PLANNING APPLICATIONS COMMITTEE
8th December 2011

Item No: 07

UPRN	**APPLICATION NO.**	**DATE VALID**
57/22	10/P2784	04/10/2010

Address/Site Brown and Root House, 125 High Street
Colliers Wood, SW19

(Ward) Colliers Wood

Proposal: Amendments to conditions, attached to planning permission reference 03/P0202 for the demolition of the existing multi-storey car park, conversion of and alterations / extensions to the tower block; erection of a new building (combined) to provide 218, 2 retail (A1) units, a new public library facility (629 square metres), Class B1 business/office adaptable space 923 sq.m, a café / bar (A3) (102 square metres), creation of public open space together with car and cycle parking provision and landscaping, to enable a phased development

Drawing Nos Site location plan, 210805 – P01, P02, P03, P04, P05, P06, P07, P08A, P09.

Contact Officer: Jonathan Lewis (020 8545 3287).

RECOMMENDATION
Grant planning permission subject to the completion of a signed Section 106 Unilateral Undertaking/Legal Agreement and conditions.

CHECKLIST INFORMATION.

- Heads of agreement – Financial contributions towards infrastructure improvements, land dedication, permit free housing and commitment to submitting new application on southern part of site.
- Is a screening opinion required: Yes.
- Is an Environmental Impact Statement required: No.
- Press notice: Yes.
- Site notice: Yes.
- Design review panel consulted: No.
- Number of neighbours consulted: 182

- External consultations: English Heritage, GLA, TfL
- Archaeology: In a Priority zone.
- Flooding: In flood zone 3.

1. INTRODUCTION.

1.1 Planning permission has been granted for a major mixed use development of the above site. Various conditions attached to planning permission reference 03/P0202 require details to be submitted before the development commences. The applicant seeks to vary the conditions under the terms of a Section 73 application in order to enable the development to be undertaken in two phases and for details to be submitted for each phase rather than for the whole development.

1.2 The approved development is also regulated by a S106 agreement. This contains triggers requiring financial contributions and other planning benefits to be delivered at certain points during the development of the site. While consideration of proposals to amend conditions would have required revisiting the terms of the S106 the applicant has tabled a fresh S106 Unilateral Undertaking for consideration.

1.3 Accompanying the application are revised drawings which, while not changing the number and mix of dwellings or the floorspace and mix of non-residential uses, change the configuration of the flats within the development.

2. SITE AND SURROUNDINGS.

2.1 The site and its surroundings are described in the earlier report to Committee (see Appendix 1) and in the subsequent report to Committee (see Appendix 3) where the site area and the scheme were reduced in bulk and the number of flats was reduced from 226 to 218.

2.2 The key change to the site during the course of considering the 2003 application was the deletion of a rectangular parcel of land (202 sq.m) on which there are no buildings, located towards the southeast corner of the site at the corner of Priory Road and Christchurch Road. At the time of determining the application the land was owned by a third party.

2.3 The area within which the Tower is located is identified in the London Plan (2011) as an opportunity area for intensification.

3. CURRENT PROPOSAL

3.1 Planning permission was granted in April 2008 for a major mixed use development comprising the refurbishment conversion and extension to Brown and Root Tower. Details of the consented scheme are set out in Appendix 1 and 3, the scheme being amended between 2004 when a report was first considered by Committee and 2006 when amended proposals deleting a small parcel of land in the south east corner of the

site. The applicant seeks to vary the conditions under the terms of a Section 73 application in order to enable the development to be undertaken in two phases and for details to be submitted for each phase rather than for the whole development before development can commence.

3.2 A schedule of draft revised conditions, factoring in phasing to enable submission of details for each phase of the development, accompanies the application.

3.3 The submitted drawings differ from those considered at the time of the consented scheme reflecting on-going discussion regarding the use of glazed cladding to the Tower in place of the rendered finishes that were under consideration in 2003/4. The treatment is indicative and facing materials for the development would still have to be submitted as part of any new approval.

3.4 The Council's Design Team have worked closely with the developer to arrive at a higher quality glazing solution and test panels of glazing and render have been attached to the building.

3.5 The proposals are divided into two distinct phases - The Tower along with an extension to its north facing elevation and the extension to the south.

3.6 Division of the implementation of the development into two phases would enable conversion and extension of the Tower and provide a visible signal to the start of Colliers Wood's regeneration.

3.7 No changes are proposed to the quantum and arrangement of non-residential accommodation, although a small area at ground floor level to have been a void under the building is infilled as retail floorspace (xx sq.m). Similarly, no changes are proposed to the scale and massing of the proposals. The configuration of the flats within the development are set out below:

Approved scheme. 218 flats.	Studios	1 Bedroom	2 Bedroom	3 Bedroom
Tower and extension to north.				
Extension to south.				
Total	12	66	128	12

Amended layout 218 flats.	1 bed Studios	1 Bedroom	2 Bedroom	3 Bedroom.
Tower and extension to north.	12	56	82	0
Extension to south.	0	10	46	12
Total.	12	66	128	12

3.8 Amendments to conditions would have required a review of the various triggers and phased payment of financial contributions. However the applicant has been in discussion with officers concerning a new S106.

3.9 The applicant proposes the following:

Proposed S106.		
Amount	Obligation	Date due.
£220,000	Infrastructure contribution.	The earlier of the two events: Within 7 days of the Developer receiving planning permission from the Council for development of the Phase 2 land or: Within 12 months of commencement of development.
£0	To make an application for planning permission for the Phase 2 land within 6 months of the Commencement of Development.	
	Dedicated land – highways/transport improvements – Christchurch Road/Priory Road .	To be agreed with applicant.
	Car free (flats to be permit free)	To be agreed with applicant.

3.10 The existing S106 agreement provides the following:

Current S106 Agreement.		
Amount.	Obligation.	Date due.
£50,000	CCTV	Prior to first occupation of residential units.
£500,000	Education	Prior to first occupation of residential units.
£300,000	Economic development.	Prior to first occupation of residential units.
£100,000	Environmental improvements to Colliers Wood	Prior to first occupation of residential units.
£100,000	Highways improvements within 500m if site.	Implementation.
£750,000	Education/libraries – fitting out and equipping library space (accommodation to have been constructed to shell with mains connections to services).	Prior to first occupation of residential units.
£20,000	Open space improvements.	Not later than first occupation of residential units.
£10,000	Public Art – on site.	Not later than first occupation of residential units.
£0	Car free	Not later than first occupation of residential units.
£0	Car club + 12 spaces reserved for car club on site.	Not later than occupation of 30th residential unit.
£0	Dedication of land for highways/transport improvements	
£0	Car park management scheme.	Prior to completion.
	Affordable housing. – comprising 50 units (20 x 2 bedroom flats and 30 x 1 bedroom flats)	Market units not to be occupied until contract entered into to provide and transfer affordable units to an RSL.
	Public open space – to permit public access to land to north east and west of approved buildings.	Not later than first occupation of market residential units.
	Marketing strategy for business units.	To be implemented prior to first occupation of market residential units.
	Public library – to be offered at a peppercorn rent - lease not less than 125 years.	Commencement of material operations on site.
	Green travel plans.	Prior to first occupation of development.
	Dedicated land.	Within 14 days of receipt of engrossed deed of dedication from Council.

3.11 The application is accompanied by a residual land valuation. This examines the viability of the scheme (including the S106 obligations) as at the time of permission being granted in 2008 and as at January 2011 with two different finishes to the development – one where the external materials comprise glass cladding, the other based on a render finish. The assessment shows the scheme as at April 2008 being viable whereas for both the scheme with the Tower being rendered and for the Tower being

glass clad the scheme as shown as not viable factoring in the additional funding via the S106 contributions including a library.

3.12 The application is accompanied by a new arboricultural survey. The report assesses the quality of the existing trees on the site which are restricted to a raised area of formal planting to the north east of the tower. The report assesses the quality and value of the trees to be predominantly low. The cherry trees are identified as being affected by target canker while a mature Norwegian Maple is growing in close proximity to the existing building and has been cut back in the past. The report concludes that removal of the trees would have an impact in the short term but can be offset by new tree planting.

3.13 An archaeological desk-top report also accompanies the application. This has been compiled as a means of addressing the first stage of an archaeology safeguarding condition on the extant permission. The research indicates that some archaeological deposits may be present. It suggest that a programme of limited archaeological evaluation is undertaken, perhaps in conjunction with geotechnical investigations, to establish the nature and extent of possible archaeological deposits. In the light of the results a more detailed archaeological strategy can be proposed.

