- Building over land which does not appear to be owned by the applicants and they do not appear to have a right of way

#### 5.1.2 Duplicate letters

- Loss of light
- Building unattractive and unsightly
- Building incongruous with the residential area of Elm Grove
- Building too imposing and degrade views for those residents
- Further impact upon the existing parking and traffic problems in Elm Grove
- Noise from the use of building
- Reject to further development in Elm Grove

## 6. POLICY CONTEXT

- 6.1 The relevant policies within the Adopted Unitary Development Plan (October 2003) are:

E1: General Employment Policy;  
E6: Loss of Employment Land  
E7: Land Uses on sites outside the designated industrial areas;  
BE15: New buildings and extensions; daylight, sunlight, privacy, visual intrusion and noise;  
BE16: Urban design;  
BE22: Design of new development;  
NE.7: Species Protection:  
NE.11: Trees; Protection

- 6.2 The relevant policies within the Adopted Core Strategy (July 2011) are:  
CS7 - Centres  
CS12 - Economic development  
CS14 - Design  
CS18 – Active Transport  
CS19 – Public Transport  
CS20 - Parking, Servicing and Delivery

## 7. **PLANNING CONSIDERATIONS**

- 7.1 The principal planning considerations related to this application are the principle of development, context of the site, planning policy, design, impact upon neighbouring amenity, employment, traffic and highways and impact upon trees.

### 7.2 Principle Of Development

- 7.2.1 The principle of the development has been previously accepted by the granting of planning applications 06/P2441 and 07/P3518. Neither permission has been implemented and they are no longer extant, therefore they do not provide a 'fallback' planning position. Nevertheless, the planning history of the site is a material planning consideration. The main consideration, when assessing considering a scheme identical to one previously approved scheme, would normally be whether there have been any material changes to the context of the site or planning policy which would have a bearing on the original decision. It is noted that in relation to this current application, a high number of objections have been received from neighbouring properties. Planning officers have reservations about the bulk and massing of the building and its impact on the outlook to adjoining residential properties relative to the existing building. However, it must be emphasized that the proposal is identical to a previously approved scheme 07/P3518 except for a change of materials on the northeast elevation facing residential properties requested by the case officer. The planning history of the site and other material planning considerations are discussed below:

### 7.3 Planning History

- 7.3.1 As stated above, the proposal is identical to the previously approved scheme, however following discussion with the applicant, it was agreed to replace the materials of the first floor and lift shaft on the north east elevation from render to cedar cladding (section of the building running parallel with the rear gardens of 9 – 11 Elm Grove). The change of material was sought in order to try and soften and reduce the impact of the bulk and massing of the building when viewed from adjoining residential properties.
- 7.3.2 Planning application 06/P2441 (see appendix 1 for plans) set the initial precedent for redevelopment of the site when members of the planning committee agreed to approve a scheme on the 5<sup>th</sup> February 2007 to demolish of the existing building and erect a three storey building to accommodate three office units. The design of the building retained an element of pitched roof to the rear, but most importantly a gable end and new vertical second floor were introduced which projected above the existing ridge height of the building. The precedent for the size of the building was therefore set by the original planning approval (06/P2441).
- 7.3.3 Members of the planning committee agreed to approve planning application 07/P3518 on 03/10/2008 (see appendix 2 for plans). It should be noted that planning application 06/P2441 was still an extant permission at the time and offered a fall-back position. The main differences between 06/P2441 and 07/P3518 related to a spilt in the number of units within the building from 3 larger units to 9 smaller units and changes to the design of the building, with the most fundamental changes relating to the change of the pitched roof at the rear to a series of vertical set backs at the upper level (note this included the same arrangement of the second floor level approved under 06/P2441). At that time, it was considered that the proposed development was not materially different from the extant planning permission 06/P2441.

### 7.4 Context

- 7.4.1 In terms of the context of the site between 2007 and 2014 whilst host building has now been brought back into use (vacant in 2007), the essence and function of the business estate remains relatively similar today as in 2007.
- 7.4.2 Elm Grove itself has also remained relatively unchanged with the exception of the redevelopment at number 7 (06/P1361) which is located on the opposite side of Elm Grove. The development involved the demolition of existing workshop and converted houses and the erection of a 4 storey office building (Class B1) and associated parking, and the

erection of three detached blocks of flats of 3, 4 & 5 storey's in height containing 36 flats (private & affordable). The development of the site does not directly influence the application site, apart for an intensification of uses within Elm Grove. It should be noted that the redevelopment of 7 Elm Grove was approved permission subject to the residential element being car free (not entitled to apply for car parking permits). Neighbours have expressed concerns that the yoga unit within the redevelopment of 7 Elm Grove creates particular highway problems in the surrounding area with an influx of customers during each session.

