

PLANNING APPLICATIONS COMMITTEE 18 July 2019

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
17/P0296	17/03/2017
Address/Site	141 The Broadway, Wimbledon, SW19 1NE
Ward	Abbey
Proposal:	Redevelopment of site to create 20 x self-contained flats within a six storey residential block with new frontage to ground floor commercial unit
Drawing Nos	20-00, 20-01, 20-02, 20-03, 20-04, 20-05, 20-06, 20-RF, 21-01, 21-03, 21-04, 21-07 and 29-01.
Contact Officer:	Stuart Adams (0208 545 3147)

RECOMMENDATION

GRANT Planning Permission subject S106 agreements and conditions.

CHECKLIST INFORMATION.

Heads of agreement: - Affordable Housing (no provision, but an early and late stage viability review required), Permit Free & Carbon Off-set shortfall
Is a screening opinion required: No
Is an Environmental Statement required: No
Has an Environmental Impact Assessment been submitted – No
Press notice – Yes
Site notice – Yes
Design Review Panel consulted – Yes (at pre-application stage)
Number of neighbours consulted – 103
External consultations – No.
PTAL score – 6a
CPZ – VOs

1. INTRODUCTION

- 1.1 The application has been brought before the Planning Application Committee for consideration in light of the number of objections received against the application and officer recommendation of grant permission subject to conditions and S106 agreement. The application had also been

called in by former Councillor, Councillor Chirico.

- 1.2 The application was deferred by the planning committee on 25th April for officers to seek clarification on whether the proposal had gone before the Design and Review Panel

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a three storey period building with a hipped roof on the south side of The Broadway, Wimbledon. The ground floor has been in use as a bar/restaurant (Class A3/A4) for a number of years with residential accommodation above. The building has a single storey rear extension with plant equipment accommodated on top and with an external seating area behind. The property is gated to the front with a low wall and metal railings to the public footpath and main road. Vehicular access is possible to a service area to the west flank of the building.
- 2.2 The immediate surrounding area is mixed both in use and townscape terms. Immediately to the west of the site is Ashville House (Nos 131-139 Broadway), a 1980's four storey mixed use red brick building. To the east is 151 The Broadway (CIPD building), a relatively recent 5/6 storey office development with a contemporary appearance and a distinctive curved glazed frontage with a buff brick surround. Opposite the site is Broadway House, a recent 6/7 storey residential led mixed-use development with retail at ground floor constructed in a mixture of brick, white and grey cladding and timber. To the west of the site are houses in Palmerston Road.
- 2.3 The site is not in a Conservation Area nor is the building included on the statutory or non-statutory listing.

3. **CURRENT PROPOSAL**

- 3.1 Refurbishment of existing ground floor commercial unit, demolition of the two existing residential upper floors and replacement with 6 new floors providing 20 self-contained flats (10 x 1 bedroom and 10 x 2 bedroom flats).

Amended Plans

- 3.2 Following advice from the Councils Design Officer, the treatment of the frontage and sides of the building has been amended. The winter gardens and balconies have been replaced with smaller external balconies and introduction of more brickwork.

- 3.3 The proposed ground floor would retain its existing use and seek to refurbish the exterior of the ground floor with a modern design approach. This would include full height glazing to the front and side and an aluminium framing and banding above.
- 3.4 The upper level would also incorporate a modern design approach with the predominate use of a yellow stock brick, full height windows with aluminium framing, glazed balconies and a large flank certain wall.
- 3.5 In terms of the height of the proposed building, the main building frontage (floors 1 to 5) would sit below the top of the curved frontage of the adjoining CIPD building. The recessed top floor whilst projecting above the curved glass frontage of CIPD would sit below the corresponding roof level of CIPD. The recessed top floor would be of lightweight construction and have a subordinate design approach, being set back from the building frontage and flank.
- 3.6 The proposed flat sizes in relation to the London Plan GIA standards are as follows:

	Dwelling type (bedroom (b)/ bedspaces (p))	London Plan (sqm)	GIA (sqm)	Amenity Space (Lon Plan)	Amenity Space (Proposed)
Flat 1	1b2p	50	55	5	4.5
Flat 2	2b4p	70	75	7	9
Flat 3	2b4p	70	74	7	10
Flat 4	1b2p	50	54	5	5
Flat 5	1b2p	50	55	5	4.5
Flat 6	2b4p	70	75	7	9
Flat 7	2b4p	70	74	7	10
Flat 8	1b2p	50	54	5	5
Flat 9	1b2p	50	55	5	4.5
Flat 10	2b4p	70	75	7	9
Flat 11	2b4p	70	74	7	10
Flat 12	1b2p	50	54	5	5
Flat 13	1b2p	50	54	5	4.5
Flat 14	2b4p	70	75	7	9
Flat 15	1b2p	50	50	5	9
Flat 16	1b2p	50	60	5	5
Flat 17	1b2p	50	55	5	4.5
Flat 18	2b4p	70	75	7	9
Flat 19	2b3p	61	63	6	12
Flat 20	2b4p	70	74	7	29

4. **PLANNING HISTORY**

- 4.1 16/P2585 - Redevelopment of site with demolition of 1st & 2nd floors levels, remodeling of retained ground floor restaurant (class a3) and

erection of 6 storey building consisting of 16 residential units (7x 1 and 9 x 2 bedroom flats). (identical to previous application 14/P1008 dismissed at appeal for lack of legal agreement relating to affordable housing) – Agreed by members of the planning committee at the September 2018 meeting. To date, the application is pending the completion of the S106 agreement.

- 4.2 14/P1008 - Demolition of first and second floors of existing building, retention of ground floor within use class A3 and erection of six storey building to provide 16 residential units – Refused at Planning Application Committee on 13/10/2015 for the following reason:

The proposed building due to its design, detailing, materials and proportions would fail to appropriately relate to the architectural forms, language, detailing and materials which complement and enhance the character of the wider setting and would therefore fail to achieve a high quality design that relates positively and appropriately to the rhythm, proportions and materials of surrounding buildings. The proposal would therefore be contrary to policies DM D2 Design considerations in all developments & DM D3 Alterations to existing buildings of Merton's Sites and Policies Plan and CS 14 (Design) of Merton's Core Planning Strategy (July 2011).

An appeal was lodged against the refusal, (Appeal Ref – APP/T5720/W/16/31430), which was dismissed by the Planning Inspector in May 2016. In reaching his decision to dismiss the appeal, the planning inspector considered that the two main issues were the effect of the proposed development on the character and appearance of the street scene and whether the proposed development makes adequate provision in respect of local infrastructure. The planning inspector considered that the proposed development would not have an unacceptable impact on the character and appearance of the street scene. However, he found that although the appellant had indicated their willingness to enter into a legal agreement, the lack of a signed and completed agreement meant the appeal proposal failed to secure appropriate financial or other contribution towards the provision of affordable housing. The scheme was therefore contrary to Policy DM H3 of the Sites and Policies Plan and Policy CS8 of the Core Strategy.

