

PLANNING APPLICATIONS COMMITTEE
23rd April 2009

Item No: 01

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
57/22/0813/108	09/P0477	09.03.09
Address/Site	108 The Broadway, Wimbledon, SW19	
(Ward)	Trinity	
Proposal:	Change of use of ground floor from retail (Class A1) to restaurant (Class A3)	
Drawing Nos:	SDC/QU/01PL and site location plan	
Contact Officer:	Stephen Oakley (020 8545 3116)	

RECOMMENDATION

GRANT Permission subject to the completion of a S.106 Obligation and conditions

CHECKLIST INFORMATION

- Heads of Agreement:- Town Centre Security/CCTV Contribution
- Is a screening opinion required:- No
- Is an Environmental Statement required:- No
- Has an Environmental Impact Assessment been submitted:-No
- Press Notice:- No
- Site Notice:- Yes
- Design Review Panel:- No
- Number of Neighbours consulted:- 7
- External consultations: Safer Merton Group
- Controlled Parking Zone: Yes
- Density:- Not Applicable
- Number of jobs created:- Not applicable

1. SITE AND SURROUNDINGS

- 1.1 The application premises which are currently used as a sandwich bar and internet café, is situated on the north side of The Broadway opposite the car park which adjoins Wimbledon Theatre. To the east is a recently refurbished unit currently used as a dental practice, beyond which are a series of as yet unoccupied retail units within the new large Broadway House retail, office and residential development which is nearing completion. The upper floors of the original Broadway properties are in mixed residential/office use. The property

is situated within a Secondary shopping frontage and is not within a conservation area. The site is within Controlled Parking Zone (CPZ) W3

- 1.2 There is an existing ground floor rear addition to the unit constructed in blockwork with a corrugated iron roof. To the rear of the site are some live/work units known as 90a The Broadway.

2. **CURRENT PROPOSAL**

- 2.1 The current application is for a change of use of the ground floor to an A3 food and drink use together with the replacement of the existing single storey rear extension by a new extension which would include a kitchen, storage, and a disabled toilet. An extract duct in connection with the use is proposed on the rear of the existing two storey rear. And further details of the ducting are to be required by condition.

3. **PLANNING HISTORY**

- 3.1 An Established Use Certificate in respect of the use of the ground floor shop was granted in May 1981 (LBM ref MER383/81)
- 3.2 In April 2001 the Planning Applications Committee resolved to grant planning permission (LBM ref 01/P0218) for a change of use of the ground floor of 108 The Broadway from A1 to A3 subject to conditions and a Section 106 contribution towards security/cctv within the town centre. The agreement was never completed and the application was therefore withdrawn by the council in November 2008. Since the 2001 Committee resolution, the Use Classes (Amendment) Order 2005 has subdivided the original A3 Class and created separate classes for drinking establishments (now A4) and Hot food take-away (now A5).
- 3.3 The owners have decided that in view of the current financial climate they now wish to implement a phased change of use to a restaurant (A3 under the current Use Classes Order), and have therefore submitted this new application for change of use.

4. **CONSULTATION**

- 4.1 The application was advertised by site notice and letters to occupiers of neighbouring properties. No representations have been received.
- 4.2 Environmental Health have raised no objection in principle subject to the imposition of conditions relating to sound insulation, hours of construction, hours of use, details of ventilation ducting, including noise attenuation and hours of delivery, as in the similar previously approved application (LBM ref 01/P0218).

5. **POLICY CONTEXT**

- 5.1 The relevant policies in the Adopted Unitary Development Plan (October 2003) are: S.3 (Secondary Shopping Frontages), S.8 (Food and Drink Uses) and WTC.1 (A Mixed Use Town Centre).
- 5.2 The London Plan (2008): 3D.1 (Supporting Town Centres), 3D.3 (Maintaining and Improving Retail Facilities)

6. **PLANNING CONSIDERATIONS**

- 6.1 The principal planning considerations in this case include the principle of a further non retail use within the Secondary shopping frontage, the level of A3 activity within this part of The Broadway, the impact of the proposed food and drink use on the amenities of neighbours and general security within the town centre.

6.2 Principle of a non retail use

This application is the resubmission of a similar application for which there was a Planning Applications Committee resolution in April 2001 for approval subject to a S.106 contribution towards town centre security/cctv. That agreement was never completed and the application was therefore withdrawn by the Council in November 2008.

- 6.3 This property is included within a Secondary Shopping Frontage within the Adopted Unitary development Plan and the principle of a change of use away from retail to an A3 restaurant and café use is covered by policies S.3 and S.8. Generally, proposed changes of use to non retail uses are considered favourably where the use is compatible with a shopping frontage providing a direct service to the public, where the proposed use maintains the vitality and viability and where no adverse impact on the amenities of neighbours in terms of safety, car parking or traffic generation would result. A high percentage of units within this particular parade are in retail use. One of the adjoining units is in retail use and the approval for the other, at 110 Broadway, took account of the extant permission, for the use of 108 for food and drink A3 use. The proposed use would therefore be acceptable and in accordance with policy.