4. PLANNING HISTORY

4.1 March 2004 (03/P0202) the Planning Applications and Licensing Committee resolved to grant planning permission subject to the completion of a Section 106 obligation for the demolition of the existing multi-storey car park, conversion of and alterations / extensions to the tower block; erection of a new building (combined) to provide 226 residential units, 2 retail (A1) units (370 square metres), a new public library facility (629 square metres), Class B1 business/office adaptable space (876 square metres), a café / bar (A3) (102 square metres), creation of public open space together with car and cycle parking provision and landscaping (see Appendix 1).

4.2 December 2005. Planning Applications Committee resolved to grant planning permission for the same development as above subject to an amended set of heads of agreement for a Section 106 obligation and amended conditions (see Appendix 2).

4.3 August 2006. Following issues arising from part of the site being owned by a third party, the design of the scheme was amended, removing the part of the proposed extension in the south east corner of the site. The amended development comprised the following: Demolition of existing multi-storey car park, conversion of and alterations / extensions to the tower block; erection of a new building (combined) to provide 218, 2 retail (A1) units

(370 square metres), a new public library facility (629 square metres), Class B1 business/office adaptable space 923 sq.m, a café / bar (A3/A4) (102 square metres), creation of public open space together with car and cycle parking provision and landscaping

Planning Applications Committee resolved to grant planning permission for the scheme as amended subject to the completion of a S106 agreement (subject to the amended heads of agreement and conditions) (See Appendix 3).

Planning Permission was granted following completion of S106 in April 2008.

4.4 August 2006. (06/P1641) Application for redevelopment of site submitted by London Green Properties for the refurbishment and extension of the existing tower to include 315 residential units (146 X 1, 151 X 2 and 18 X 3 bedrooms), new library building (794 q.m), B1 office space (537 sq.m), retail units (250 sq.m), D1 Health Centre (750 sq.m) and a new public square with associated landscaping and highway works. Application withdrawn.

4.5 December 2008 (08/P2787) Installation of an internally illuminated advertising hoarding. Advert consent refused and following grounds: **The proposal, by reason of its size, orientation, illumination and location would result in an unduly prominent and intrusive advertising display, detrimental to the visual amenities of the area, inappropriate to the location in which it is sited, and which would detracts from the general conditions of highway and pedestrian safety, contrary to policies BE.28 and BE.29 of the Adopted Unitary Development Plan (2003).**

4.6 September 2009 (09/P0652) Renewal of temporary permission for car wash facilities. Withdrawn.

4.7 February 2011 11/P0047
Emergency notice of installation of a 15m high temporary mobile phone mast fixed to a movable base on land to the rear of the tower and in pace for a period of up to 6 months.

<u>Recent Planning enforcement history.</u>

4.8 February 2010 – Following a complaint from ward Councillors and residents, the Council wrote to the owners of the Brown and Root Tower on 22nd February 2010 stating that improving buildings within the borough whose external condition and appearance has deteriorated had been identified by local people as a key priority for the Council.

4.9 The unkempt appearance of the vacant building had become a source of concern primarily because of its untidy appearance, uncleared weeds and rubbish within the grounds. The letter requested that works be carried out to remedy the untidy grounds and poor external appearance of the property within 28 days, by clearing bushes, rubbish and repairing crumbing masonry and the broken windows.

4.10 The owners were warned that if sufficient progress was not made in terms of remedying the poor condition of the property, the Council had the option to take enforcement action under Section 215 of the Town and Country Planning Act 1990.

4.11 Given the size and strategic location of the Tower and the owners' failure to respond to the Council's requests to clean up the site, a Section 215 Notice was considered an effective way to remedy the situation by requiring the owner to undertake appropriate remedial works as promptly as possible.

4.12 On 08/04/10 the Council served a S215 Notice to require the owners to:

1. Clear out all the rubbish from the car park and around the tower
2. Clear all weeds and bushes on the site and around the building.
3. Take down the unauthorised banner from the tower.
4. Make the fencing around the property totally secure.
5. Repair the cladding to stop further falling of masonry and remove the green netting after the repair works,

4.13 Most of these requirements were complied with within time. However the repair of the external cladding was put back as the owners were considering a permanent solution (re-cladding of the Tower is an option under consideration associated with the current application).

4.14 In July 2010, the owners started demolishing the multi-storey car park but works stopped, leaving the site in a state that was considered was causing harm to the amenity of the area. The owners explained that an existing electricity sub-station located in the car park had to be moved by the utility company before work could be resumed. In the interim the abandoned and unsecured demolition site with exposed rubble was causing adverse impact on the amenity of the area as well as a potential safety risk.

4.15 Consequently a second notice was issued on 17th September 2010 to require the owners to undertake seven tasks which include securing the multi-storey car park site to the south with close-boarded fencing, and ensuring that all rubble and materials from the demolished car park are (to be recycled) are properly stored and not visible from the public realm.

4.16 These two main requirements have been complied with and no further enforcement action is required at this stage.

5. CONSULTATION

5.1 Site and press notices and 182 neighbours.

5.2 3 replies making the following observations:

- Fragmenting the development confuses residents into what to expect. Objects in principle to high density development and construction of another tower (Officers would note that a new "tower" is not proposed).
- No appropriate transport system in place;
- Not sustainable in Colliers Wood.
- Diminishes quality of life for people in Colliers Wood;
- Should be subject to an Environmental Assessment;
- Short completion times should be established on this permission – would avoid applicant/developer doing nothing except let the building deteriorate;
- Two years to implement and to finish within 5 years after date permission is granted.
- Financial guarantees may be appropriate to ensure the applicant meets the deadlines established before granting permission;
- Proper safeguards to be placed in any permission to prevent the developer using permission to market the property without proper safeguards to ensure construction within short time span.

5.3 GLA Planning Decision Unit. – Application is not referable to the GLA as "parent" application was received before 6th April 2008.

5.4 Transport for London. Queries raised regarding how the car parking will be allocated in between phases.

5.5 English Heritage (Archaeology). Having considered the archaeological report and the available information it is recommended that no archaeological fieldwork need to be undertaken prior to the determination of the application but the archaeological position should be reserved by condition.

5.6 Trees officer. The arboricultural report advises that the existing 6 trees to the front of the building are generally considered to be of poor quality, and the observations report that each tree has defects which have lead to the conclusion that these trees should not be retained, but should be replaced with better quality specimens, including semi-mature trees.

5.7 There are no details concerning the proposed landscaping of the land, but given that it is proposed to remove the 6 existing trees, it is imperative that a comprehensive hard and soft landscaping scheme is presented for the Council's consideration. The outline information shown on the submitted drawing P09 is inadequate.

5.8 As this is a very prominent scheme, there remain opportunities for extending the landscaping treatment of the land, to fit in with the phasing of the development. This could include the provision of temporary landscaping which could be located on the perimeter of the land referred to as Phase 2 (the former circular car park).

Housing Development - Communities and Housing Department.

5.9 Queries raised regarding the need for justification from applicant for not providing affordable housing if scheme is shown to be viable.

5.10 FutureMerton – Urban Design and Regeneration

The Future Merton Team has been involved in the design revisions of the scheme to secure a higher quality exterior finish to the tower. In essence, building a scheme designed in 2003 would look dated and send out the wrong signal regarding the Council's commitment to design quality and the Council's longer term aspirations for Colliers Wood. The switch from render to glazing is supported. Scope to re-design phase 2 (south of the site) is welcomed.

The Future Merton Team has been working closely with the Mayor of London & Design for London to prepare a bid to the Mayor's Regeneration and Riot Fund. Our package for Colliers Wood seeks extensive public realm improvements to the space outside the Tower and Underground Station as well and enhancements to Christchurch Road and Merton High Street. Our shared aim is to fundamentally enhance the pedestrian environment to make Collier's Wood retail offer work as one coherent centre.

The London Plan team are also embarking on a master plan for Colliers Wood, with Future Merton in 2012. Transformation of the tower is the singular catalyst for change. The GLA funding package will be announced in January 2012 and seeks to provide the community with benefits no longer viable in the Tower's s106. The Council is working to secure these benefits by other means.

Contracts and School Organisation - Children, Schools and Families Department

5.11 It is recognised the residential units attract families with children, which increases the demand for school places. Where there is a deficit or forecast deficit of school places in the area developers are therefore required to provide a section 106 contribution in recognition of this 'child yield'. Even without this development there is a substantial increase in demand for primary school places, which will also lead to secondary school from 2014.

5.12 The Council has a statutory obligation to provide sufficient school places so if a section 106 contribution is not received the Council will need to find the capital funding for the additional school places from its own resources. The child yield/section 106 contribution is worked out by formula according to the number of bedrooms in each property. There is some evidence that this does not provide sufficient resources, but there is not yet empirical evidence to increase it.