## 7.5 Planning Policy

7.5.1 The key policies relating to employment land on scattered employment sites, E6 and E7, are amongst those retained from the 2003 adopted Unitary Development Plan (UDP), which was the main policy document in 2007. With the emergence of Merton Core Planning Strategy (2011), policies CS12 Economic Development and CS7 Centres are also relevant. Whilst these policies seek to direct office use to town centre locations, CS12 maintains the policy support offered by E6 and E7 for the protection and facilitation of new employment on existing scattered employment sites. Therefore it must be noted that there are no material changes in planning policy in relation to the proposed replacement of storage with small office units on this existing employment site.

## 7.6 Design

- 7.6.1 The concerns of neighbours have been noted in regards to bulk, massing, proximity to neighbours, loss of light and poor design. A summary of neighbours concerns can be found in paragraph 5.1.1 & 5.1.2 of the committee report..
- 7.6.2 The existing building is considered to lack any real architectural merit, is in a poor condition and therefore there is no objection to its demolition. The building's southwest and southeast elevations include a combination of render and vertical untreated cedar boarding elevations with large fenestration detailing which give the building a modern appearance. The applicant has changed the render finish at first floor level and second floor lift shaft from render to cedar cladding. This change seeks to soften and thus reduce the bulk and massing of the building when viewed from neighbouring properties and gardens. Overall the proposed building is considered to be a reasonable designed office building which relates to the commercial setting within the business estate
- 7.6.3 The relationship between the application site and the properties fronting Elm Grove is an intimate relationship. There is no doubt that the proposed building would significantly alter the existing arrangement by introducing a

larger building. The proposed building has been designed with various set backs at the upper levels to seek to reduce its impact upon neighbouring amenity. It has been designed to take into account the Council's SPG guidance on new development located directly to the rear of residential gardens. Although the guidance is intended to relate to new residential development, there is no reason why it should not equally apply to commercial buildings. The proposed building would have a 4m set back at first floor level and a 6m set back at second floor level, in line with the council's guidelines.

## 7.7 Impact on neighbouring amenity

- 7.7.1 The proposed building would run parallel with the rear gardens of 9 - 11 Elm Grove. The proposed building would be distanced 15.8m away from these neighbours at first floor level and 17.8m at second floor level. As stated above, the materials of the North East elevation at first floor level and the second floor lift shaft have been changed from a render finish to cedar cladding. The change of material at this level has been sought to try and breakdown and reduce the bulk and massing of the building when viewed from these neighbouring gardens and properties. The windows on the North East elevation would be obscure glazed thereby mitigating overlooking and loss of privacy. This can be safeguarded by an appropriate planning condition requiring that these windows shall be obscure glazed, fixed shut and permanently maintained as such thereafter.
- 7.7.2 In terms of daylight, the building's design meets paragraph 7.25 of the New Residential Development SPG, which requires new development adjacent to the ends of gardens of existing dwellings to be set back according to the height of the new development, with appropriate separation distances being adhered to on all floors (4m at first floor and 6m at second floor). In addition, the proposal meets the BRE Daylight requirements, taking into account the appropriate point from which the 25 degree angle should be taken, and that this only slightly cuts the corner of the narrow liftshaft. In relation to sunlight, there will be some additional overshadowing of the garden area of 9-11 Elm Grove in the afternoon in spring and autumn due to the additional height and orientation. This would be within acceptable BRE limits for 10 and 11 Elm Grove, which relates to hours of sunlight received on 21<sup>st</sup> March. The garden of 9 is already more overshadowed than its neighbours as a result of having buildings on both side and rear boundaries.
- 7.7.3 It should be noted that the Council guidelines relating to daylight and setback from the boundary do not distinguish between longer and shorter garden areas. The assessment of impact on outlook and whether a building is too oppressive is a more subjective matter. Officers have some



concern about the impact of the additional height and form of the building in relation to outlook from neighbouring gardens and properties relative to the impact of the existing building. However, the impact on neighbouring properties has previously been assessed in relation to planning permissions 06/P2441 and 07/P3518 which were both approved at planning committee. Whilst planning officers share some of the concerns raised by neighbours in terms of the buildings bulk and massing, there are no material changes in the context of the site or planning policy which would affect that previous assessment.