6.3 Impact of proposed restaurant and café use

The premises are situated within a Secondary shopping frontage close to Wimbledon Theatre where a mix of uses is appropriate. The premises are currently used as an internet café and sandwich bar, and the proposed use would also be a suitable town centre development. The size of the unit would not be excessively large and with only minimal restaurant activity currently taking place within the parade the cumulative impact of A3 activity would unlikely to be a problem. There are also several new A1 retail units currently available within the new Broadway House development.

Concern over noise nuisance could be controlled through the imposition of appropriately worded conditions relating to hours of use, sound insulation, refuse storage, deliveries and by requiring details of ventilation ducting including sound insulation. The recommended conditions are the same as those previously agreed by the Planning Applications Committee when they approved a similar scheme in April 2001 (LBM ref 01/P218).

The site is well located in terms of public transport accessibility and again in view of the small size of the unit, the proposal would be unlikely to generate significant demand for on-street car parking or result in traffic congestion.

In view of the proximity of the rear of the property to the neighbouring live/work unit at the rear at 90a The Broadway, and the possibility of potential problems with late night activity associated with refuse storage and disposal as well as the comings and goings of staff, it is recommended that the use of the rear access door should be restricted to between the hours of 0900 and 1900 hours

6.4 Town Centre Security

With such developments within the town centre, applicants have been required to enter into a Section 106 Agreement to secure a contribution towards security facilities including the continued provision of CCTV facilities within the town centre to safeguard nearby occupiers and other users of the town centre particularly late at night when restaurant and other similar premises are being vacated. It is considered appropriate that there should be a Section 106 Agreement in this case.

7. **SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

7.1 A sustainability analysis is not applicable in this case.

7.2 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly there are no requirements for an EIA submission.

8. **CONCLUSION**

8.1 The application premises is flanked by an occupied retail unit and a dental practice, permission for which took account of the previous extant resolution for the change of use of 108 to A3. The loss of retail can be justified in terms of the continued vitality and viability of this secondary shopping frontage. Amenity considerations, especially noise and disturbance could be controlled through the imposition of appropriately worded conditions. This approach has been previously supported on appeal. As in the previous application for an A3 use at this property, in view of concerns about late night activity within the town centre, a contribution should be made by the applicant or developer towards town centre security facilities. It is therefore recommended that the grant of permission should be subject to the prior completion of a Section 106 Agreement and conditions. A draft agreement is currently in preparation.

RECOMMENDATION

GRANT PERMISSION

Subject to the completion of a Section 106 Obligation covering the following issue:-

1. Contribution towards Security/CCTV facilities within the town centre.
2. Meeting the Council's legal and professional costs in drafting, finalising and monitoring the legal agreement.

and subject to the following conditions:-

1. A.1 Commencement of Development (full application)
2. B.1 External Materials to be Approved
3. B.6 Details of Refuse Storage
4. C.4 No Balcony
5. C.10 Hours of Construction
6. The use hereby permitted shall not commence until a scheme relating to noise insulation between the ground floor and the accommodation at first floor level has been submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the A3 use, and be retained thereafter. There should be an increase of no more than 1dB(Laeq90 5 minutes) over the existing background (Laeq 90 5 minutes).

Reason for condition:

To safeguard the amenities of neighbouring properties

7. The premises shall not be open to customers other than between the hours of 07.30 hours and 23.00 hours Sunday to Thursday and 07.30 hours and midnight Fridays and Saturdays.

Reason for condition:

To safeguard the amenities of the occupiers of neighbouring residential properties.

8. The use hereby permitted shall not commence until full particulars and details of a scheme for ventilation of the premises to an appropriate outlet level including details of sound attenuation for any necessary plant and the standard of odour control expected has been submitted to and approved by the Local Planning Authority, and the development shall not be carried out otherwise than in accordance with any approval given. The sound pressure level from the extractor fan and ductwork shall not increase the background

noise level by more than 2dB(A) (5 minute LA90) when measured 1m from the nearest noise sensitive property.

Reason for condition:

To safeguard the amenities of neighbouring properties.

9. B.5 No storage of items or any structure on roof or external walls of extension
10. No use of the rear external door shall take place other than between the hours of 09.00 hours and 19.00 hours. The rear external door shall be kept shut outside these permitted hours and shall not be opened and used unless in the case of an emergency.

Reason for condition:

To safeguard the amenities of neighbouring properties.