5.13 However, this formula would produce around £743,000 from the 2 & 3 bedroom units in the scheme. No funding is received for 1-bedroom units as it is considered that children do not live in one-bedroom flats, though this can be the case.

Environmental Health.

5.14 Condition recommended regarding soundproofing plant and machinery.

6. POLICY CONTEXT

6.1 At the time of considering the proposals in 2004 the Unitary Development Plan (2003) and the London Plan (2004) comprised the development plan. Since that time the policies of the UDP have been reviewed by Government office with various policies no longer being retained. The London Plan (2004) has been superseded by the London Plan (2011) and the Council has adopted its Local Development Framework Core Planning Strategy (2011). Policies relevant to the proposals are set out below.

6.2 The relevant policies in the London Plan are:
2.3 Growth Areas and coordination corridors;
2.6 Outer London: vision and strategy;
2.7 Outer London Economy; 2.8 Outer London Transport;
2.13 Opportunity and intensification areas;
3.3 Increasing housing supply;
3.4 Optimising housing potential;
3.5 Quality and design of housing developments;
3.6 Children and young peoples play;
3.7 Large residential developments;
3.8 Housing choice; 3.9 Mixed and balanced communities;
3.10 Definition of affordable housing; 3.11 Affordable housing targets:
3.12 Negotiation affordable housing on individual private residential and mixed use schemes;
3.13 Affordable housing thresholds;
3.16 Protection and enhancement of social infrastructure; 3.18 Education;
4.2 Offices;
5.2 Minimising carbon dioxide emissions;
5.3 Sustainable design and construction;
5.7 Renewable energy;
5.13 Sustainable drainage;

5.15 Water use and supplies;
6.2 Providing public transport capacity and safeguarding land for transport;
6.3 Assessing effects of development on transport capacity;
6.9 Cycling;
6.10 Walking; 6.13 Parking;
7.2 An inclusive environment;
7.4 Local character;
7.5 Public realm;
7.6 Architecture;
7.7 Location and design of tall and large buildings;
7.14 Improving air quality.

6.3 The relevant policies in the Merton LDF Core Planning Strategy (2011) are:
CS.1 Colliers Wood;
CS.7 Centres;
CS.8 Housing choice;
CS.9 Housing provision;
CS.11 Infrastructure;
CS.12 Economic development;
CS.14 Design;
CS.15 Climate change;
CS.16 Flood risk management;
CS.18 Active transport;
CS.19 Public transport;
CS.20 Parking servicing and delivery;

6.4 The relevant retained policies in the Merton UDP (2003) are:
CW.1 (Colliers Wood),
CW.2 (Sites 1CW and 2CW),
HS.1 (Housing Layout and Amenity),
E.1 (General Employment Policy),
E.6 (Loss of Employment Land outside the Designated Industrial Areas),
C.13 (Planning Obligations for Educational Provision),
NE.11 Trees – protection.
BE.13 (Archaeological Protection and Preservation),
BE.14 (Archaeological Evaluation),
BE.15 (New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise),
BE.16 (Urban Design),
BE.17 (Urban Design – Application of Standards),
BE.22 (Design of New Development),
BE.23 (Alterations and Extensions to Buildings),
BE.27 (Public Art),
PE.2 (Pollution and Amenity),
PE.3 (Light Pollution),

PE.5 (Risk from Flooding),
L.8 (Open Space Deficiencies),
L.13 (Improving Provision),
L.14 (Community and Religious Meeting Places),
S.6 (Small Scale Retail Developments outside Existing Shopping Centres),
S.8 (Food and Drink Uses),
PT.5 (Public Transport Interchanges),
RN.3 (Vehicular Access),

6.5 Planning Brief for site. See paragraph 5.3 in Appendix 1.

7. PLANNING CONSIDERATIONS

7.1 The redevelopment of Brown and Root Tower is considered by officers to provide a catalyst to the regeneration of Colliers Wood. Against a backdrop of a significant economic downturn officers have been engaged with the owner in reviewing the means by which development can be brought forward. The proposals the subject of this report comprise 3 key elements– amending conditions (and issuing a new decision with those amended conditions), changing plans and a new S106 agreement/undertaking.

7.2 The rationale behind amending the conditions is to enable redevelopment of the Tower to proceed without having first signed off details for the southern extension. Implementation of a major development in phases is not uncommon, and similar conditions were attached to the redevelopment of the former Brenley Playing Fields and Rowan School sites in Mitcham.

7.3 The proposals also envisage a wholesale review of the terms of the S106. Again, this is not uncommon at present across major development sites. The Minister for Housing has, as recently as March this year, urged local authorities to engage in reviewing agreements many of which may have been brokered at a time of soaring house prices and are no longer economically viable. The Minister hopes such a move will allow payments to be downsized, allowing stalled projects to go-ahead. The Government has recently (November 2011) published “Laying the foundations – a housing strategy for England”. This makes clear the Government’s objective to get the housing market – and in particular new house building – moving again. This is central to the Government’s plans for economic growth.

Amending conditions.

7.4 Section 73 of the Town and Country Planning Act enables applications to be made to remove or vary conditions on a planning permission.

7.5 The local planning authority is required essentially to only consider the conditions subject to which planning permission should be granted. Planning permission may be granted subject to conditions differing from those subject to which the previous permission was granted. Planning permission must not be granted to extend the time within which development must be started.

7.6 Government guidance on Section 73 applications states: “the development which the application under S.73 seeks to amend will by definition have been judged to be acceptable in principle at an earlier date”. The Local Planning authority can consider national or local policies or other material considerations which may have changed significantly since the original grant of permission, as well as the changes sought.

Phasing and amendments to associated pre-commencement conditions.

7.7 The current permission is bound by a number of what may be described as “pre-commencement” conditions. These require the submission and approval of various details such as external facing materials, refuse storage and landscaping, prior to commencement of development.

7.8 A large mixed use scheme is proposed which may be viewed as a number of relatively distinct elements; the existing tower and the proposed northern extension and the mixed use extensions to the rear of the tower.

7.9 In order to facilitate a phased development of the site the application requires principally that the Council reviews the conditions attached to the extant planning permission and for it to consider how they may reasonably be redrafted so as to enable the scheme to proceed in two phases while factoring in Government guidance of the principle of having regard to national or local policies or other material considerations which may have changed significantly since the original grant of permission, as well as the changes sought.

7.10 Concerns have been raised regarding the time that has lapsed to implement development. Officers have discussed the desire to bring forward development of the site and an understanding has been reached with the applicant on this issue along with indications from the applicant to submit new proposals for the southern part of the application site. The new permission would be time limited so as to be consistent with the extant permission.

7.11 On major mixed use developments it would not be uncommon for development to proceed phase by phase. Against a downturn in the economy this is even more likely. Conditions attached to the extant permission have been reviewed and it is considered that there is merit in amending the conditions so as not to require the submission of details for the whole development.

7.12 Phasing not only provides an opportunity for development of the Tower to proceed as a visible signal to the start of Colliers Wood's regeneration but also provide an opportunity to revisit the detailed re-development of land to the south. This is a matter on which Council officers are seeking a higher quality urban design solution where land ownership arrangements have until now constrained the current design and the building's footprint.

7.13 As noted above there has been discussion regarding the cladding of the Tower and the opportunity to secure a higher standard of finish than previously envisaged. Glass cladding systems have been explored with the applicant and examples of finishes (render and glass) have been fixed to the skin of the Tower. Details of external finishes would still need to be determined. Adjustment to the standard "external materials" condition to allow for interim arrangement to clad that part of Phase 1 in the event of a delay in bringing forward Phase 2 or new proposals for the land may be prudent.

7.14 Parking for the development is shown in the Phase 2 element. Parking conditions are redrafted so as factor in the need for the applicant to have submitted and had approved interim arrangements for parking and in particular those for a car club and disabled spaces.

7.15 The latest application is accompanied by an up to date arboricultrual survey which proposes the removal of trees to the front of the site. This had been envisaged along with the need for a landscaping scheme at the time of the earlier proposals and raises no new issues.

<u>Changes to plans and non-material amendments.</u>

7.16 Section 96A of the Planning Act provides a power to make non-material changes to a planning permission. A local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material.

7.17 Legal opinion has been obtained to the effect that changes to the plans may be considered under the S73 application insofar as the S73 application enables the Council to impose a condition were it minded to grant permission to clarify that the permission is on the basis of the new drawings.

7.18 In many respects the submitted drawings leave the consented scheme broadly unaltered, with the numbers of flats and their mix, the footprint and size of the buildings and the floorspace of the various non-residential uses being generally the same. The change to the footprint of the retail element at ground and mezzanine level raises no new issues of retail impact.