## 7.8 Employment

- 7.8.1 The site is not located within a designated employment or industrial area. Whilst the existing building is currently being used for storage purposes, the proposal would intensify the site by creating approximately 35 full time jobs and therefore would create additional growth of employment within the Business estate and Borough as a whole. The redevelopment of the site will provide employment use on land outside a designated industrial area, helping to achieve the aims of Policy E7: Land Uses on Sites Outside the Designated Industrial Areas in which support is given for businesses which can occupy light industrial, studio laboratory and small office premises to locate on the smaller scattered employment sites outside the designated industrial areas.

## 7.9 Trees

- 7.9.1 The tree located in the rear garden of 12 Elm Grove does not have high public amenity value that is worthy of protection, due to its size and species and the fact that it cannot be clearly seen from the public domain. The tree is not protected by TPO and the site is not located within a conservation area therefore there are no restriction placed upon the tree. The location of the existing building would mean that the roots of the trees are already affected by the foundations of the existing building, therefore it is unlikely that the tree would be adversely affect by the new building. Loss of the tree would not provide grounds for refusal.

## 7.10 Traffic and Parking

- 7.10.1 The proposal seeks to provide 9 small office units within an existing business park. It is anticipated that the redevelopment of the site would create 35 full time jobs. A travel plan was submitted with the previous planning application 07/P3518 and its content is still relevant to the current application by stating that the development would be a car free development. Concerns of neighbours have been noted regarding the existing parking problems in and around the estate with unorganized and restricted parking and problems with large vehicles entering and exiting

the business park. The proposal would intensify the existing highway conditions by replacing the larger storage building with 9 smaller offices, however the proposal is considered relatively modest in size and would not generate significant levels of highway pressure.

7.10.2 The site has a PTAL score of 2, which is considered to be low. However, Wimbledon town centre is 800m walk or a short bus journey from the site and provides excellent connections to local and regional destinations. In addition, Elm Grove is located within a controlled parking zone and the existing parking restrictions would not offer suitable parking provisions for new employees of the new units, thus promoting more sustainable modes of transport to the site.

## 8 Merton's Community Infrastructure Levy (CIL)

8.1 The proposed development is liable to pay Merton's CIL if the planning decision notice is issued after 1 April 2014. The rate for Merton's CIL is set at £220 per square metre, is non-negotiable but planning permission cannot be refused for failure to agree to pay CIL

## 8.2 Local Financial Considerations

8.2.1 The proposed development is also liable to pay the Mayoral Community Infrastructure Levy, the funds for which will be applied by the Mayor towards the Crossrail project. The rate for Mayoral CIL is set at £35 per square metre, is non-negotiable but planning permission cannot be refused for failure to agree to pay CIL.

## 9. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

9.1.1 The proposal is for minor commercial development and an Environmental Impact Assessment is not required in this instance.

9.1.2 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms on EIA submission.

## 10. CONCLUSION

10.1 The planning officers have some reservations in terms of the building's increased bulk and massing relative to existing and its proximity with adjoining residential properties, however this is a subjective view, and there have been no significant changes in the context of the site or planning policy which would alter a different assessment of the application compared to the previous planning approval 07/P3518 with an identical

height and massing. The planning history of the site is a material consideration and therefore it is considered that the proposal is acceptable and would be in accordance with Adopted Unitary Development Plan, Core Planning Strategy and London Plan policies. The proposal is therefore recommended for approval subject to conditions.

## **RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

1. A1 Commencement of Development (full application)

2. A7 Drawing numbers.

3. B1 Materials to be submitted

4. C3 Obscured Glazing – fixed Windows

Before the building/extension hereby permitted is first occupied, the windows in the North East elevation of the Building shall be glazed with obscure glass and fixed shut and shall be permanently maintained as such thereafter.