- 4.3 07/P0817 - Display of various internally illuminated signs to the building and a freestanding double sided internally illuminated sign in the forecourt – Grant - 04/05/2007.
- 4.4 02/P2477 - display of various externally illuminated signs to the building and forecourt – Grant - 09/01/2003

- 4.5 98/P1619 - Display of non-illuminated fascia signs and an externally illuminated pole sign – Grant - 23/03/1999 23/03/1999
- 4.6 98/P1072 - Erection of single storey front extension in conjunction with use of ground floor of property as restaurant/bar with alterations to roof of existing rear conservatory, provision of covered dining area with a canopy within existing rear beer garden and erection of 2.4m high gates across side passage – Grant - 20/11/1998
- 4.7 94/P0404 - Erection of a canopy above front entrance – Grant - 13/07/1994
- 4.8 94/P0403 - Installation of no.1 externally illuminated fascia sign on front elevation of premises – Grant - 13/07/1994
- 4.9 89/P0469 - Display of a double sided internally illuminated projecting box sign – Grant - 20/06/1989
- 4.10 87/P1598 - Erection of a single storey conservatory at rear of existing public house – Grant - 11/02/1988
- 4.11 MER7/70 - Single sided illuminated box sign – Grant - 19/03/1970
- 4.12 MER855/69 - Double sided illuminated sign – Grant - 27/10/1969

5. **CONSULTATION**

- 5.1 The application has been advertised by major site notice procedure and letters of notification to the occupiers of neighbouring properties.
- 5.1.1 In response to the consultation, 11 letters of objection, including one from Wimbledon E Hillside Residents Association (WEHRA) and The Wimbledon Society have been received. The letters raise the following objections (based on the original set of plans, before they were amended):
- 5.1.2 Objection letters

Neighbour Impact

- Severely affect natural lighting to the adjoining CIPD building and atrium which is a major design feature.
- Overlooking. Made worse by the very large floor to ceiling windows and fully glazed roof terraces. The glass to the balustrades should be frosted.
- Overshadowing
- Solar panels on the roof will harm the vista from the other side of

the street.

- The ground floor use should be restricted to A1 to prevent nuisance to surrounding residents. Hours of opening should be restricted to prevent late night activity
- Construction hours should be limited to Monday to Fridays (not weekends) to prevent nuisance to surrounding residents.
- The plans have 12 balconies facing towards Palmerston Road as well as other windows doing the same. This would be a significant intrusion into gardens which at present is barely overlooked. The balconies would no doubt lead to significant increases in the level of noise in an area that is currently very quiet.
- Obscure views

Design

- The quality of the materials and overall design are inappropriate and out of keeping.
- High quality design (compared to refused scheme) is welcomed but some concerns remain.
- The height of the building risks turning this section of The Broadway into an urban corridor comprising featureless tall buildings.
- Balconies in apartment blocks often become cluttered as they are used for storage of bicycles, BBQ's etc. A condition should be imposed in the leases which prevents owners/occupiers from doing this.
- No plant or machinery should be allowed to be installed on the roof so as to protect the vista from the other side of the street.
- There is no requirement for the site to be re-developed, especially in a way that is so out of character with the current building.
- Contribute to the further erosion of the character of The Broadway and Wimbledon, which runs the risk of becoming another corridor to concrete, steel and glass high-rise buildings, dwarfing traditional and long-standing brick built terraced houses.
- The design is too massed, coloured and bulky
- It detracts from the architectural merit of the CIPD building next door, which in turn completely loses its context and just looks ugly and dominant
- A main feature of the CIPD is the lovely glass atrium and this building would obviously steal the light necessary to make this an attractive feature.
- The 3 buildings together, The Premier Inn, CIPD and this, look awful alongside each other, too much use of green coloured panels and similar design features (grids, see below), whilst the same (ish) heights and different shapes, they need breaking up and differing, especially regarding height.

- The bulky boxes on the front are ugly and dominant with no grace at all
- The brick side of the building actually fits the frontage better than the actual frontage design as it echoes the CWD building opposite.
- The entrance level looks like a cheap domestic temporary greenhouse and has no architectural or aesthetic merit whatsoever.

Use

- Where possible planning conditions should be imposed to seek to retain the Made in Italy restaurant at this location in the town centre
- No family accommodation proposed
- Do we really need more commercial space?

Affordable Housing

- Proposal does not secure appropriate financial or other contributions towards the provision of affordable housing

Highways

- High parking issue in the area. Development should be permit free

Other

- Impact on already strained services, including trains
- Loss of property value

5.1.3 Wimbledon East Hillside Residents Association

WEHRA represents over 800 households just to the north of the town centre, and as the area grows, our community has been suffering many negative impacts. This is not acceptable to Wimbledon's Primary Stakeholders: its Residents. It is wrong to encourage developments lead ultimately to the deterioration of our neighbourhoods.

Overall, the proposed building is a big disappointment. Why doesn't Applicant doesn't heed the advice already given, as the site is an important one not just to them, but to every one of us in Wimbledon. It is next to the refreshingly delightful, award-winning CIPD building. The building works. The occupants are happy to work there. Premier Inn will be built on the western side of the CIPD, and we need something equally or even more respectful and sympathetic to the 'Building of Merit' that is the CIPD. Our concerns are:

Excessive Height

It appears the proposed building is a full storey taller than the CIPD next door. Concern has been raised about what real height is being proposed, and until that is resolved, the Application should be withdrawn from consideration. Why should such an ordinary proposal be allowed excessive height? We are urging the Council to build a memorable, pleasant Street Scene for future generations, and this tall building does not fit the bill.

Glass and Terraces

The Broadway frontage is about 80% glass, without justification for such heavy-handedness. The terraces overlooking the Broadway will - within a few months - be full of rubbish, old furniture, clothes hanging over the balcony drying, etc. We know because this design error has been approved in the past in our area, and we now all have to live with the consequences. Drying racks hanging out front all day long, broken toys and old bikes rusting, etc. It is wrong to allow flats to have clear glass terraces visible to all.

Further, it is likely these will be buy-to-let investments. Tenants are generally not bothered about dirty glass windows, cheap, badly hung curtains, and how all that looks from the footpath. We as local residents DO CARE what our community looks like, and we don't want to see this view, when we are on the Broadway. Please remove the terraces and design a building with smaller apertures, including a distinctive design feature (see attached) that contributes POSITIVELY to Brand Wimbledon.

Situation on Plot

The existing restaurant projects too far forward as it stands. Any new build needs to be stepped back, and not so prominent on the footpath. Instead trees and shrubs in deep planting beds need to be added, not a bigger building. The Number One 'want' from the Wimbledon Workshops was to 'green up' the town. This is important and indeed essential. We recommend the entire building be set back, allowing room for a copse of silver birch fronting the Broadway, to mitigate the effects of heavy air pollution.

Car Free

Car-Free is appreciated; a Section 106 Condition is required to ensure no business, resident or visitor parking permits are ever issued to Landlord, tenants or their visitors. The bikes stores appear poorly planned and located. Other developers are doing ground or ramps, with basement locked areas for bicycles. It would deter use, if cyclists must carry their bikes upstairs, to store.

Sustainable Design

Where is the Applicant's commitment to build a BREEAM Excellent or Very Good building? We need buildings to last 100 years or more, not 20 years or so, like most others in WTC. Where are PV panels, rainwater collection, storage and re-use plans to wash the many glass windows (they will be filthy within days ...), free water to wash down the footpaths, and water trees Where are the street and frontage trees, needed to counter the serious pollution that the Broadway suffers? Where is the green screen to the rear of the property? We urge the Applicant to include swift boxes on the roof, as other developers are doing throughout the area

Offices vs Residential

We've heard *ad nauseum* that this area is for OFFICES. We are surprised then to see this proposal for residential, situated in between two office blocks. We understand the Masterplan is nearly drafted, and surely the need for offices outweighs the need for small flats in this area. If any residences are needed, they would be smaller, more affordable family homes, not flats.

In any case, the visuals for this proposal suggest it is an office block. Can the Applicant reconsider, and return with an appropriate building for this important, Future Wimbledon site?

In sum, Wimbledon Residents are looking for Buildings of Merit. This proposal falls short on so many levels, we urge you to REFUSE PERMISSION and ask the Applicant to return with a sensitively considered proposal, or sell it on to somebody who can do it right.

5.1.4 The Wimbledon Society

Over prominent:

The size and massing of the proposed building is too large for the site. It is not in keeping with the size and scale of the area. The proposal is too high and would create overshadowing. It is the Society's view that it should finish at level 5 i.e. the roof should be at 15800

Loss of privacy:

The windows and balconies and glazing in the proposed building would detrimentally affect the use of adjoining buildings and gardens.

Balconies:

Residential balconies overlooking the main road are inconsistent with the character of that side of The Broadway.

Parking: there is existing pressure on parking in the area and no parking provision in the proposal will increase this.