7.19 Changes to the internal layout of the development and other amendments to the approved scheme may reasonably be incorporated into a new condition specifying the approved plans.

7.20 Illustrative plans show the use of glazing to the Tower. While finishes would still need to be agreed with the Council, Design Officers are supportive of this approach and remain unconvinced of the longevity or aesthetic quality of the use of render.

Changes to S106.

7.21 A further key element to the current proposals relates to the form and content of the S106 undertaking. Linked to the implementation of the current permission is a S106 agreement, details of which are outlined in section 3.

7.22 Government guidance on the use of S106 undertakings is set out Circular 05/2005. This states “In dealing with planning applications, local planning authorities consider each on its merits and reach a decision based on whether the application accords with the relevant development plan, unless material considerations indicate otherwise. Where applications do not meet these requirements, they may be refused. However, in some instances, it may be possible to make acceptable development proposals which might otherwise be unacceptable, through the use of planning conditions (see Department of the Environment Circular 11/95) or, where this is not possible, through planning obligations”.

7.23 The Community Infrastructure Levy (the levy) came into force in April 2010. It allows local authorities in England and Wales to raise funds from developers undertaking new building projects in their area. The money can be used to fund a wide range of infrastructure that is needed as a result of development. This includes new or safer road schemes, flood defences, schools, hospitals and other health and social care facilities, park improvements, green spaces and leisure centres.

7.24 The Planning Act 2008 provides a wide definition of the infrastructure which can be funded by the levy, including transport, flood defences, schools, hospitals, and other health and social care facilities.

7.25 The Community Infrastructure Levy Regulations 2010 Regulations and Community Infrastructure Levy (Amendment) Regulations 2011 place into law for the first time the Government’s policy tests on the use of planning obligations. The statutory tests are intended to clarify the

purpose of planning obligations in light of the levy and seeks to reinforce the purpose of planning obligations in seeking only essential contributions to allow the granting of planning permission, rather than more general contributions which are better suited to use of the levy. The regulations rule out the application of the levy for providing affordable housing.

7.24 From 6 April 2010 it has been unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, that is capable of being charged the levy, whether there is a local levy in operation or not, if the obligation does not meet all of the following tests:
(a) necessary to make the development acceptable in planning terms

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development
For all other developments (i.e. those not capable of being charged the levy), the policy in Circular 5/05 will continue to apply.

Affordable housing.

7.25 At the time of considering the 2003 application issues of viability lead to the scheme being approved with a proportion of affordable housing less than the then current Merton planning policy target of 30% on site. Having regard to then current planning advice (Circular 06/98) which advocated flexibility where viability was an issue, it was agreed that the consented scheme would deliver around 22% of the units as affordable. The current agreement requires 50 affordable housing units (30 RSL rented units comprising 20 two bedroom flats and 10 one bedroom flats, 10 RSL shared equity units and 10 low cost home ownership flats comprising one bedroom flats). The current proposals would provide no affordable housing.

7.26 London Plan policy 3.12 requires that in making planning decisions a maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed-use schemes. Decision makers are required to have regard to factors including current and future requirements for affordable housing at local and regional levels; and affordable housing targets adopted in line with policy.

7.27 The London Plan requires that negotiation on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for reappraising the viability of schemes prior to implementation and other scheme requirements.

7.28 The Borough wide affordable housing target is equivalent to 1,920 affordable homes for the period 2011-2026 (40% of the London Plan target for Merton rolled forward to cover the 15 year plan period). The LDF notes that where a developer contests that it would not be appropriate to provide affordable housing on site or wishes to deviate from the affordable housing requirements set out in the policy, the onus would lie with the developer to demonstrate the maximum amount of affordable housing that could be achieved on the site viably.

7.29 Discussions surrounding the viability of the site and the delivery of planning benefits, including affordable housing, have lead to two independent financial assessments being undertaken although only the first of these has been formally submitted as a "final draft" to officers.

7.30 The assessment was based on a calculation of an alternative use value derived from the extant planning permission. The assessment concluded that the rendered cladding scheme could support the 50 on-site affordable flats along with an off site contribution without reducing the scheme's profit margin to a level below that which would be regarded as commercially unacceptable.

7.31 The assessors report on the glass clad scheme factored in the additional costs of the higher specification finish and suggested that the scheme could deliver 13-14 affordable units on site. A firm conclusion on exact numbers would require further detailed modelling.

7.32 Notwithstanding the strategic and local objectives of providing affordable housing, a key issue is therefore whether Committee endorse foregoing an increasingly small number of affordable housing units and a reduced package of benefits, and give greater weight to bringing forward the delivery of a major regeneration scheme in Colliers Wood.

Regeneration of Colliers Wood

7.33 London Plan policy 2.13 indicates that development proposals within opportunity areas (Colliers Wood/South Wimbledon is identified as such an area) should, amongst other matters, seek to optimise residential and non-residential output and densities, where appropriate contain a mix of uses contribute towards meeting or where appropriate exceeding minimum guidelines for housing and support wider regeneration.

7.34 The delivery of regeneration in South Wimbledon/Colliers Wood is the subject of joint discussions between Council officers and the GLA. Future Merton, is working with the GLA to prepare a new planning framework for Colliers Wood and South Wimbledon – one of the Mayor's Areas for Intensification.

7.35 The Council's and GLA's ambition is to designate Colliers Wood a Town Centre and the Council is seeking funding for enabling infrastructure which will join Colliers Wood's fragmented retail parks into one coherent centre with a vastly improved pedestrian environment & streetscene.

7.36 Facilitating major developments including that at Brown and Root Tower are considered by officers to be vitally important in gaining support for funds from the GLA to pursue regeneration objectives. Securing regeneration funding could deliver in the order of £3-5m in 2012 – with the development of the Tower seen very much as the catalyst for change in the area.

7.37 The agreement provides impetus to the applicant to submit a further application for the development of the Phase 2 land to the south of the Tower and provides an opportunity to secure a higher quality development better meeting the Council's aspirations for the area than the extant scheme.

7.38 The absence of affordable housing therefore needs to be viewed in the wider context of regeneration and the benefits this could bring to the area.

Employment contribution.

7.39 At the time of considering the 2003 planning application concerns were raised about the harmful impact of loosing such a large amount of office/employment floorspace (See Appendix 1 paragraphs 4.13-4.15). Adopted policy E.6 provided a degree of leverage to secure compensatory employment benefits locally.

7.40 Over 8 years have lapsed since the proposals were first considered by the Council. At least 60% of this large office block has been unoccupied for the past 12 years (since circa 1999). The London Plan (2011) notes that beyond Central London, historic performance has shown that employment growth has not translated into office floorsapce demand. Research from the Mayor of London (GLA London Office Policy Review 2009) and Merton's Economic and Employment Land Studies 2005 and 2010 demonstrate that there is unlikely to be demand for large office development of this scale and nature in Colliers Wood, which is reflected in the office vacancies in the area and the lack of other development proposals for offices in the Colliers Wood area over the past 10 years. The same research shows that there may be demand for smaller, modern, high spec offices that can cater for SMEs in areas such as Colliers Wood.

7.41 Based on this and similar research, Merton's Core Planning Strategy supports the retention, refurbishment and growth of large office-based employment in Wimbledon town centre, where market demand has been steadily supporting through development proposals.

7.42 It may no longer be reasonable to request a contribution for the loss of office floorspace in this particular case, given that neither Merton's Core Planning Strategy nor research nor the market supports the view that there is demand for large office-based employment in this location. Having regard to guidance on the use of planning obligations, there should be no need to mitigate against its loss.

7.43 In 2004 the building had been partially vacant for five years and there may have been hope that either tenants would be found or that there would be demand for larger office-based employment in the Colliers Wood area that could be delivered on other sites. However in the years since the original application it has become clear that there isn't demand for large offices here and that this approach is no longer justified.

7.44 At this time, it is considered that the Council would not be justified in asking for a planning contribution towards the loss of the offices on the grounds that it is not necessary to make the development acceptable in planning terms.

Education contributions.

7.45 UDP policy C.13 requires developments that contribute to pressure on local education to make financial contributions towards mitigating the impact of the proposals. The London Plan (2011) acknowledges that (paragraph 3.86) social infrastructure (including nurseries and schools) has a major role to play in supporting growth particularly in places where significant new housing is proposed, such as opportunity and intensification areas.

7.46 The current agreement provides £500,000 towards education improvements to meet pressure arising from the new dwellings. This was to have been provided before first occupation of the residential units.