11. No deliveries shall take place other than between the hours of 09.00 hours and 19.00 hours.

Reason for condition:

To safeguard the amenities of neighbouring properties.

Reason for Approval:

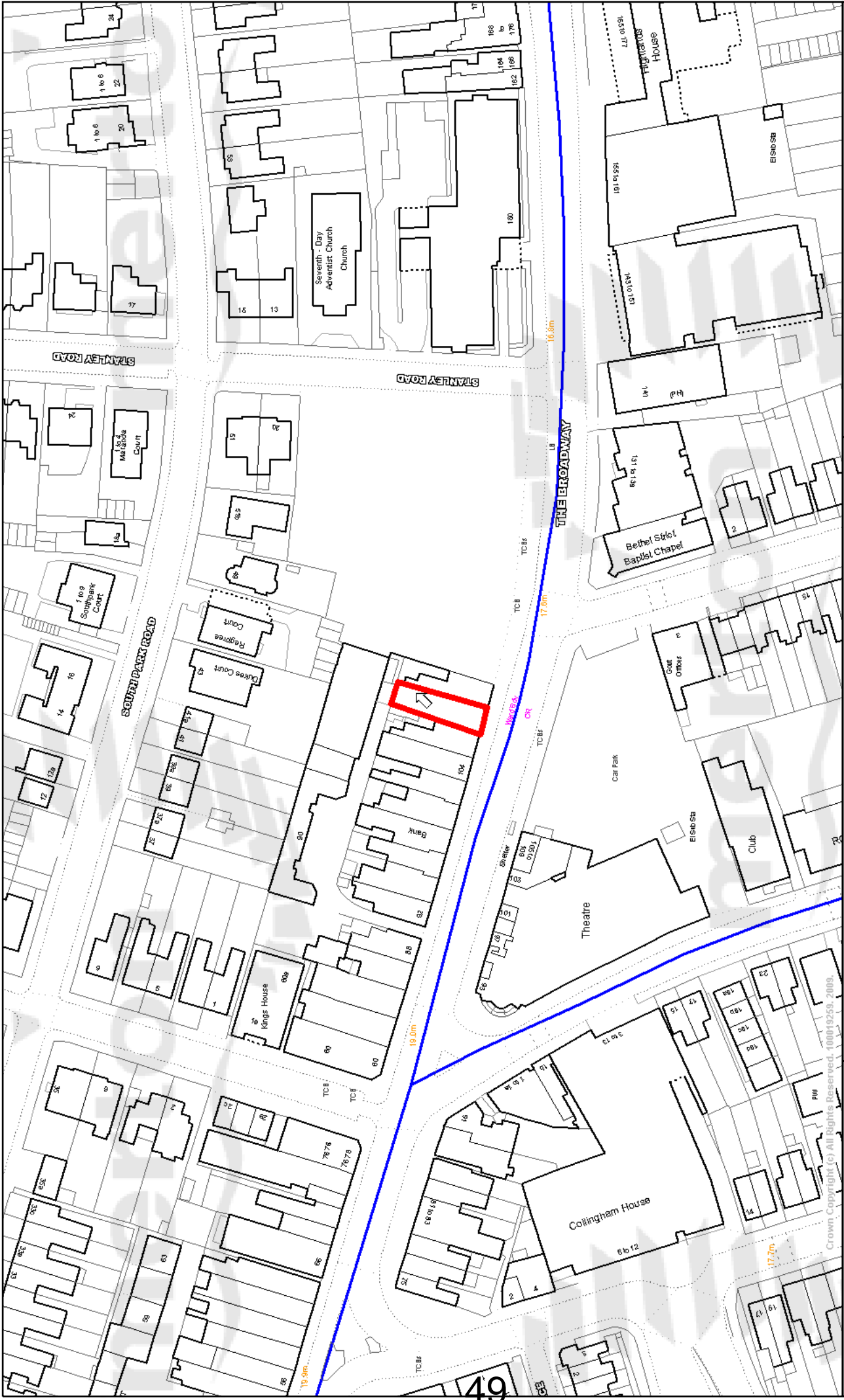
The proposal would result in the refurbishment and extension of the existing building to provide a new restaurant within this secondary parade of the town centre. The proposal accords with the Council's Adopted Unitary Development Plan and London Plan Policies. The Policies listed below were relevant to the determination of this proposal.