Lack of affordable housing:

Applications 14/P1008 was rejected by the Council on the basis that it failed to secure affordable housing. There appears to be no mention of affordable housing in this application so it fails to make adequate provision in terms of local infrastructure.

Inadequate residential entrance:

The entrance to the residential block is at the side is not a visually defensible' area as it is hidden from the public highway; there is a connection between the retail unit and the access to the residential block at ground level which is a security weakness.

Policy DMD2A (Sites and Policies Plan of 7/2/14) concerning design considerations in all developments, says in (a) (l) "Proposals for all development will be expected to... relate positively and appropriately to the rhythm... proportions... materials ... or surrounding buildings". The Wimbledon Society does not believe that the development relates positively to its neighbours. This application does not follow the Council's policies and so the Wimbledon Society opposes the application.

Re-consultation

5.1.5 In response to concerns from neighbours that the proposed elevations did not accurately show the height of the adjoining CIPD buildings, the applicant has provided updated surveyed elevations showing the heights of adjoining buildings. Neighbours were re-consulted on the additional information on the 24th June 19.

5.1.6 In response to re-consultation, 2 letters of objection received. The letters raise the following points:

- Development is far too large for the site. Not in keeping with the size and scale of the area. Does not relate positively to its neighbours
- Height and the footprint are overbearing.
- Loss of privacy, light and sunlight
- Balconies facing directly south will be able to see into gardens and properties.
- Balconies overlooking the main road are inconsistent with the character of that side of The Broadway.
- The building should be stepped back further so not to be so overbearing to the existing neighbours.
- There is existing pressure on parking in the area and no parking provision in the proposal will increase this.
- Lack of affordable housing
- Inadequate residential entrance, the entrance is located at the side

and is not a visually defensible area. There is a connection between the retail unit and the access to the residential block at ground level, which is a security weakness.

5.2 Transport Planning

5.2.1 No objection subject to condition and S106 agreement (permit free development)

5.3 Climate Officer

5.3.1 No objection subject to conditions and S106 agreement.

5.4 Design Officer

5.4.1 No objection (based on amended plans) subject to conditions

Original Design Officers comments (9th May 2017)

Overview

5.4.2 This is a proposal for the intensification of a site that contains one of the original buildings from the development of Wimbledon following arrival of the railway. The aim is to retain the existing ground floor and use, and this in itself presents some difficulties with developing the site. The existing building has been much altered and is not considered a heritage asset and redevelopment and intensification is supported in principle.

5.4.3 The chosen land use of residential, in an area of predominantly commercial uses, even at the upper floors, presents challenges regarding overlooking, privacy, daylight, amenity and the ability to successfully intensify the adjacent site. As a result many of the windows in the west elevation are opaque for the majority of their height. However, in all cases there are clear windows facing north and south as well. The land use is considered appropriate to the location and supports the mix of uses expected in town centres to contribute to their vitality.

Urban design principles

5.4.4 Wider scale urban design principles of permeability, legibility etc. are not directly relevant to this single site proposal.

Siting, density, scale, height

5.4.5 The main part of the building is sited to occupy almost the full width of the site facing the street, allowing access to the side into a courtyard. The rear of the building is separated from the front by the access core and a lightwell. This enables all the units to be dual aspect and is considered an important part of the design that enables the site to be successfully intensified. The building steps back at the rear to reduce visual impact on properties to the rear and side.

- 5.4.6 The layout breaks up the mass of the building on this rather small site. The building also aligns itself slightly forward of the brick elevation of the adjacent CIPD building, but not so far as to obscure or compete with views from the west of this building's distinctive cantilevered glazing. The ground floor extends out further, beyond which there is an outdoor seating area. Getting this arrangement right is key to developing the site and the applicant, after a number of attempts, seems to have got this right, with a good justification and imagery to show this.
- 5.4.7 The density of the building is 20 units on 0.084ha, which is a density of approx. 245u/ha. Wimbledon is considered an urban area and the units are at the lower end hr/ha range. This gives an appropriate density range of 70-260u/ha. The density is therefore considered appropriate.
- 5.4.8 The scale of the building is also appropriate. It is broken up into a number of constituent elements that work well together in a sensible and proportioned way. The building is similar in height to the CIPD and slightly lower than the consented scheme on the opposite side of CIPD. Therefore the proposal accords well with the Council's policy for tall buildings in Wimbledon.

Massing, rhythm, proportions, materials

- 5.4.9 The massing, rhythm and proportions of the building stem from the strong vertical feel given by the projecting glass bay windows. This is a strong theme that runs through all the elevations. It does not however, make the building seem too tall. The ground floor has a more human scale and horizontal emphasis for the different use. This works well, relating the building clearly to the street and giving the building a clear base.
- 5.4.10 The only discordant element, and a change from the previous pre-application design, is the fragmentation of the bays between different levels. This currently does not work well visually. The tight gap between the bottom and middle bay is the main discordant feature, and it would be better if the second level of the residential had an open balcony as with the ones above it. They would sit together more comfortably. Alternatively, if this doesn't work well, reverting to the original single bay could be more suitable.

The local urban context and historic context

- 5.4.11 The building draws on the use of brick as a key material that relates to the immediate context of the CIPD and that of Wimbledon in general and gives a solid feel from which to display the more contemporary elements of the façade. It is also clearly a modern building in a town centre and the balance between modernity and local context is considered appropriate.

Architecture

5.4.12 The architecture is modern and attempting to be contextual, whilst not competing with nearby buildings, particularly the CIPD. A number of key elements of the details will be vital to develop further for the discharge of conditions if this building is to have a high quality feel. This includes the detailing of balconies, how the sliding louvres work, the recess of the windows in the bays and how the windows fit within them, the detailing of the glazing in general and the frames for the glass and how the transition is made from opaque to clear glass on the western elevation. All of these details need to be conditioned.

Landscape

5.4.13 It is important that the entrance courtyard for the flats is well landscaped and welcoming. Further details on the design of this space are needed as this space currently looks spartan. The entrance to this space is recessed from the footway and could present a poorly surveyed part of the public realm that could attract anti-social behaviour. Bringing the gate forward would address this. It is also unclear how the rear yard of the building will be used and accessed. It is important that there is no spill-out of the restaurant (or any different retail) use into the residential courtyard. More detail on how this space is to be used and managed is needed.

The public realm

5.4.14 The space in front of the ground floor projection is given over to a slightly raised outdoor seating area. Whilst this is appropriate for the use, it gives little back to the public realm as the footway here remains very narrow. The balance of space here is poor for the public realm and promotion of walking and a quality and comfortable environment for pedestrians. It is recommended that the footway is widened and that if possible there are no stepped level changes. If this means the ground floor projection is set back a little more this should not be a problem.

Summary

5.4.15 This is a building in a challenging location with a challenging use for this location. The composition of the building is good and distinctive. It will be critical to get the details right to ensure this building fulfils its promise. It has come a long way since the original pre-application and is also a considerably better building in all respects compared to the recently refused application.

Updated Design Comments (9th May 2017)

5.4.16 There is only one significant alteration to the design as far as I can see. This is that the balconies now project further than before. Previously they projected approx. 1.2m from the elevation. Now they project 1.7m from the elevation. This is evident in the plans, which show this change. However, the 3D CGI images have not been changed to reflect this.

There are also plans in the same document as the CGIs (Design Narrative) which show the smaller balconies. The CGIs need to be changed to show the larger balconies.

5.4.17 My view is that this change will significantly alter the appearance of the front of the building. I had previously raised some concerns regarding the visual impact of the balconies, and this change makes them more relevant. The balconies and their glazed nature, will over-dominate the frontage to the detriment of the brick elevation, which will become significantly diluted. The introduction of more brick into the elevation was something that was welcomed and encouraged earlier in the development of the design of this building since its original refusal at committee. It is an important feature of the façade of the building.

5.4.18 I would recommend that the design of the balconies is re-visited. The balconies look tacked-on and need to look and feel like an integral part of the building façade. One of the key impediments to this is the desire to create enclosed 'winter gardens'. Removing this idea would free-up the ability to dramatically alter the frontage and make the balconies feel lighter and less cramped.