7.47 The contributions factored in the presence of affordable housing units as an element of the scheme for which the Council, under the terms of its SPD, does not seek education contributions. The proposed S106 would not deliver affordable housing (20 x 2 bedroom flats and 30 x 1 bedroom flats).

7.48 Since the approved application was first considered the Council has adopted its SPD on Planning Obligations. This has been updated in respect of education contributions. The contributions have been reviewed in the light of the change to the tenure arrangements, the adoption of the SPD and the 2 phases to the development now being proposed.

7.49 On the basis of the current SPD education contributions for whole development are as follows.

218 Flats. Single phase.	Education contributions:	Number of units.
Studio flats	£ 0	12
1 Bedroom flats	£ 0	66
2 bedroom flats	£ 621,700	128
3 bedroom flats	£ 121,140	12
Total	£ 742,840	218

7.50 A two phase development might reasonably be structured in such a way as to have two separate education contributions. Based on the phasing of this development, and with no affordable housing these are set out below.

Two phase development.	Education contributions:	Number of units.
Phase 1.		
1 Bedroom flats.	£0	68
2 Bedroom flats.	£398,270	82
Total for Phase 1.	£398,270	
Phase 2.		
1 bedroom flats	£0	
2 bedroom flats	£223,436	46
3 bedroom flats	£121,140	12
Studios		
Total for Phase 2.	£344,570	

7.51 The amended S106 would provide no education contribution to mitigate the impact of the proposals on local schools. The Council's Schools organisation team has highlighted that the Council would therefore need to meet the costs of any additional pressure on education that may arise from the development.

7.52 As above with the issue of affordable housing, such shortfalls need to be viewed in the wider context of potential regeneration, the importance of delivering housing, which the scheme would enable in any event, and the weight to be attached to these different objectives is a matter of judgement.

Library.

7.53 While a new planning permission would remain altered insofar as it would include a library the favourable terms on which the library would be offered are withdrawn under the terms of the new S106. It is a matter of judgement as to whether the financial contributions towards the delivery of the library, based on what might be viewed as the aspirational objectives of an earlier planning brief, are reasonable to make the development acceptable and whether these contributions may be forfeited.

Open space improvements contribution.

7.54 The site is located opposite Wandle Park providing open space that offsets shortfalls in amenity space on site. The scheme will place additional pressure on the use of nearby open spaces. In the absence of a S106 contribution the Council would need to meet the costs of any additional maintenance arising from the increased number of residents arising from the development that may use the park.

Traffic and transport.

7.55 S106 heads relating to the scheme's residential units being "permit free" and dedication of land to transport improvements on Christchurch Road would remain. Parking management, including car club spaces, and travel plans may be dealt with as conditions and no objections are raised by Transport Planning officers in this respect.

Infrastructure improvements.

7.56 The proposed infrastructure contribution would be broadly safeguarded (there being commonality with environmental improvements contributions in the existing agreement) and meet the test of being reasonably related to the development. While separate CCTV contributions are no longer offered local improvements to public spaces around the Tower may in the longer term deliver an improved sense of security to the public realm.

7.57 To summarise, the S106 would deliver planning contributions to improve the environment around the Tower and has the potential to assist in bidding for wider regeneration funds. Endorsement of a paired down S106 would not preclude the Council from revisiting the need for a S106 should new proposals be brought forward for other land comprising the island site. Wider financial benefits would accrue to the Council from bringing forward development of the site including additional revenue from Council tax and the Government's new homes bonus.

7.58 In contrast, the amended terms of the S106 would currently not deliver planning contributions and benefits that might be normally be expected (affordable housing and education). Such shortfalls need to be viewed in the wider context of potential regeneration and the weight to be attached to these different objectives is a matter of judgement.

7.59 The amended S106 would forfeit other contributions that might be difficult to justify against present economic conditions (economic contribution) and may be viewed as aspirational (the delivery of a public library on favourable terms).

8. SUSTAINABILITY/EIA.

8.1 A screening opinion under the provision of the Town and Country Planning (Environmental Impact Assessment) Regulations has been issued confirming that an Environmental Assessment is not required for the proposals.

8.2 While the application is to review conditions in such a manner as to facilitate a phased development of the site, Government guidance on the assessment of S73 applications indicates that the decision makers focus their attention on national or local policies or other material considerations which may have changed significantly since the original grant of permission.

8.3 At the time of submitting the 2003 application the Council's UDP had not been adopted along with its ground breaking renewable energy policy for major non-residential developments. Merton has lead the way in addressing climate change and has played a key role in ensuring that renewable energy policies have become embedded into the mainstream. Planning Policy Statement 22 (PPS22 – Renewable energy) published in August 2004 after the 2003 had been considered by Committee set out the Government's policies for renewable energy, which planning authorities should have regard to when preparing local development documents and when taking planning decisions. Since then PPS1 supplement "Planning and Climate Change" encourages all local authorities to design policies that promote, and not restrict, low carbon energy production and supporting infrastructure. The inclusion of both renewable energy and sustainable design and construction requirements have become a common requirement in the determination of planning applications at Merton.

8.4 The London Plan requires development to make the fullest contribution to the mitigation of and adaptation to climate change. The LDF (policy CS15) requires all non-domestic development over 500 sq.m to be built to BREEAM Very Good and meet CO2 reduction targets in line with the requirements of the London Plan or national policy whichever is the

greater, while all new development comprising the creation of new dwellings should achieve Code for Sustainable Homes Level 4.

8.5 Since 2003, when the consented scheme was submitted, there have been significant changes to the requirements of the Building Regulations. Briefly these are as follows:

Part F (Ventilation of buildings and air leakage) – the provisions for ventilation were amended in 2006 and were principally based on air permeability of new buildings. The requirement for pressure testing buildings to determine and control the amount of air leakage was introduced. This requirement was improved further in 2010.

Part G (Sanitation, hot water and water efficiency) – a number of changes were introduced in 2010 including a requirement for water efficiency in newly formed dwellings (125 litres/person/day).

Part J (Combustion Appliances and fuel storage systems) – various changes were introduced in 2010 including the requirement for carbon monoxide alarms. Although ventilation is controlled, with less air leakage it was considered that measures to avoid carbon monoxide poisoning should be introduced.

Part L (Conservation of fuel and power) – A requirement for improved thermal efficiency was introduced in 2006, in particular the control of the CO2 emission rate of new dwellings. These requirements were increased further in 2010 which included a further 25% reduction in the C02 emission rate of new dwellings.

8.6 Were no new conditions to be added then in order to comply with the Building Regulations refurbishment, alterations and extensions to the Tower would achieve substantial reductions in CO2 emissions and achieve a standard of sustainable design and construction over and above that which would have been achieved had the scheme been implemented when Committee first resolved to grant planning permission.

8.7 Since 2006 the Government has introduced The Code for Sustainable Homes. The Code goes further than the current building regulations, but is entirely voluntary, and is intended to help promote even higher standards of sustainable design. The Code measures the sustainability of a new home against nine categories of sustainable design, rating the 'whole home' as a complete package. It covers energy/CO2, water, materials, surface water runoff (flooding and flood prevention), waste, pollution, health and well-being, management and ecology.

8.8 Whether it would be appropriate to ramp up the sustainability credentials of the consented scheme against a backdrop of more stringent local and London wide planning policies which in Merton's case seek code level 4 and Breeam Very Good would further impact on the financial modelling and deliverability of the scheme and may be deemed inappropriate.

9. CONCLUSION

9.1 Redevelopment of the Brown and Root Tower has a key role as a catalyst in the wider regeneration of Colliers Wood.

9.2 The proposed phasing condition and associated changes to other "pre-commencement conditions" would enable development of the Tower along with its extension to the north to proceed in isolation from the remainder of the approved scheme. Timescales for implementation would remain unchanged providing added impetus to bring forward development. Re-development of the Tower would deliver new housing, for which there is a recognized need and the regeneration of a building that has become an eyesore in the Borough and has gained wider notoriety across London.

9.3 Development of the Tower positions the Council more effectively in terms of its credentials in pursuing substantial London-wide regeneration funds. Severing the link between development of the northern and southern halves of the site also provides an opportunity to review development opportunities for this land along with the surrounding area.

9.4 The application has provided an opportunity to review other conditions attached to the permission in tandem with the S106 so as to ensure that conditions can be used instead of S106 undertakings. Other than to factor in the consequences of a phased development, it is a matter for judgement as to whether the general scope of the condition should remains unaltered, in particular in relation to sustainable design and construction, given that since consideration of the earlier application changes to the Building Regulations would ensure a higher standard of sustainable design and construction in any event.

