

PLANNING APPLICATIONS COMMITTEE

19th August 2021

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>Item No:</u> <u>DATE VALID</u>
	21/P0855	10/03/2021
Address/Site	Hartfield Walk off The Broadway, Wimbledon, London, SW19 1QD	
(Ward)	Dundonald	
Proposal:	TEMPORARY INSTALLATION OF 2 X 2 KIOSKS AND AN ARCHWAY WITH PLANTERS FOR UP TO 5 YEARS, FROM 26/03/2021 UNTIL 25/03/2026.	
Drawing Nos	Site Location Plan, 01.0, 01.1, 01.2, 02.0.	
Contact Officer:	Tim Bryson (020 8545 3981)	

RECOMMENDATION

GRANT Permission, subject to conditions

CHECKLIST INFORMATION

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental Impact Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- Yes
- Site notice-Yes
- Design Review Panel consulted- No
- Number neighbours consulted – 5
- External consultants: Yes
- Controlled Parking Zone: Yes
- Conservation Area: Yes – The Broadway Conservation Area

1. INTRODUCTION

- 1.1 This application has been brought to the Planning Applications Committee due to the number and nature of objections received.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises the Hartfield Walk, which is a pedestrianised street that links the Hartfield Road car park with The Broadway in Wimbledon Town Centre. It is a paved area with central tree line and commercial units enclosed on both sides. The site lies within The Broadway Conservation Area.

3. **CURRENT PROPOSAL**

- 3.1 The current proposal involves the erection of the Temporary installation of 2 x 2 kiosks and feature archway with planters for a temporary period of up to 5 years. The kiosks would be constructed from sustainably sourced oak fascia with green roofs. The roof structure will be a living roof consisting of air purifying plants. The max height of each kiosk would be 3.24 m with a pitched roof design. The kiosks would not have foundations and would be supported on wooden suspended floor. The kiosks would have hatch openings to serve customers. The kiosks would be used for serving food and refreshments with each having a fridge and cooking appliances.
- 3.2 The proposal also includes the erection of a feature archway with planters at the northern part of the site. The archway would have a height of 4.0 m with planters to each side. The archway would provide a feature entrance to the pedestrianised site.

4. **PLANNING HISTORY**

- 4.1 None in relation to the site.

5. **CONSULTATION**

- 5.1 A site notice was erected at the site, a press advert published in the Wimbledon Times on 23/03/2021 and neighbour letters issued 16/03/2021. As a result 15 objections were received and 4 letters of support.

The following provides a summary of the objections raised:

- Loss of bicycle spaces;
- Out of keeping with the local area;
- Cheap looking wooden shacks;
- Encroachment on to pedestrian route;
- Impact on trees;
- Narrowing of footway;
- Safety of pedestrians;
- Built prior to planning consent obtained;
- Bin issues;
- Hopscotch getting in the way of pedestrians;
- Shouldn't be encouraging children and families to be near the road due to pollution;
- Unimpressive planting;
- Tacky appearance

The following provides a summary of the letters of support raised:

- Support the proposal as operational form one of the kiosks;
- Visual improvement to the walkway;
- The kiosks made it possible for us to start a business;
- Businesses used to bring in daily the mobile stands and generators;
- Well lit at night time;
- People enjoy the new space and customers feedback is positive;
- Overall improvement of the walkway;
- Attractive green roof kiosks;

Friends of Wimbledon Town Centre

This project is nearing completion, even though the planning application is open for representations until April 14th. That the work in Hartfield Walk has begun at all, let alone that it is so far advanced, 2 full weeks before the deadline for representations is an affront to local democracy and a very dangerous precedent.

There is no evidence that or requirement for the advice of the Metropolitan Police Designing Out Crime Officer will be heeded.

The visual representations provided give no clear impression of how the finished project is intended to look from street level (looking from the Broadway to the car park and vice versa); the lack of helpful representation makes it impossible to comment on the design of the project in relation to its purpose or its immediate environment.

The materials are a concern: the OBS has only been painted, not covered. The appearance is poor, and there are already stains on the paintwork from liquid running down the outside of some structures. It already looks doubtful that the OBS construction is fit for its 5-year purpose.