5.4.19 Although the applicant has issues with achieving sufficient floorspace for the balconies, they only need to project 1.5m to comply with policy. It is suggested that the applicant consider introducing a more 'designed' feel, perhaps by introducing a curve to the front of each balcony (could this be this building's nod to the CIPD curved frontage?). This is just one suggestion - there may be many other ways to integrate the balconies better into the façade.

5.4.20 The only further comment I would make is that the top floor would sit better if it were placed centrally in the building. Internally this unit is poorly designed and laid out and the balcony very large. This whole unit could be reworked so that it can include an en-suite and a more defined kitchen space. The applicant seems to be missing a trick here.

Updated Design Comments (27th September 2017)

5.4.21 The architect appears to have done what he was asked to do some time ago now. I am generally happy with the result. Please note that careful discharge of the conditions will be key to ensuring this building meets the quality of its neighbour. Please consult Future Merton on the discharge of materials conditions.

5.5 Design & Review Panel

5.5.1 The Design and Review Panel (DRP) reviewed at pre-application stage only. The pre-application proposal was subject to revised plans and

therefore went to DRP on 3 occasions. The following provides their comments:

5.5.2 21st July 2015 (meeting notes)

The Panel noted the recent planning history of the site and welcomed the applicant's willingness to look afresh at the building design. With this in mind the Panel were keen that the architect looked first at the wider setting, particularly at the long views from both directions along The Broadway and included drawings that showed the appeal design (or current one) for 153-161 the Broadway.

Whilst stepping out from the line of the CIPD was in principle supported, the exact distance of this needed to be carefully considered and justified in terms of enhancement of the public realm, producing a wider footway to improve the building setting and easing pedestrian flow and supporting Core Strategy policies. For example, a view needed to be taken on whether it was important to retain the view of the CIPD building in the view from the west. How the building related to the CIPD was considered particularly important and needed further consideration. The applicant needed to demonstrate that its design is of a high quality and how this quality will manifest itself in the building design.

The issue of the building line was felt to be very important in terms of creating a successful public realm. It is very important to get this right. This was because the site was highly visible from both directions along The Broadway as well as a terminating the view along Stanley Road. It was important that the setting of the building was high quality and an important factor in this was ensuring the pavement was sufficiently wide to create more space and an enhanced setting.

The building also needed to make its design relevant to Wimbledon, and its sense of place in terms of its relationship to the site, its form and in its choice and use of materials. This needed to be clearly articulated in the DAS. The Panel encouraged the architect to be bold in the development of a design but that it must be convincing and fully justified in the DAS. The Panel noted the addition of an extra storey, but felt that this needs to be justified, and created a difficult relationship with the CIPD building given that the proposed building stepped forward from it already. It was recommended this was set back and shown how it related to the appeal design for 153-161 The Broadway.

The Panel had some concerns regarding the residential layout. They noted that there were single aspect flats, which they do not support. Whilst the lightwell could work well, they felt a better solution would be to remove the single aspect flats and split the building into two elements. This was simply an example of how one improvement could be made and

the architect was encouraged to explore a range of possibilities. It was also noted that some internal arrangements needed further consideration as some rooms appeared long and narrow.

Overall the Panel did not have any fundamental objections they felt that considerably more work was needed to arrive at a good quality proposal that was fully justified on this important and prominent site. They welcomed the applicant's willingness to enter into this process.

VERDICT: **AMBER**

5.5.3 24th September 2015 (meeting notes)

The Panel noted that a previous design for this site had been recently reviewed by the DRP and that the current proposal has moderated the height and introduced a fully dual-aspect scheme – as suggested previously by the Panel – and this was welcomed. However, the Panel felt that a number of key elements of the proposal had not been well resolved and parts of the design did not relate well to the surrounding context. These were its relationship to the CIPD building and to the three views – east and west along The Broadway, and south from Stanley Road.

As with all other buildings along The Broadway, the proposed building needed to transition sensitively to the adjacent residential areas to the rear. The proposal did not do this well and should therefore step down in height at the rear. The Panel felt that despite the dual aspect flats, the site felt over-developed, internally confused, wasted space on corridors and did not know which way it faced. Despite the enlargement of the internal lightwell, it was felt that the facing balconies were far too close to each other.

Despite assurances from the applicant's architect, the Panel seriously doubted whether the flats met the London Plan minimum space standards. The quality of the outlook of the flats was also questioned, notably to the south-east to the office windows of the CIPD (the building not being shown in the 3D plans) and to the west to the rear of the adjacent site (which was considered a future potential development site) and rear of houses on Palmerston Road, which required a large amount of obscured glazing on the bay windows.

The Panel felt that the ground level design was difficult and unclear. The main entrance to the flats is on the side so this area is essentially public domain and needed to be considered in relation to the front of the building as well. The Panel suggested that the entrance to the flats could be from the front of the building, whilst retaining the stair core position. The ground floor could have a different appearance to reflect the different use.

It was noted that the CIPD gave a very generous pavement width and that perhaps the proposal had not got the position of its front elevation correct. It was suggested that the ground floor could project as shown, but that perhaps the upper floors needed to be recessed back from this (the proposed hotel on the opposite side of the CIPD does this in part). This would allow for clearer views of the CIPD along The Broadway from the west.

This west view was also compromised by the design choice of splitting the front elevation architecturally into two parts. It was felt that this did not work well and there was no clear rationale given for this. The wisdom of floor to ceiling glazing to living spaces facing a busy street was questioned. This did not create a strong façade to the view and also obscured the CIPD.

The view from the east worked a bit better, but still needed further work. The architecture of building did not relate well to the CIPD and an analysis of the architecture and form of the CIPD needed to be done to inform a design for the proposed building. The view from Stanley Road did not work well at all. There seemed no reason or rationale for a building that had been split into two different halves and there was no focal point to a view that clearly required one (a bay could achieve this). Essentially the Panel felt that the building did not know which way it faced, but that it had to work from three different directions – east, west and north.

The Panel strongly contested the practicality of retaining a working restaurant use on the ground floor whilst the proposed flats were built above. It was acknowledged by the Panel that this was a difficult site but that the architect need to get to grips with these issues and own and fully justify the design they were proposing. Overall the Panel were disappointed that the design had not evolved in a way that responded well to its context.

VERDICT: **RED**

5.5.4 19th April 2016 (meeting notes)

The Panel welcomed the further analysis of the CIPD and that there was more clarity on the desired relationship of the new building with it. The Panel did not feel that it was necessary that the new building should step back to expose the flank of the CIPD, as they considered it a notable, rather than great building. The Panel also noted that the proposal had been developed much further since the previous review in September 2015.

The Panel felt that the residential part of the building had more of the character of an office. This could be addressed by altering the

appearance of the bays the higher up they went, expressing the scale of the residential units and by making the projecting ground floor more of a base to the residential building above, and by using a more restrained palette of materials.

The building needed to be legible in its form and materials – it needed a ‘final tweak’ to quieten it down – it essentially being ‘two blocks of flats with a glazed link and a base. It was described as possibly being ‘bottom light’ rather than ‘top heavy’ in the way it recedes so much at first floor level on the Broadway frontage. Careful attention to detail was required on materials to ensure quality. It was noted that although the CIPD was simple in appearance, there was good attention to detail in the frameless glazing and the floor to glass junctions. The glazing on the new building will be seen side by side with, and be compared to that of the CIPD.

Landscaping needed further thought in two areas. Firstly, the public realm had the potential to become softer and more human friendly and there was good opportunity to do this and improve on the sterile frontage to the CIPD. Secondly the residential entrance needed further development to ensure it was a welcoming entrance. This included making the entrance more obvious in the elevation, ensuring it was secure and offered no spaces for anti-social behaviour, and ensuring it was landscaped to a high standard to be welcoming and screen nearby air conditioning units.