9.5 The revised S106 would provide financial contributions towards environmental improvements around the Tower (£220,000) and, consistent with recent Ministerial advice to local authorities, would reflect a pragmatic response to brining forward a development that has stalled. While the S106 offers less than the overall package of benefits currently secured (£1.8m), the contributions are to be welcomed. It is not considered unreasonable against available evidence for economic contributions to be forfeited and under present economic conditions for other contributions such as public art to be removed.

9.6 At the time of preparing the planning brief for the site the delivery of a new library had been a Council aspiration. The scheme retains space for the library in the second phase and still provides and opportunity for the Council to review its requirements in this part of the Borough.

9.7 The absence of affordable housing, education and open space contributions require balancing against the wider potential regenerative benefits including the improved visual appearance of the Tower which may be accorded greater weight.

9.8 Alterations to the layout of dwellings within the development while shifting the balance towards a greater number of smaller flats in the Tower and its extension do not alter the fundamental make-up of the scheme and are not considered an issue.

RECOMMENDATION.

Grant planning permission subject to the completion of a Section 106 Unilateral Undertaking/Legal Agreement providing:

1. The developer making an application for planning permission for the development of the Phase 2 land within 6 months of commencement of development.
2. Infrastructure contribution - £220,000 payable to the Council on the earlier of the following events:
   (a) Within seven working days of the Developer receiving planning permission from, the Council for development of the Phase 2 land; or
   (b) Within 12 months of commencement of development.
3. Dedication of land on Christchurch Road and Priory Road frontages to facilitate transport improvements.
4. All dwellings to be excluded from obtaining parking permits.
5. The developer meeting the Council's legal costs for drafting/scrutinising the agreement/undertaking and monitoring the obligations.

And the following conditions:

1. Time limits for implementation (To be the same as the expiry date of the consented scheme – 9th April 2013).
2. A.7 In accordance with approved plans (Site location plan, 210805 – P01, P02, P03, P04, P05, P06, P07, P08A, P09).
3. The development hereby approved shall be implemented in Phases as shown on the approved plans referred to in Condition 2.
   Reason: To provide flexibility in the implementation of the development in the interest of the regeneration of Colliers Wood and the objectives of the Council's adopted Local Development Framework (2011).

4. B.1 Materials to be approved. Amended to read “for each phase” and “interim arrangements for those parts of Phase 1 prior to implementation of Phase 2”.
5. B.4 Details of surface treatment. Amended to require separate submission of details for each phase before the implementation of that phase and to be completed prior to first occupation of dwellings in that phase.
6. C.6 Refuse and recycling. Amended to read “for each phase”.
7. D.11 Hours of construction.
8. Prior to the commencement of use/occupation of buildings in each phase, details of cycle/mobility parking facilities for that phase shall be submitted to and approved in writing by the local planning authority. The facilities as are approved shall be provided before first occupation of that phase and retained for the users of the development thereafter.
   Reason: To ensure satisfactory facilities for cycle and mobility parking are provided and to comply with policy CS18 of the Adopted Merton Core Planning Strategy 2011.

9. Notwithstanding the parking arrangements shown on the approved plans, prior to the commencement of use/occupation of buildings in each phase, details of parking facilities for that phase, shall be submitted to and approved in writing by the local planning authority. The facilities as are approved shall be provided before first occupation of that phase and retained for the users of the development thereafter.
   Reason: To ensure satisfactory facilities for parking are provided and to comply with policy CS18 of the Adopted Merton Core Planning Strategy 2011.
10. D.5 Soundproofing plant and machinery. Amended to read “for each phase”.
11. D.6 Ventilation systems. Amended to read “for each phase”.
12. F.1 Landscaping scheme. Amended to read “for each phase”.
13. The use of the buildings in each phase hereby approved shall not take place until such time as details of facilities for persons with disabilities has been submitted to and approved in writing by the Local Planning Authority. Such facilities shall be installed prior to the occupation of the building/commencement of the use of each phase and shall be permanently retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
    Reason. To ensure satisfactory access to and use of the development the development by people with disabilities.
14. K.1 Archaeology. Amended to read “for each phase”.
15. K.3 Archaeology – foundation design. Amended to read “for each phase”.

16. Prior to the commencement of the development as scheme to deal with any contamination of the site shall be submitted to and approved in writing by the Local Planning Authority. The above scheme shall include an investigation and assessment to identify the extent and nature of any contamination and measures to be taken to avoid risk to the public/buildings/the environment when the site is developed. Development shall not take place until the measures approved in the scheme have been implemented.
    Reason.In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003.
17. H.10 Construction and environmental impacts. Amended to read “for each phase”.
18. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order (or any other Order revoking or re-enacting the Order), no change of use of the approved café / restaurant to retail (A1) shall be carried out without the prior written consent of the Local Planning Authority. Reason: In order to exercise proper control over the quantum of retail floorspace in the development in the interests of vitality and viability of nearby town centres.
19. Details of a scheme of boundary treatment to the site including the erection of any security hoardings during construction of each phase of the development and any temporary arrangements prior to implementation of Phase 2, shall be submitted to and approved by the local planning authority. The scheme shall be implemented prior to commencement of development and permanently retained during construction.
    Reason: In the interests of pedestrian and road safety.
20. Prior to commencement of development the applicant shall enter into and complete an agreement under S278 of the Highways Act with the Council as local highway authority, to provide for a scheme of works to the highway, including any alterations to site access, resurfacing of Christchurch Road between Priory Road and High Street Colliers Wood and other alterations to the highway to provide for an elongated bus lay-by, tramline and taxi rank on Christchurch Road. Such works as form part of the agreement shall be completed before occupation of more than 50% of all dwellings in either the Phase 1 or Phase 2 development.
    Reason. To ensure that the proposals provide satisfactory servicing arrangements and to ensure that highways improvement commensurate with the scale of the development are provided and consistent with the objectives of LDF Core Planning Strategy policies CS.11 and CS.20.
21. H.8 Travel plans. Amended to read “for each phase”.
22. H.11. Amended to include “having regard to the phased nature of the development”.

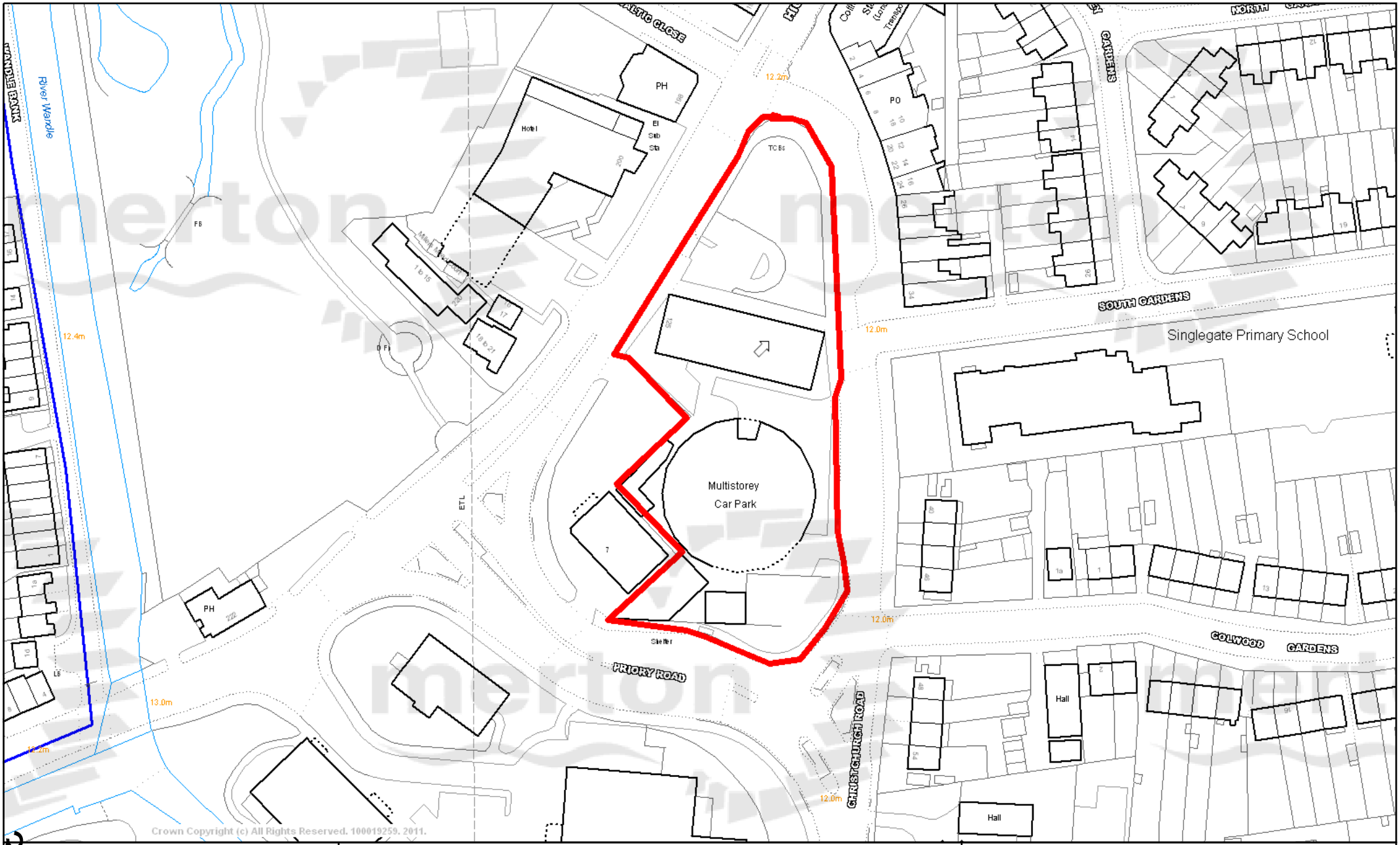
23. Car Club (non-standard). Prior to the first occupation of the development, the car club scheme, including the specification for operation of the car club and off street car parking arrangements, shall be submitted to and approved in writing by the council. The car club scheme shall be implemented prior to the first occupation of the development.
Reason: To facilitate more sustainable patterns of travel in accordance with adopted LDF Core Planning Strategy policies CS.20.