The Wimbledon Society

The works have been completed and the installation is not in total accordance with the plans they have submitted. The 'Hartfield walk Kiosks' plan shows two hopscotches but one has been replaced with 'Find the Flowers.'

We would like to offer the following points for consideration by Merton Council pending their decision;

- The metal arch at the entrance from The Broadway is interesting but as the site is in the Wimbledon Broadway Conservation Area and is a public highway, presumably a license to put these structures in place will be needed from the Council as Highway Authority.
- The two double kiosks will presumably sell fast food (one is already doing so) and rubbish containers should be provided near them (there is just one double-sided bin at 5 on the plan). The responsibility of cleaning the area should be borne by the stall holders. There appears to be no plumbing in the kiosks.

devices (IEDs) utilising homemade explosive, knives and / or firearms and vehicles.

In respect of the proposed changes, I note that it is not envisaged that Hartfield Walk will become a crowded place / space per se. I recognise that access to vehicles from the Hartfield Road car park is restricted by non-rated products and that the planned changes i.e. Green entrance arch (Wimbledon Broadway), will offer some degree of visual deterrence to any would-be attacker seeking to use a vehicle as a weapon.

I fully accept that there is a desire to retain the litter bin, especially in light that food / drink provision will be key to the success of the project but it would be remiss of me not to highlight that that such receptacles do present a vulnerability, in that they afford the opportunity for the concealment of IEDs. The effects of any blast would be compounded by any glazing in close proximity (i.e. shop windows),

That being the case, I have provided a link (see below) to litter bins which provide some degree of blast mitigation, for your consideration
<https://www.cpni.gov.uk/cse-categories/litter-bins>

In terms of counter terrorism awareness, I will engage with the Merton Counter Terrorism Protect Officer in order that arrangements can be made for the provision of an Action Counter Terrorism (ACT) briefing.

Having given due consideration to the details of the security and safety features from the information provided regarding this application, I have a few concerns with the layout and design of this application, and have provided some comments and recommendations.

This is a short, straight alleyway the proposed design of the kiosks and seating should eliminate any chance of concealment.

Footpaths are recommended to be at least 3 metres wide to allow people to pass without in fringing personal space and to accommodate passing wheelchairs, cycles, and mobility vehicles as a wheelchair user and an ambulant person side-by-side need 1500mm width(1). Seating should be placed adjacent to, but not obstructing, the pedestrian area. Street furniture can cause problems for wheelchair users and for people who are visually impaired, its layout should be consistent and away from the general lines of movement to leave clear pedestrian routes though. The large bench and planter should be redesigned to greatly reduce its encroachment into the central footpath area.

Additionally it is recommended that there should be a minimum pavement width of 3500mm to 4500mm by entrances into shops. There appears to be a hopscotch area shown in the Firecracker Works information document positioned directly outside the rear entrance to Morrisons, this needs to be relocated.

The entrance archway narrows the access into the route and obscures natural surveillance, this should be re-designed to be significantly wider. The archway leads to a tree with sitting area which was obstruct 'natural' flow of movement at the entrance of the walk.

Any new and existing planting should not impede the opportunity for natural surveillance and wayfinding, and must avoid the creation of potential hiding places. Shrubs should be selected to have a mature growth height no higher than 1 metre from ground and trees should have no foliage, epicormic growth or lower branches below 2.4 metres thereby allowing a 1.4 metre clear field of vision. The use of planters increase the height of the vegetation which therefore infringes into the vision channel and natural surveillance.

Planters are of concern as they are frequently used to hide implements in the use of crime. Planters are also a magnet for rubbish, and often used as an ashtray and will require regular maintenance otherwise they convey the wrong impression for the area. The design of any planters should eliminate these issues.

Seating spaces should be carefully considered and located in the appropriate locations such as closer to where facilities are or where there will be natural surveillance this is not the case with the large bench as it is partially obscured by the kiosks. Any benches should be designed to include centrally positioned arm rest dividers to assist those with mobility issues.

Any benches should be sited at the ends of the alley as to enhance surveillance and discourage ASB loitering.

Bicycles and their parts are extremely attractive to thieves, the cycle stands should have appropriate CCTV coverage. The bicycle stands should enable cyclists to use at least two locking points so that the wheels and crossbar are locked to the stand rather than just the crossbar.