5. C6 Refuse & Recycling (details to be submitted)

6. C7 Refuse & Recycling (implementation)

7. C8 No use of flat roof

8. D1 Hours of use

9. D8 Deliveries, Loading, Unloading

10. D9 No external lighting

11. D11 Construction Times

12. H6P Cycle Parking – Details to be submitted

13. H7 Cycle Parking to be implemented

14. H8 Travel Plan

15. L6P BREEM (Pre-commencement)

16. L7 BREEM (Pre-occupation)

17. Prior to the commencement of demolition works a method statement detailing: -
- (1) The method of demolition
  - (2) Measures to identify and remove asbestos
  - (3) Measures to prevent nuisance from dust, noise and any other effluvia to surrounding properties
- Reason: - To safeguard the amenity of the occupiers of surrounding residential properties. Shall be submitted in writing to the Local Planning Authority for approval. Once approved, the scheme shall be implemented and retained thereafter.
18. Ground Contamination Site Investigation Report Before construction work commences a detailed site investigation survey shall be carried out and submitted to the local authority. The survey should establish the degree and extent of any ground contamination present including potential contamination from the demolition of structures both above and below ground. A report detailing the proposals for appropriate remediation should be submitted to and approved by the Local Planning Authority. The survey must include the under noted areas of investigation. These areas of investigation are not prescriptive and the investigation should address historic land use data, be site specific and also address any potential impact due to migration of ground contaminants or gas from outside the curtilage of the application site.
- (1) Chemical contaminants held within the soil matrix, hydrocarbons, polychlorinated biphenyls and liquid contamination of ground/perched water, sampled in accordance with the relevant British Standards.
  - (2) The presence or likelihood of gas, i.e. methane and carbon dioxide generation on site and if so appropriate investigation details (gas monitoring).
  - (3) The presence of asbestos both within the soil and buildings which are to be demolished and underground structures which may be removed (oil/fuel tanks etc). The survey and report must be formulated having regard to the Contaminated Land Exposure Assessment model 2002, Contaminated Land Report 10 and associated guidance developed by DEFRA and the Environment Agency.

Notes: -

a) Dependent on the site history consultation should take place with the Petroleum Officer of the London Fire and Emergency Planning Authority (for issues of underground tanks or fuel storage areas).

b) Issues of ground water contamination must be referred to the Environment Agency.

The Environment Agency, South East Area, Swift House, Frimley Business Park, Frimley, Camberley GU16 5SQ. Tel 01276 4543  
Submission of Validation Report - Post Development With respect to site remediation, on completion of the development the developer will be required to submit to the Local Planning Authority a Validation document/report (audit trail) that verifies compliance with the agreed proposals for remediation. The audit trail shall include the following and any other relevant documents and/or photographs.

1. Copies of waste transfer notes relating to the off site disposal of contaminated material.

2. A marker layer/ geogrid or similar, if specified, shall be installed to mark the depth at which soil has been removed and clean top soil has provided (sand is not acceptable for this purpose).

3. Samples of any imported materials shall be taken for analysis and copies of the results submitted to Local Planning Authority.

4. Photographs of key stage of the development related to site remediation including the removal of tanks and contaminated materials shall be provided.

5. The Remediation Validation report shall be signed by a senior member of the development company, consultant engineer or environmental consultant, submitted to the Planning Authority verifying that the site has been remediated in accordance with the works/ proposals agreed. The Environmental Health section of the Council are to be informed of the proposed timetable for remediation so that an Officer of the Council can attend on site whilst works are in progress, they should also be informed of the discovery of any onsite contamination not initially identified by the site investigation survey. Contact Environmental Health 0208 545 3441 for further advice.

Reason: - To protect the health of future occupiers of the site and

adjoining areas.

19. The sound pressure level of noise generated by any plant, machinery or equipment shall not increase the background noise level by more than 2dB(A) 5minute Laeq when measured at the boundary of the nearest residential property. Details of measures including the specification of equipment to meet this condition shall be submitted to and approved in writing by the Local Planning Authority prior to installation. Installation and maintenance of the equipment shall thereafter be carried out in accordance with the details approved.

Reason:- To safeguard the amenity of the occupiers of nearby residential properties.

20. The sound pressure level of noise generated by any plant, machinery or equipment shall not increase the background noise level by more than 2dB(A) 5minute Laeq when measured at the boundary of the nearest residential property. Details of measures including the specification of equipment to meet this condition shall be submitted to and approved in writing by the Local Planning Authority prior to installation. Installation and maintenance of the equipment shall thereafter be carried out in accordance with the details approved.

Reason:- To safeguard the amenity of the occupiers of nearby residential properties.

21. No internal lighting is to be visible from the north west elevation or north east elevation outside the hours of 7:00 - 23:00

Reason:- To safeguard the amenity of the occupiers of nearby residential properties.

22. No ventilation or air conditioning system shall be installed on the site until detailed plans and specifications of the equipment comprising a ventilation system or air conditioning system which shall include measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencers and anti vibration mountings where necessary), have been submitted to and approved in writing by the local planning authority. The ventilation system or air conditioning system shall be installed in accordance with the approved plans and specifications before the development hereby permitted commences and shall be permanently retained thereafter in accordance with the approved specifications.

Reason: To protect the amenities of nearby residential properties and the visual amenities of the area generally.

23

Stag Beetles

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