Reasons for approval.
The proposed development would provide a mixed use development consistent with the site's designation in the Adopted Unitary Development Plan. The proposals provide a high quality modern development in a sustainable location consistent with the objectives of the Council's Local Development Framework and the London Plan in terms of delivering new housing. The proposed development would create a focal point for Colliers Wood whilst at the same time contributing to its regeneration in its wider role, use and functions.

London Plan (2011) policies.
2.3 Growth Areas and coordination corridors;
2.6 Outer London: vision and strategy;
2.7 Outer London Economy; 2.8 Outer London Transport;
2.13 Opportunity and intensification areas;
3.3 Increasing housing supply; 3.4 Optimising housing potential;
3.5 Quality and design of housing developments;
3.6 Children and young peoples play;
3.7 Large residential developments;
3.8 Housing choice; 3.9 Mixed and balanced communities;
3.10 Definition of affordable housing; 3.11 Affordable housing targets:
3.12 Negotiation affordable housing on individual private residential and mixed use schemes;
3.13 Affordable housing thresholds;
3.16 Protection and enhancement of social infrastructure; 3.18 Education;
4.2 Offices;
5.2 Minimising carbon dioxide emissions;
5.3 Sustainable design and construction;
5.7 Renewable energy; 5.13 Sustainable drainage;
5.15 Water use and supplies;
6.2 Providing public transport capacity and safeguarding land for transport;
6.3 Assessing effects of development on transport capacity;
6.9 Cycling; 6.10 Walking; 6.13 Parking;
7.2 An inclusive environment;
7.4 Local character; 7.5 Public realm;
7.6 Architecture; 7.7 Location and design of tall and large buildings;
7.14 Improving air quality.

Merton LDF Core Planning Strategy (2011)
CS.1 Colliers Wood, CS.7 Centres.
CS.8 Housing choice, CS.9 Housing provision.
CS.11 Infrastructure.
CS.12 Economic development.
CS.13 Open space.
CS.14 Design.
CS.15 Climate change, CS.16 Flood risk management.
CS.18 Active transport, CS.19 Public transport, CS.20 Parking, sertivcing and delivery.

London Borough of Merton Unitary Development Plan (2003)
CW.1 (Colliers Wood),
CW.2 (Sites 1CW and 2CW),
HS.1 (Housing Layout and Amenity),
E.1 (General Employment Policy),
E.6 (Loss of Employment Land Outside the Designated Industrial Areas),
C.13 (Planning Obligations for Educational Provision),
BE.13 (Archaeological Protection and Preservation),
BE.14 (Archaeological Evaluation),
BE.15 (New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise),
BE.16 (Urban Design),
BE.17 (Urban Design – Application of Standards),
BE.22 (Design of New Development),
BE.23 (Alterations and Extensions to Buildings),
BE.27 (Public Art),
PE.2 (Pollution and Amenity),
PE.3 (Light Pollution),
PE.5 (Risk from Flooding),
L.8 (Open Space Deficiencies),
L.13 (Improving Provision),
L.14 (Community and Religious Meeting Places),
S.6 (Small scale retail developments outside existing shopping centres),
S.8 (Food and Drink A3 Uses),
RN.3 (Vehicular Access).