The festoon lights should be at a sufficient height so not to be a target of vandals. Hartfield Walk should be well lit and well maintained so as to enable natural surveillance along the route.

The current level of CCTV should be enhanced with a camera located near to The Broadway to cover that area of Hartfield Walk.

The alleyway should be unobstructed and not cluttered with benches and planters projecting into the pedestrian footfall area. The street furniture infill may promote criminal and ASB opportunities where currently there is none.

Tree Warden Group Merton

The four existing upright pear trees, already damaged by earlier pruning of their lower branches, have now been encased in temporary wooden planters, doubling as seats which prevent rainfall from reaching the roots. The applicant has clearly not consulted Greenspaces department whose responsibility they

are because the proposal to treat them in this way would have been viewed as deleterious and therefore refused. We need more trees in the barren town centre and need the existing ones to be protected, in good condition and long-lived.

It may not be relevant to your work but in order to prevent such a thing happening in future, I'd like to know:

- How is Love Wimbledon & the Chamber of Commerce given such control & influence to implement such schemes without checks?
- Who/which council department confirmed the scheme was appropriate for users?
- Who/which department confirmed it would enhance the street scene?
- Why was there no consultation with Greenspaces department who is responsible for the existing trees?
- Why was there no public consultation? (I know there was for the treatment o/s the theatre which still resulted in a scheme of lost opportunity)
- Is it acceptable to spend CIL on temporary works?

Merton needs better than this, particularly in our town centres which are the focus of our borough for residents and visitors alike. It is essential to recognise that any development scheme should be not only fit for purpose but sustainable and in support of the recently adopted Merton Climate Action Plan – this scheme is without merit.

Internal

Council's Environmental Health Officer:

Further to your consultation in relation to the above, I have no Environmental Health (Noise and Nuisance) objections/comments regarding this application.

Council's Conservation Officer:

No objection as it is only a temporary permission and it brightens up a drab walk through. But I do think it is a bit naff and I would have liked to have seen a scheme which was a little more sophisticated.

Council's Transport Planner:

No transport issues.

Council's Highways Officer:

Whilst I have no objection to the temporary works, the structures already seem to be in place for over a month and have been trading without this application being agreed which is a concern.

I am also concerned that there is a structure at the entrance, over the walk which must have a license from Merton to ensure safety and insurance

purposes, has this been approved by planning, what was the application and approval for this and the other works in Hartfield Walk.

Council's Tree and Landscape Officer:

There is no arboricultural assessment. I would have expected more detail relating to the proposed seats. It's impossible to tell what is going on around the trees without any details, and this would include information relating to any further excavations and construction within the root zone of these trees.

I would not recommend approving this scheme given the valid objections and absence of any real information.

Council Greenspaces

I concur entirely (with the Tree Warden Group comments above). It is possible that I have missed an invitation to comment on behalf of Greenspaces, owing to a recent extended period of sick leave but I have certainly not responded positively to the proposal and agree it compromises the future of these trees.

6. POLICY CONTEXT

6.1 Sites and Policies Plan and Policies Map (July 2014)

DM O2	Nature Conservation, Trees, hedges and landscape features
DM D1	Urban design and the public realm
DM D2	Design considerations in all developments
DM D4	Managing heritage assets
DM T2	Transport impacts of development
DM T3	Car parking and servicing standards
DM R1	Location and scale of development in Merton's town centres
DM R5	Food and drink/leisure and entertainment uses.
DM R7	Markets
DM C1	Community Facilities

6.2 Core Strategy (July 2011):

CS 7	Centres
CS11	Infrastructure
CS12	Economic Development
CS13	Open Space, nature conservation, leisure and culture
CS14	Design
CS20	Parking, Servicing and Delivery

6.3 London Plan (2021) policies:

Policy D4 Delivering good design
Policy D8 Public realm
Policy G7 Trees and woodlands

Policy T5 Cycling
Policy T6 Car parking

6.4 NPPF (2021)

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the principle of development and impact on town centre, design/visual impact and impact on Conservation Area, impact on neighbour amenity, trees, highways, pedestrians and parking.

7.2 Principle of development and impact on town centre

7.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise.