Adopted Merton Unitary Development Plan (October 2003)

S.3 (Secondary Shopping Frontages)
S.8 (Food and Drink Uses)
WTC.1 (A Mixed Use Town Centre)

The London Plan (2008)

3D.1 (Supporting Town Centres)
3D.3 (Maintaining and Improving Retail Facilities)



London Borough of Merton
 100 London Road
 Morden
 Surrey
 SM4 5DX

Scale 1/1250

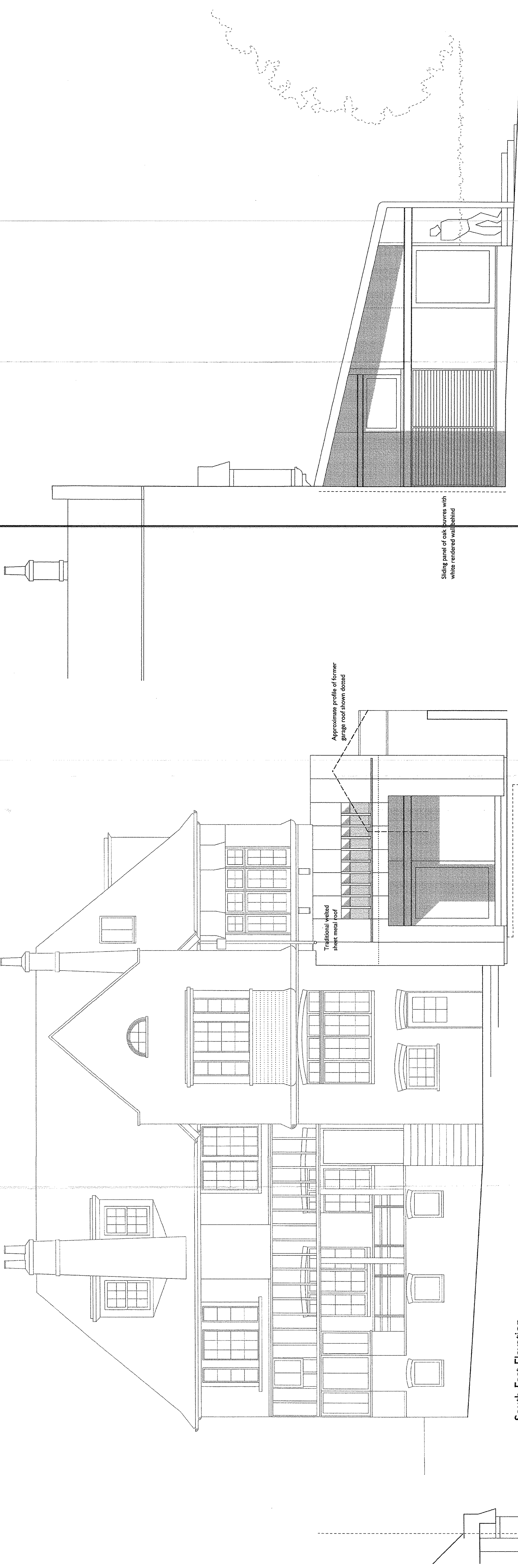
Date 6/4/2009

108

The Broadway

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DEVELOPMENT CONTROL



South-East Elevation

South-West Elevation

Plan

Section AA

North-East Elevation (BB)

Sliding panel of oak panes with white rendered wall behind

Approximate profile of former garage roof shown dotted

Traditional tiled sheet metal roof

existing flank doorway to be bricked up

NORTH

2175

3150

existing door and window removed. Door opening bricked up to level of existing sill. Window to match existing pattern to resultant opening

Traditional white sheet metal roof

obscured glazing

approximate line of existing close board fence

obscured glazing

matching stock like brick to boundary wall

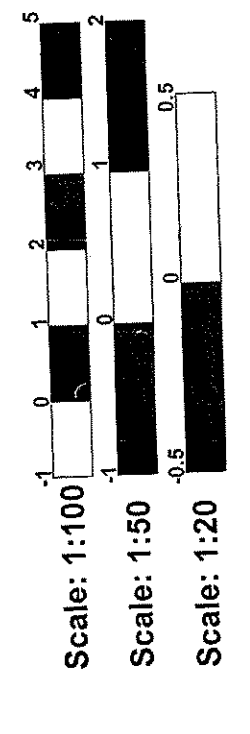
approximate line of existing close board fence

outline of former garage buildings shown dotted

secondary fence omitted from drawing for clarity beyond this point

Approximate profile of former garage roof shown dotted

North-West Elevation



LONDON BOROUGH OF MERTON
15 FEB 2008

Rev A	Roof glazing added	Dec 07
PROJECT Extension to 12 Belvedere Drive Wimbledon		DRAWING NO. 74 D 10
DRAWING Plan & Elevations		REV. A
SCALE 1:50	DATE 11/07	ARCHITECTS
SOMORIAY TALLISS ASSOCIATES The Studio, The Road, Wandsworth, London SW18 1SS Tel: (20) 8972 5796 Fax: (20) 8972 5795 sxtalliss@btinternet.com		
Client: Mrs Turnbull 12 Belvedere Drive London SW19		
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