The Panel also felt that there needed to be further analysis on issues of privacy, particularly relating to views into gardens of houses on Palmerston Road (and to a lesser extent Griffiths Road) and the adjacent flats. A cross section needed to be shown to aid this. Privacy for new residents on the fully glazed frontage was also important as the effect of the façade could be spoiled if residents had to erect ad-hoc internal measures to protect their privacy from the public realm.

Overall the Panel were pleased with the progress in the design and liked the 3-bay frontage and larger internal courtyard. Further work was needed in a number of areas to make the building work well.

VERDICT: **AMBER**

5.6 MET Police

Having given due consideration to the details of the security and safety features from the information provided, I have a few comments and recommendations.

I strongly recommend the architects contact the Designing out crime office – South West to discuss Secured by Design, ideally at an early stage in design process.

Some of these comments may appear similar to those submitted in previous letters dated 5th June 2014, 29th March 2017 and 11th April 2019.

- The entrance to the residential units appears to be located along the side elevation approximately 13m from the front building line, not within an apparent pedestrian traffic flow area as mentioned in the Design and Access statement; this entrance should be relocated flush to the front elevation.
- The orientation of the door should be to the front to enhance natural surveillance.
- The entrance gates leading towards the rear of the site should be capable of being locked and limited by access control to residents only. The design of any fencing and gates should offer surveillance throughout, be non-climbable, robust, and the hinge system must not allow the gate to be 'lifted off'.
- There appears to be several links between the ground floor commercial unit and the residential areas. There should be **no** links between these uses, so to prevent anonymity and unauthorised access by persons with possible criminal intent.
- A local issue is bored young persons congregating in the evenings in stairwells, especially during inclement weather. They cause anti-social behaviour and criminal offences; the residential entrance lobby should be 'airlocked' by a second set of access controlled doors to prevent unauthorised access by tailgating.
- The residential communal entrances should be video access controlled security approved entries, tested with the appropriate locking mechanisms in situ. The video access should preferably be linked to a dedicated monitor/screen within the residence.
- A zoned encrypted fob controlled system should be installed to control access throughout the building including any gates. This can assist with the management of the development and allow access to residents to specific designated areas only. Any trades persons buttons must be disconnected.
- The design of the balconies and the single storey bicycle storage should eliminate ease of climbing.
- Some bicycle storage is located at the rear of the site. Its door design is double leaf therefore twice the amount of security is needed, the door should be changed to a single design. The door should have access control and a locking system operable from the inner face by use of a thumb turn to ensure that residents are not accidentally locked in by another person.
- As bicycles and their parts are extremely attractive to thieves the bicycle stores should have appropriate CCTV coverage to provide identity images of those who enter and activity images within the

space. The bicycle storage should incorporate stands or racks secured into concrete foundations, which 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 rear area should have lighting that avoids the various forms of light pollution (vertical and horizontal glare). It should be as sustainable as possible with good uniformity. Bollard lights, under bench and architectural up lighting are not considered as good lighting sources. White light aids good CCTV colour rendition and gives a feeling of security to residents and visitors. Any public space lighting should also meet the current council requirements.
- As the proposed site is within Wimbledon Town Centre a CCTV system should be installed with a simple Operational Requirement (OR) detailed to ensure that the equipment fitted meets that standard, without an OR it is hard to assess a system as being effective or proportionate as its targeted purpose has not been defined. The OR will also set out a minimum performance specification for the system. The system should be capable of generating evidential quality images day or night 24/7. For SBD CCTV systems there is a requirement that the system is operated in accordance with the best practice guidelines of the Surveillance and Data Protection Commissioners and the Human Rights Act.

Crime Prevention and community safety are material considerations. If London Borough of Merton are to consider granting consent, I would seek that the following conditions details below be attached. This is to mitigate the impact and deliver a safer development in line with Merton Core Strategy, London Plan, Section 17 Crime and Disorder Act 1988 and National Planning Policy Framework (NPPF)

Suggested two part condition wording:-

A. The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to commencement of the development and shall be implemented in accordance with the approved details prior to occupation.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core

Strategy: Design, and Strategic Objectives 2 (b) and 5 (f); and Policy 7.3 Designing out Crime of the London Plan.

B. Prior to occupation a Secured by Design final certificate shall be submitted to and approved by the Local Planning Authority.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core Strategy: Design, and Strategic Objectives 2 (b) and 5 (f); and Policy 7.3 Designing out Crime of the London Plan.

The appropriate Secured by Design (SBD) requirements can be found in the design guides on the SBD web site (www.SecuredbyDesign.com).

6. **POLICY CONTEXT**

6.1 Adopted Sites and Policies Plan (July 2014)

DM R1 Location and scale of development in Merton's town centres and neighbourhood parades

DM R5 Food and drink/leisure and entertainment uses

DM H2 Housing Mix

DM H3 Support for affordable housing

DM R5 Food and drink/leisure and entertainment uses

DM R6 Culture, arts and tourism development

DM E1 Employment areas in Merton

DM E4 Local employment opportunities

DM D1 Urban design and the public realm

DM D2 Design considerations in all developments

DM D3 Alterations and extensions to existing buildings

DM EP2 Reducing and mitigating noise

DM EP3 Allowable Solutions

DM EP4 Pollutants

DM F1 Support for flood risk management

DM F2 Sustainable urban drainage systems (SUDS) and; wastewater and water infrastructure

DM T1 Support for sustainable transport and active travel

DM T2 Transport impacts of development

DM T3 Car parking and servicing standards

DM T4 Transport infrastructure

DM T5 Access to the Road Network

6.2 Adopted Core Planning Strategy (July 2011)

CS8 Housing Choice

CS9 Housing Provision

CS11 Infrastructure

CS12 Economic Development
CS13 Open space, nature conservation, leisure and culture
CS14 Design
CS15 Climate Change
CS16 Flood Risk management
CS17 Waste Management
CS18 Active Transport
CS19 Public Transport
CS20 Parking, Servicing and Delivery

6.3 London Plan (2016):

2.15 (Town Centres)

3.3 (Increasing Housing Supply),

3.4 (Optimising Housing Potential),

3.5 (Quality and Design of Housing Developments),

3.6 (Children and young people's play and informal; recreational facilities)

3.8 (Housing Choice),

3.9 (Mixed and balanced communities)

3.10 (Definition of affordable housing)

3.11 (Affordable housing targets)

3.12 (Negotiating affordable housing on individual private residential and mixed use schemes)

3.13 (Affordable housing thresholds)

4.1 (Developing London's economy)

4.12 (Improving opportunities for all)

5.1 (Climate Change Mitigation),

5.2 (Minimising carbon dioxide emissions)

5.3 (Sustainable Design and Construction)

5.5 (Decentralised Energy Networks)

5.6 (Decentralised Energy in development proposals)

5.7 (Renewable energy)

5.8 (Innovative energy technologies)

5.9 (Overheating and cooling)

5.10 (Urban greening)

5.12 (Flood risk management)

5.13 (Sustainable drainage)

5.18 (Construction, excavation and demolition waste)

5.19 (Hazardous waste)

6.5 (Funding crossrail and other strategically important transport infrastructure)

6.9 (Cycling)

6.10 (Walking)

6.13 (Parking)

7.2 (An Inclusive Environment)

7.3 (Designing Out Crime)

7.4 (Local Character)

- 7.5 (Public Realm)
- 7.6 (Architecture)
- 7.14 (Improving Air Quality)
- 7.15 (Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes)
- 8.2 (Planning obligations)
- 8.3 (Community infrastructure Levy)
- 8.4 (Monitoring and review)

6.4 Other

- National Planning Policy Framework 2019
- National Planning Practice Guidance 2014
- London Plan 2016 - Housing SPG 2016
- Draft London Plan 2017
- Draft Local Plan 2020
- Merton's Viability SPD 2018
- Homes for Londoners - Affordable Housing and Viability SPG 2017

7. **PLANNING CONSIDERATIONS**

7.1 The principal planning considerations relate to the principle of development, previous appeal decision and planning history, design (impact on Wimbledon Town Centre and The Broadway street scenes), standard of residential accommodation, impact upon neighbouring amenity, trees, traffic and highway considerations, affordable housing provision and sustainability.