The site is an existing public walkway. The proposal would seek to utilise part of this space to accommodate temporary kiosks for serving refreshments and food to public visitors, as well as welcoming archway at the entrance to the walkway. The site lies within the town centre where in principle the siting of kiosks for commercial use/venture is considered acceptable. Town Centre policies CS7 and DM R1 encourage a mix of appropriate uses, such as shopping, restaurants, leisure, recreation, entertainment, cultural, community, offices and other uses which contribute to the vitality and viability of town centres. The principle of the proposal is therefore considered acceptable, owing to the site's town centre location.

The proposal would provide facilities which would offer opportunities for small businesses to operate from. The site is situated just off the busy Broadway thoroughfare road and on a walkway which links to a town centre car park. Hartfield Walk is currently a space which is enclosed by the sides of commercial buildings, offering little attraction to the space. The proposal would provide a new destination for visitors to the town centre and would improve the appearance of the walkway. Overall, officers consider the proposal would have a positive impact on the Town Centre of Wimbledon.

7.3 Design/visual impact and impact on Conservation Area

7.3.1 The National Planning Policy Framework (NPPF) states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The regional planning policy advice in relation to design is found in the London Plan (2021), in Policy D4.

7.3.2 Policy DM D2 seek to ensure a high quality of design in all development, which relates positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features

of the surrounding area. Policy DM D4 seeks to ensure that development adjacent to Conservation Areas either preserves or enhances the setting of the Conservation Area. Local Development Framework Policy CS14 supports these SPP Policies.

- 7.3.3 The proposed kiosk buildings would be single storey and would be sited adjacent to taller buildings flank wall which front The Broadway. The current pedestrianised walkway is enclosed by commercial buildings, with a modern one being the side of Morrison's and the windows of a commercial unit that fronts The Broadway. The proposed kiosks would be separated by new seating areas. The use of pitched roofs to the kiosks and by virtue of their single storey nature and scale, officers are satisfied that they would not cause visual harm to the streetscene and wider Conservation Area.
- 7.3.4 The archway and planter structure would be located at the start of the pedestrianised street fronting The Broadway. This structure would be set back from the adjacent building lines of the buildings in The Broadway and therefore not affect pedestrian flow on The Broadway pavement. Owing to its single storey height and planters either side, officers do not consider it would cause a harmful impact on the setting of the Conservation Area. It would be a structure that is clearly linked to the walkway and would be viewed in association with this. The Council's Conservation officer has expressed some concern with the design, however, noting it is for a temporary permission. Officers therefore consider that the proposal would not cause harm to the setting of the Conservation Area or streetscene.
- 7.3.6 Overall, the proposal would not cause harm to the visual amenities of the area and would preserve the character and appearance of the Conservation Area and is therefore acceptable in terms of policies CS14 and DM D2, DM D3 and DM D4.

7.4 Impact on Neighbour Amenity

- 7.4.1 SPP policy DMD2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise.
- 7.4.2 The proposed kiosk buildings are single storey in nature and are not immediately adjacent to any neighbouring residential occupiers. They would be sited adjacent to the tall blank flank wall of 61 the Broadway. Although there are no Council records showing flats above 61, the flank wall has limited side windows and main outlook is to the front and rear. The kiosks are set well below any side window and no harm would occur to users of the first floor and above at 61. The opposite side lies the flank wall of the ground floor commercial unit fronting The Broadway and Morrison's. As such, no harm to neighbouring amenity is anticipated. The archway would not cause any harm to neighbouring amenity given its position and height. The hours of use of the kiosk buildings could be reasonably controlled via planning conditions.

Officers are therefore satisfied there would be no material impact on the amenities of neighbouring properties.

7.4.5 Overall, the proposal would not cause material harm to the surrounding amenities of neighbouring residential properties and is therefore considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments).

7.5 Trees

7.7.1 A number of concerns have been raised with regards to the impact of benches on the existing trees within Hartfield Walk. The benches installed do not require planning permission and are not part of the current application. Officers therefore can not consider the effect of these on the trees. The kiosks and archway themselves do not require foundations and are set away from the trees. Officers note other concerns expressed by the Tree and Landscape Officer, however, these concerns are in relation to the benches. Overall, the proposed kiosks and archway are not considered to cause any harm to the street trees.

7.6 Highways and Parking

7.6.1 Development should not adversely affect safety on the transport network. Similarly Core Strategy policy CS20 requires that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management.

7.6.2 Core Strategy Policy CS 18 promotes active means of transport and the proposal includes on-site secure cycle parking for both the residential and office uses of the proposal.

7.6.3 The site is in a highly sustainable location in the town centre. The kiosks are small in scale and there are no requirements for on-site parking for such structures. The Council's Transport Planner has raised no transport or parking issues with regards to the proposal. Officers note that the public car park to the south has direct pedestrian access to the site. The businesses to operate from the kiosks could utilise the public car park for any servicing needs. Officers note the concerns from the Council's Highways Officer, however these are issues relating to highway licences which is a separate matter. An informative is recommended to ensure the applicant is aware of any licence requirements that may be needed.

7.6.4 Officers note that moveable mobile units were originally in place on the site, which would have required to be moved on and off site every day. The proposal would provide a more permanent solution which would reduce the necessity for mobile units.

7.6.5 The proposed kiosks would extend up to 2.4 m into the walkway and would thereby leave up to 5.6 m of walkway when in front of the kiosks. The walkway is 8.0 m wide and has street trees down the middle of it. Officers

acknowledge there are other street furniture aspects which have been implemented on the walkway without the need for planning permission which reduces the width in part to the walkway at certain locations. However, these are largely seating areas which would likely be used by customers of the kiosks. The Council's Transport Planner has raised no objection to the proposal and raises no concerns with regards to pedestrian movement through the walkway. The applicant has outlined that the existing cycle parking has been re-provided at the southern end of the walkway and although these do not require planning permission, they are in discussions with Merton Council as highway authority to provide additional cycle parking elsewhere.

7.6.6 The proposal is therefore considered to be acceptable in terms of impact on highways, parking, cycling and pedestrian movement.

7.7 Sustainability

7.7.1 In light of the Government's statement and changes to the national planning framework it is advised that conditions would not be attached requiring full compliance with Level 4 of the Code for Sustainable Homes but would be attached so as to ensure that the dwellings are designed and constructed to achieve CO2 reduction standards and water consumption standards equivalent to Code for Sustainable Homes Level 4.

7.7.2 As per CS policy CS15, minor residential developments are required to achieve a 19% improvement on Part L of the Building Regulations 2013 and water consumption should not exceed 105 litres/person/day. Non-domestic development (office/commercial) under 500m², does not require assessment under CS Policy CS15. There are therefore no sustainability requirements required for the proposal. It should further be noted that the proposed kiosks would be sited for a temporary period.

7.8 Other issues

7.8.1 Officers note the detailed comments provided by the MET Police Design out Crime Officer. A lot of the comments raised are in regard to aspects which aren't part of the planning application, such as benches, street art, cycle racks and planters. The width of the archway allows for pedestrian movement through the centre as well as beyond the sides of the archway all at 2.2 m in width. Officers consider that natural surveillance would occur with use of the kiosks and that the archway is transparent in its design. Officers do not therefore consider that an objection could be sustained on the archway design. It should be noted that the walkway is an existing walkway and had very little street furniture and facilities to make it well used. The proposal would provide an uplift in appearance and activity, which overall is considered to be an improvement.

7.9 Local Financial Considerations

7.9.1 The proposed development would not be liable to pay the Merton and Mayoral Community Infrastructure Levy (CIL) as it is for temporary buildings.

7.10 Temporary permission

7.10.1 The application proposes a temporary planning permission for 5 years. Officers do not raise objection to a temporary permission approach, given the nature of the kiosks, archway and that they would be sited on a public walkway. An appropriate condition is therefore recommended.

8. **ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly, there is no requirement for an EIA submission.

9. **CONCLUSION**

9.1 The proposal would provide refreshments and food opportunities for users of Wimbledon Town Centre in a sustainable location. The proposal would enhance the pedestrianised street and would add variety to the town centre offer. The design of the kiosks and archway are considered appropriate for their temporary use and would not cause harm to the Conservation Area. Officers therefore recommend permission be granted.

RECOMMENDATION

GRANT planning permission, subject to conditions:

1. The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission

Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 01.0, 01.1, 01.2, 02.0

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The facing materials to be used for the development hereby permitted shall be those specified in the application form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policies D4 and D8 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