7.2 **Amendments**

7.2.1 Following advice from Officers (including the Councils Urban Design Officer), the design of the scheme has been amended as follows:

- The winter gardens and balconies have been replaced with smaller external balconies
- Introduction of more brickwork in the elevations, including recessed brickwork detail on front elevation.
- Soft landscaping added (including two trees at front)
- Balcony balustrade improved with frameless glass
- Clarification on building heights in relation to adjoining buildings

7.3 **Principle of Development**

7.3.1 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.

Residential

- 7.3.2 The requirement for additional homes is a key priority of the London Plan which seeks to significantly increase the ten year minimum housing target across London from 322,100 to 423,887 (in the period from 2015 to 2025), and this equates to an associated increase in the annual monitoring target across London to 42,389. The minimum ten year target for Merton is 4,107, with a minimum annual monitoring target of 411 homes per year. Paragraph 58 of the 2018 NPPF emphasised the Governments objective to significantly boost the supply of homes.
- 7.3.3 The planning application seeks to create 20 new residential units which will make a modest contribution to meeting housing targets and provides a mix of unit sizes that will assist in the delivery of a mixed and balanced community in a sustainable location. New housing is considered to be in accordance with the objectives of the NPPF, London Plan targets, and LBM policies. The principle of residential development of the site has been agreed by the Committee in determination of the previous scheme (16/P2585) for 16 units.

Commercial

- 7.3.4 The application site is located within Wimbledon Town Centre. Planning Policy (DM R1 Location and scale of development in Merton's town centres and neighbourhood parades) states that Wimbledon is Merton's major centre and is the principal shopping destination in the borough. Attractive to residents, tourists, businesses and their staff, Wimbledon has a large variety of shops, services, cafes, restaurants, cinemas, theatres and offices. By capitalising on the Wimbledon 'brand', the Council hopes to further enhance the character and vibrancy of the area to create a sense of place and ensure that there is continual activity throughout the day and at the weekend for residents, workers and visitors whilst protecting its heritage assets. The proposal seeks to retain and enhance the ground floor restaurant, therefore creating jobs and contributing towards employment strategies and variety of choice in Wimbledon Town Centre. New housing provided above the ground floor unit is considered to be in accordance with the objectives of the NPPF, London Plan and LBM policy.

7.4 Appeal Decision & Planning History

- 7.4.1 The previous appeal decision and previous scheme are a material planning consideration which should be taken into consideration when assessing the current proposal. The previous planning application (14/P1008) was refused by committee in May 2015 on matters relating to

the design, failing to achieve a high quality design. At the appeal, the planning inspector did not share this view on design. The appeal was only dismissed on the fact that the applicant failed to provide a legal agreement with the appeal to secure affordable housing. Following the appeal decision, the applicant submitted planning application 16/P2585, an identical scheme (but with enhancements to materials). In light of the appeal decision, committee members approved the application at the September 2018 meeting. To date, the S106 agreement relating to 16/P2585 has yet to be completed.

7.5 Design

7.5.1 The overarching principle of national and local planning policy is to promote high quality design. Planning policy DM D2 (Design considerations in all development) of Merton's Sites and Policies Plan states that amongst other considerations, that proposals will be expected to relate 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.

Appeal decision

7.5.2 As stated above the previous appeal decision is considered to be a material planning consideration. As set out below, it is considered that the design of the proposed building is a significant improvement when compared to the appeal scheme. Officers therefore welcomes the improvements made by the applicant.

Design and Review Panel (DRP)

7.5.3 The Councils Design Review Panel is made up of a group of independent professionals working in the built environment field. It advises the Council on design issues relating to new development schemes and proposals for public spaces, including major planning applications and pre-application development proposals. It must be noted that DRP simply seeks to provide guidance to applicants, they are not a statutory consultee and their decisions do not constitute a formal design decision for the Council. Members of the planning committee are reminded that whilst DRP can be a useful design tool in the design process, there is no requirement for an application to receive a green verdict in order for officers to support a scheme or for planning permission to be granted.

7.5.4 The applicant has presented three different schemes to DRP from July 2015 to April 2016 during the pre-application process. Full DRP comments can be located in section 5.5 of this committee report. The applicant has gone from an initial amber verdict, to red, then back to an amber verdict. Whilst there was a backward step in the design approach with a red

verdict, the applicants latter design approach has revisited the design principles of the first scheme (amber verdict).

- 7.5.5 Since the amber verdict in April 2016, the applicant has been in contact with the Councils Urban Design Officer. During the planning application process, the applicant has made a number of design changes that respond to the Urban Design Officer comments (see section 5.4 of this committee report). The design of the proposed building is now considered acceptable, taking into consideration feedback from DRP and no objection from the Councils Urban Design Officer.

Aesthetics, height, massing, siting and materials

- 7.5.6 The proposed building would see a predominate use of brickwork, rather than render (members of the planning committee raised concerns previously about the lack of brickwork under the previous scheme (14/P1008)). Other materials would give the building a modern and high quality finish. Better detailing to the facades is achieved through recessed brickwork detailing, glazed balconies, full height fenestration, glazed curtain walls and the creation of three well defined vertical elements to the frontage.
- 7.5.7 Planning conditions requiring final details of materials and key detailing can ensure that these elements are high quality. The proposed ground floor treatment is also considered to be an improvement, the ground floor has been designed as an integral part of the building design, rather than as an afterthought. The proposed ground floor would satisfactorily respond with the street scene and design rationale of the floors above.
- 7.5.8 In addition to the improvements made to the aesthetics of the building, the proposed form, massing and height are considered to satisfactorily respond to the town centre location. Whilst the building would 2.5m higher and 1.1m deeper than the previous scheme, the building would still sit below the height of adjoining CIPD building. Importantly the main section of the building, floors 1 to 6 would sit below the height of the curved frontage of CIPD and the lightweight recessed top floor would sit below the corresponding height of CIPD. The applicant has updated the elevations to include survived height levels of the adjoining CIPD. This ensures that building will be built as shown in the street scene elevations. A planning condition relating to levels can be added to any permission to further secure this detail.
- 7.5.9 Following advice from the Councils Design Officer, the frontage of the proposed building has been brought forward, slightly forward of the curved frontage of CIPD. In this instance, the forward building line would not adversely compete with CIPD as it would still retain views of the distinctive frontage from both eastern and western directions. Due to the bend in the

street, this building line approach would create partial views of each building from both eastern and western directions along The Broadway. The Council took this building line approach on the recent redevelopment of the Premier Inn site to the east. The Council are keen to reinforce this approach if adjoining sites come forward for redevelopment.

- 7.5.10 In conclusion, the proposed development is considered to be a significant improvement when compared to the previous scheme and enhancements have been sought through amended plans by officers. The proposed development responds positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings.

Levels

- 7.5.11 Concerns from neighbours have previously been made in regards to the elevations not correctly showing the height of the adjoining CIPD building. In response, the applicant has updated the elevations to include surveyed elevations, which clearly include height reference points on the CIPD front elevation. As part of any planning approval, a levels planning condition can be imposed; this would ensure that the development is built in accordance with the approved elevations (which show the corresponding heights of CIPD).

7.6 Standard of Accommodation

- 7.6.1 London Plan policies 3.5, 3.6, 3.7 & 3.8, CS policy CS 14, and SPP policies DM D1 and DM D2 seek to ensure that new residential development is of a high standard of design both internally and externally and provides accommodation capable of adaptation for an ageing population and for those with disabilities, whilst offering a mix of unit size reflective of local need.
- 7.6.2 In terms of the quality of the accommodation, the proposed flats would meet or exceed the London Plan Gross Internal Area minimum standards; each room would be capable of accommodating furniture and fittings in a suitable manner. All flats would have direct access to private amenity space (3 flats under the previous scheme had no access to private amenity space), 5 flats (all one bedroom, 2 person flats) would have a 4.5m sqm balcony, failing to meet the minimum space standards of 5 sqm. However, it must be noted that all the flats are one bedroom flats, the shortfall is minimal (only 0.5sqm) and the applicant took the advice from the Councils Design Officer to reduce the depth of the balconies on the frontage to prevent them being dominate in elevation. On balance, given the town centre location, overall quality of the accommodation and the design rationale for less deep balconies, it is not considered sufficient grounds to refuse planning permission.

7.6.3 Adequate refuse storage is provided within close proximity of the highway at ground floor level. The store, located to the flank of the building close to the flat entrances would be convenient and practical for future occupiers of the proposed development. Planning condition requiring more details of the store can be imposed to ensure that the store is suitable and provides sufficient provision for the flats. Each flat will have an appropriate outlook and a lift would provide disabled access for each floor.

Housing Mix

7.6.4 Planning policy DM D2 (Housing Mix) seeks to create socially mixed communities, catering for all sectors of the community by providing a choice of housing with respect to dwelling size and type in the borough. London Plan Policy 3.8, seeks to promote housing choice and seek a balance mix of unit sizes in new developments, with particular focus on affordable family homes. Family sized accommodation is taken in the London Plan and LBM policy to include any units of two bedrooms or more.

7.6.5 The borough level indicative proportions concerning housing mix (as set out below) will be applied having regard to relevant factors including individual site circumstances, site location, identified local needs, economics of provision such as financial viability and other planning contributions.

Table in Planning policy DM D2 (Housing Mix) of Merton's Sites and policies plan 2014

Number of Bedrooms	Percentage of units
One	33%
Two	32%
Three +	35%

Proposal – 10 x 1 bedroom and 10 x 2 bedroom flats

Number of Bedrooms	Percentage of units
One	50%
Two	50%
Three +	0%

7.6.6 The proposed housing mix of the site, whilst not strictly meeting the Council percentage ratio set out in Policy DM H2 (Housing Mix), are only indicative targets. The proposed housing mix is considered to still offer a good range of housing choice with a good proportion of each unit type, including (50%) of the total offering family type accommodation (2 bedroom or more) which is welcomed. Further, the site is in a town centre

location where smaller flats would likely be occupied by couples or independent people, who want good access to the town centre amenities and public transport.

7.7 Neighbouring Amenity

Ashville House, 131 – 139 The Broadway

- 7.7.1 The ground and first floor levels of this neighbouring building are in use as office accommodation. Therefore given the non-residential use of these floors there would be no undue loss of amenity.
- 7.7.2 The second and third floor levels of the building are used for residential purposes with four flats on each floor. The proposed building would not project beyond the frontage of this neighbouring property therefore there would be no undue loss of amenity to the front rooms of the flats. The four flank windows at second and third floor level serve the small kitchen areas for four of the flats. These are not the main habitable rooms and in this urban context, the relationship is considered to be acceptable.
- 7.7.3 At the rear, the proposed building would be inset away from the western side boundary which would create a buffer between the neighbouring sites to the west. In addition, massing and bulk would be reduced due to the reduction in height towards the rear, large section of lightweight curtain wall on the flank and the two top floors (top floor of lightweight materials) being pushed further away from the flank and side boundary. It is considered that due to the town centre location, elevated position of these neighbouring flats (on second and third floors), setting away of the proposed flank wall from the site boundary, part lightweight materials and the reduction in height towards the rear of the site, it is considered that there would be no undue loss of amenity.

143 – 154 The Broadway (CIPD building)

- 7.7.4 The proposed building would project parallel with the flank of this building. In addition, the CIPD building is as a wholly commercial building and therefore, there would be no undue loss of amenity. Further, the flank east elevation is broken up with a large void in the middle to allow for natural light to the ground floor garden/planting area. This reduces the visual impact of the building from side facing windows on the CIPD building.

2 – 8 Palmerston Road

- 7.7.5 These neighbouring houses are located to the west and are orientated at a right angle to the application. The proposed houses are distanced at least 20.6m from the flank wall of the proposed building. The proposed building is also inset away from the site boundary. A rear car park to the rear of 2 & 4 Palmerston Road also provides a visual barrier between the application site and these neighbours. Towards the rear of the building,

massing is reduced by stepping back floors 4, 5 and 6. The use of alternative materials (brick, glass and powder coating grey aluminium) on the flank elevation, combined with flank window treatment would also assist in reducing the mass of the building when viewed from these neighbouring properties.

- 7.7.6 In is acknowledged that the flank elevation does include a number of side facing windows and external rear balconies. Therefore, in order to mitigate overlooking and the sense of being overlooked, planning conditions requiring obscure glazing to the side windows serving the flats (rear part of the building) and 1,7m high side screens to the rear balconies would ensure that there would be no undue loss of the amenity.
- 7.7.7 It is considered that the proposed building would have no undue impact upon these neighbours' amenity. The proposed building would be seen in context to the larger CIPD building behind. There would be no undue loss of light or overshadowing given the siting and degree of separation.
- 7.7.8 Overall, in comparison to the previous scheme, the overall bulk and mass would not be dissimilar and would not cause material harm.

10 – 26 Palmerston Road

- 7.7.9 10 – 26 Palmerston Road are located to the south of the application site, backing onto the rear car parking area serving the CIPD building. All the rear windows/doors are directed towards the CIPD car parking area, therefore within the proposed flats there would be limited views of the properties on Palmerston Road. Whilst there would be some overlooking from the proposed rear balconies, it has to be noted that this is a town centre location, the rear balconies are directed towards the CIPD car park, the side screens to the balconies would also discourage/partly prevent sideward views and the neighbours are well distanced away from the balconies to ensure that there would be no undue loss of amenity to justify refusal of planning permission.

8. Trees

- 8.1 The application site is not located within a conservation area and no trees on the site are protected by tree preservation orders. The two trees at the far end of the application site have limited public amenity value and are not protected so they can be removed without any permission. In any event, the proposed building would be set away from these trees which would provide a suitable level of separation for their retention.
- 8.2 Following discussions with the applicant, the plans have been updated to include the provision of two new trees within the frontage. Final details can be secured via planning condition.

9. **Traffic, Parking and Highways conditions**

- 9.1 The high PTAL rating of 6a would mean that future occupants would have very good access to a number of alternative public transport options. The area is located within Wimbledon town centre which is controlled by various CPZ's and on street car parking is already very limited. Given the relative modest size of the proposal in a town centre location, it is considered that there would be no undue impact upon existing highway conditions in the vicinity. However, the site is located within a CPZ which is already oversubscribed, therefore given the very good level of public transport options within the area, the development would be required to be car parking permit free which can be controlled via a Section 106 agreement.
- 9.2 Secured cycle parking is provided within a bike store within the building at levels from second floor to floor six and within the existing outbuilding at the rear of the site. The cycle storage at each floor would accommodate 6 cycle spaces (30 in total) and 10 cycle spaces are shown within the existing ground floor outbuilding. The stores would be safe & secure and can be accessed via the communal corridor and lift facility or from ground floor level. The 40 cycle spaces proposed would meet London Plan requirements.

10. **Affordable Housing**

- 10.1.1 Planning policy CS 8 (Housing Choice) of Merton's Core Planning Strategy states that development proposals of 10 units or more require an on-site affordable housing target of 40% (60% social rented and 40% intermediate). In seeking affordable housing provision the Council will have regard to site characteristics such as site size, its suitability and economics of provision such as financial viability issues and other planning contributions.
- 10.1.2 The amount of affordable housing this site can accommodate has been subject of a viability assessment. Following extensive discussions, the Council's independent viability assessor states that the scheme cannot support any affordable housing provision.
- 10.1.3 Following the deferral of the application at the April planning committee meeting, officers have sought clarification with the Council's viability assessor on the following two queries which were raised by members:
- Why is there still no affordable housing despite the Council's independent viability assessor stating that in their assessment the build cost was reduced by £259,000 (when compared to the applicant's costings)?

Viability assessor response

10.1.4 The Councils independent viability assessor has confirmed that even with a reduction of £259,000 in build costs (compared to the applicant's calculations), the development would still have a negative value of - £151,835. Therefore, the scheme is still financially unviable for the developer to provide any affordable housing as part of this development.

- Why could the original 16 unit scheme provide an affordable housing contribution of £500,000, whilst the 20 unit scheme cannot?

Viability assessor response

10.1.5 The Councils independent viability assessor has confirmed that the increase in build costs was considered to be acceptable and since the 16 unit application was submitted other assumptions such as sales values had decreased/flatlined due to wider economic factors. This was benchmarked against comparable data and evidence. These two key factors, along with the change in unit mix, in combination have led to a change in financial viability. The 16 unit scheme was submitted on 21/06/2016, some 3 years ago.

10.1.6 The Councils independent viability assessor has however recommended that the Council applies the viability review mechanisms at early and late stages of development as outlined within the London Plan and Mayors SPG and Merton's Viability SPD, to ensure that any surplus which becomes available can make a contribution towards affordable housing.

11. **Sustainability**

11.1 Planning policy CS15 (climate Change) of Merton's adopted Core Planning Strategy (2011) seeks to tackle climate change, reduce pollution, develop low carbon economy, consume fewer resources and use them more effectively.

11.2 Planning Policy 5.2 of the London Plan (2016) states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be Green: use renewable energy

11.3 The applicant has submitted an updated energy statement. The Councils Climate Change Officer has confirmed that the development should

achieve a 35 % improvement in CO2 emissions on Part L 2013. This meets the minimum sustainability requirements of Merton's Core Planning Strategy CS15 (2011) and Policy 5.2 of the London Plan (2106). A planning condition requiring evidence of compliance with CO2 reductions and water consumption can be imposed on the planning approval.

- 11.4 As the proposal is for a major residential development which was valid from 20-03-2017 a S.106 agreement for the carbon offset cash in lieu contribution will need to be finalised prior to planning approval in line with Policy 5.2 of the London Plan. Based on the carbon shortfall and offset contributions set out in the updated energy statement (20/02/2019). In this instance, the carbon off-set shortfall is £ 27,455.64, which would be secured within the S106 agreement.

12 **Landscaping**

- 12.1 The applicant has updated the plans to include detailing relating to soft landscaping. This includes the provision of two new birch trees within the frontage of the site. Silver birches are welcomed in this location, as they are known for helping tackle air pollution, as when in leaf they provide an excellent pollution filter. Planting beds are also located to the side and rear of the building. In addition, the first floor walled garden would add further space for planting. Overall, given the urban context, a good level of soft landscaping is proposed and will be secured via condition.

13 **Local Financial Considerations**

- 13.1 The proposed development is liable to pay the Merton and Mayoral Community Infrastructure Levy (CIL), the funds for which will be applied by the Mayor towards the Crossrail project. Merton's Community Infrastructure Levy was implemented on 1st April 2014. This will enable the Council to raise, and pool, contributions from developers to help pay for things such as transport, decentralised energy, healthcare, schools, leisure and public open spaces - local infrastructure that is necessary to support new development. Merton's CIL has replaced Section 106 agreements as the principal means by which pooled developer contributions towards providing the necessary infrastructure should be collected.

14. **Sustainability and Environmental Impact Assessment Requirements**

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

15. **CONCLUSION**

15.1 The proposed development will provide 20 new residential dwellings and retain the existing A3 unit at ground floor level. The principle of development is considered to be acceptable with a mixed use development retaining a source of employment and providing much needed new homes. The design of the development is considered to be of high quality in terms of appearance and accommodation being proposed. The proposed building would respect the context of the site and would have no undue impact upon neighbouring amenity, trees or highway considerations. The proposal is considered to be an enhancement over the previous appeal scheme and would provide an additional 4 more units over the previous scheme in a sustainable manner. The proposal is considered to be in accordance with Adopted Sites and Policies Plan, Core Planning Strategy and London Plan policies. The proposal is therefore recommended for approval subject to conditions and S106 agreements.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subject to the completion of a Section 106 Agreement covering the following heads of terms:-

1. Designation of the development as permit-free and that onstreet parking permits would not be issued for future residents of the proposed development.
2. Affordable housing - viability review mechanisms at early and late stages of development
3. Zero Carbon shortfall – £ 27,455.64
4. The developer agreeing to meet the Councils costs of preparing, drafting and monitoring the Section 106 Obligations.

And the following conditions:

1. A1 Commencement of Development (full application)
2. A7 Approved Plans
3. B.1 Materials to be approved, including detailed plans at a scale of 1;20 of some of the typical details
4. B.4 Details of Surface Treatment

5. B.5 Details of Walls/Fences
6. B6 Levels
7. C07 Refuse & Recycling (Implementation)
8. C08 Other than the balconies/terrace's as shown on the approved plans, access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

9. C10 The flats shall not be occupied until a scheme of details of screening of the balconies/terrace has been submitted for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied unless the scheme has been approved and implemented in its approved form and those details shall thereafter be retained for use at all times from the date of first occupation.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

10. D02 Hours of Opening
11. D10 External Lighting
12. D11 Construction Times
13. F01 Landscaping/Planting Scheme including tree planting to front boundary
14. F02 Landscaping (Implementation)

15. H07 Hardstanding
16. H07 Cycle Parking to be implemented
17. H14 Garages doors/gates
18. C03 Obscured Glazing (fixed windows)
19. Construction Management Plan
20. Residential: 'No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the development has achieved CO2 reductions of not less than a 35% improvement on Part L regulations 2013 / in accordance with those outlined in the approved plans (Energy Assessment – 20 February 2019), and wholesome water consumption rates of no greater than 105 litres per person per day.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: Policy 5.2 of the London Plan 2016 and Policy CS15 of Merton's Core Planning Strategy.
21. Non-domestic elements: 'Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be used or occupied until Post Construction SBEM or BRUKL evidence demonstrating that the development has achieved not less than a 35% improvement in CO2 emissions reduction compared to Part L 2013 regulations, has been submitted to and acknowledged in writing by the Local Planning Authority.'

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply the following Development Plan policies for Merton: policy 5.2 of the London Plan 2016 and policy CS15 of Merton's Core Planning Strategy 2011.
22. The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to commencement of the development and shall be implemented in accordance with the approved details prior to occupation.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core Strategy: Design, and Strategic Objectives 2 (b) and 5 (f); and Policy 7.3 Designing out Crime of the London Plan.

23. Prior to occupation a Secured by Design final certificate shall be submitted to and approved by the Local Planning Authority.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core Strategy: Design, and Strategic Objectives 2 (b) and 5 (f); and Policy 7.3 Designing out Crime of the London Plan.

Planning Informative

1. Carbon emissions evidence requirements for Post Construction stage assessments must provide:
- Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on 'As Built' SAP outputs (i.e. dated outputs with accredited energy assessor name and registration number, assessment status, plot number and development address); OR, where applicable:
 - A copy of revised/final calculations as detailed in the assessment methodology based on 'As Built' SAP outputs; AND
 - Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO₂ emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation

Water efficiency evidence requirements for Post Construction Stage assessments must provide:

- Documentary evidence representing the dwellings 'As Built'; detailing:
 - the type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment);
 - the size and details of any rainwater and grey-water collection systems provided for use in the dwelling;
- AND:
- Water Efficiency Calculator for New Dwellings; OR
 - Where different from design stage, provide revised

Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'

2. Carbon emissions evidence requirements for Post Construction stage assessments must provide:
 - Detailed documentary evidence confirming the Target Emission Rate (TER), Building Emission Rate (BER) and percentage improvement of BER over TER based on 'As Built' BRUKL model outputs; AND
 - A copy of the Building Regulations Output Document from the approved software. The output documents must be based on the 'as built' stage of analysis and must account for any changes to the specification during construction.

[Click here](#) for full plans and documents related to this application