DEVELOPMENT CONTROL

Brown & Root Tower

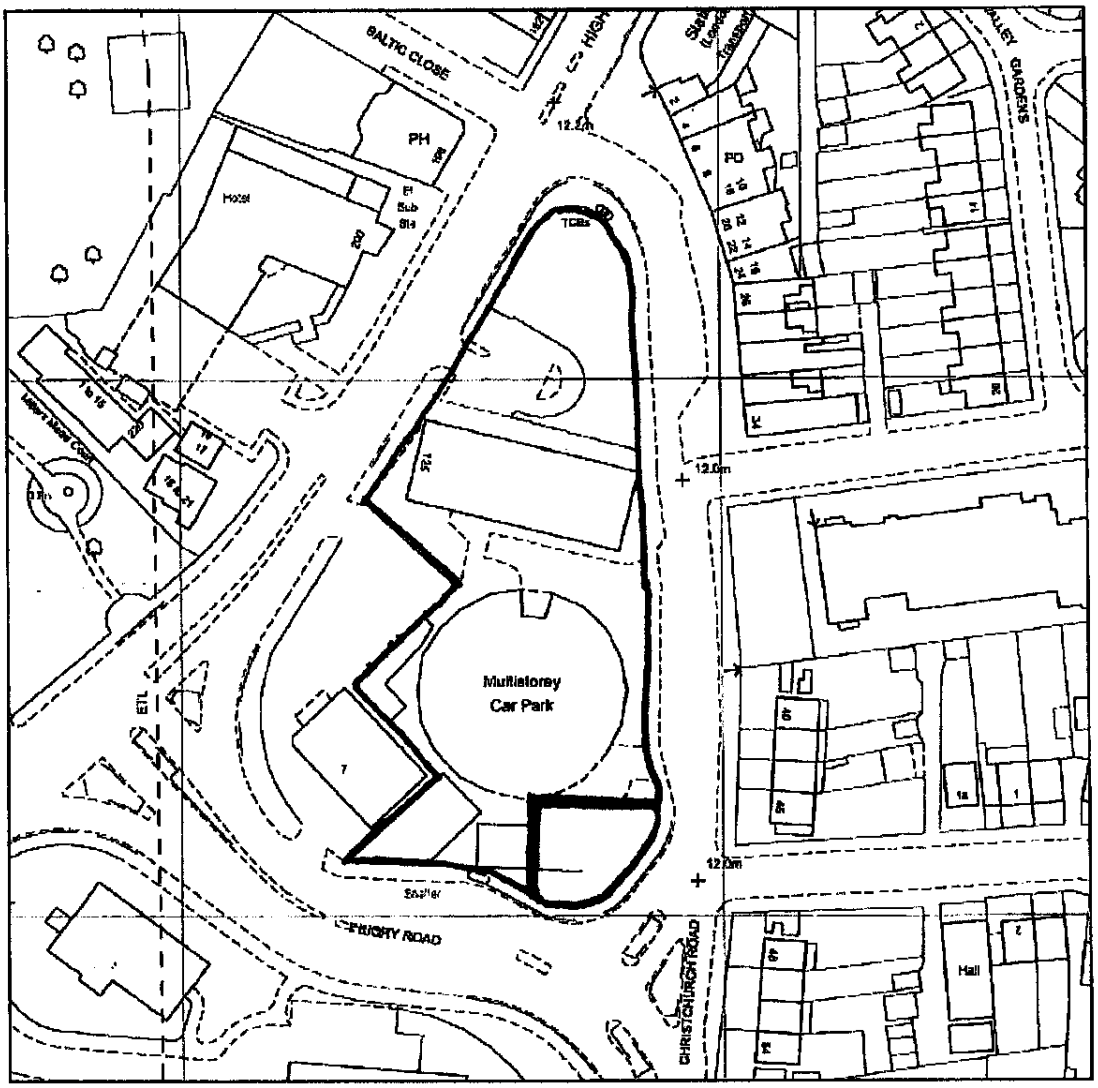
High St Colliers Wood

Scale 1/1250

Date 18/11/2011

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

Location Plan

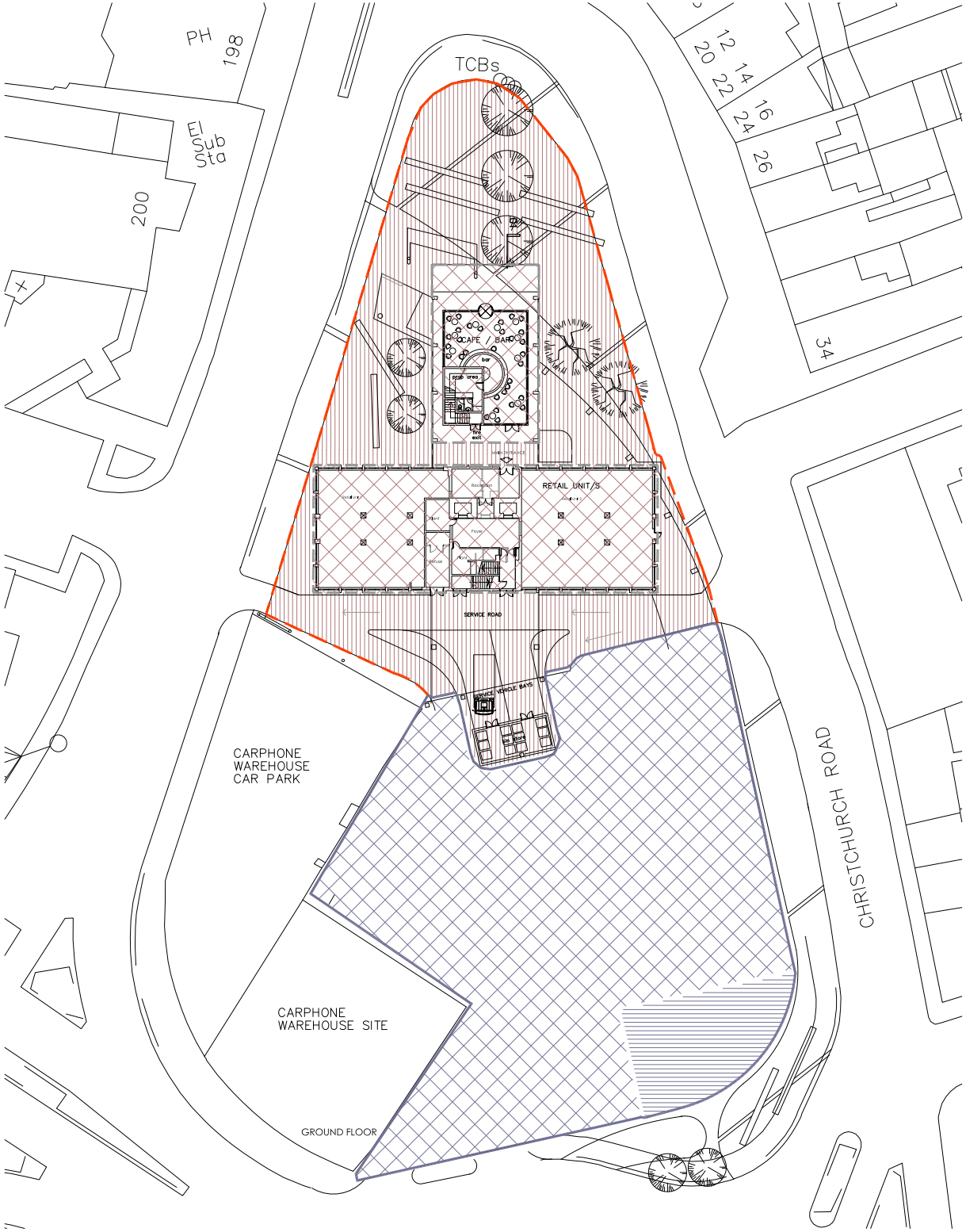


Brown & Root Tower, High Street, Colliers Wood

London Borough of Merton

22 NOV 2010

Planning Development Control



LEGEND

- PHASE 1
- PHASE 2
- SITE BOUNDARY LINE
- PHASE 1
- PHASE 2

Rev A - Phases and hatching altered 08.11.11

title
THE TOWER, 125 HIGH STREET
COLLIERS WOOD, SW19 2JR

client
CAPITAL CRITERION

description
GROUND FLOOR PLAN
PHASES

burgess mean architects
unit 1, the warehouse
12 ravensbury terrace
london
SW18 4RL

t: 020 8944 8050 f: 020 8946 9506 e: bma@burgessmean.co.uk

date:	drawn by: SA	file name:	checked:	scale	project	drawing	revision
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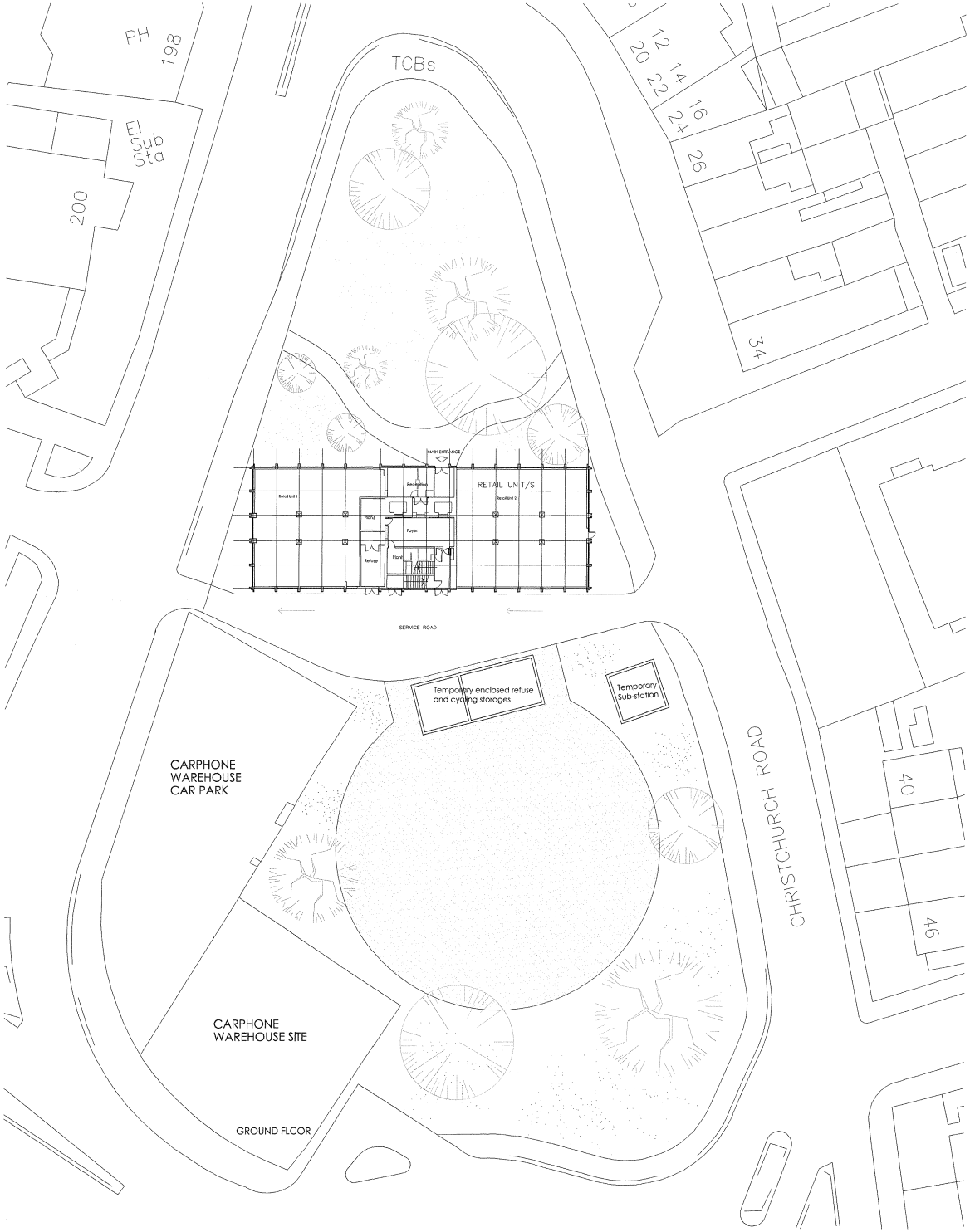

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PHASE 1

title
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COLLIERS WOOD, SW19 2JR

client
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GROUND FLOOR PLAN
PHASE 1- LANDSCAPING

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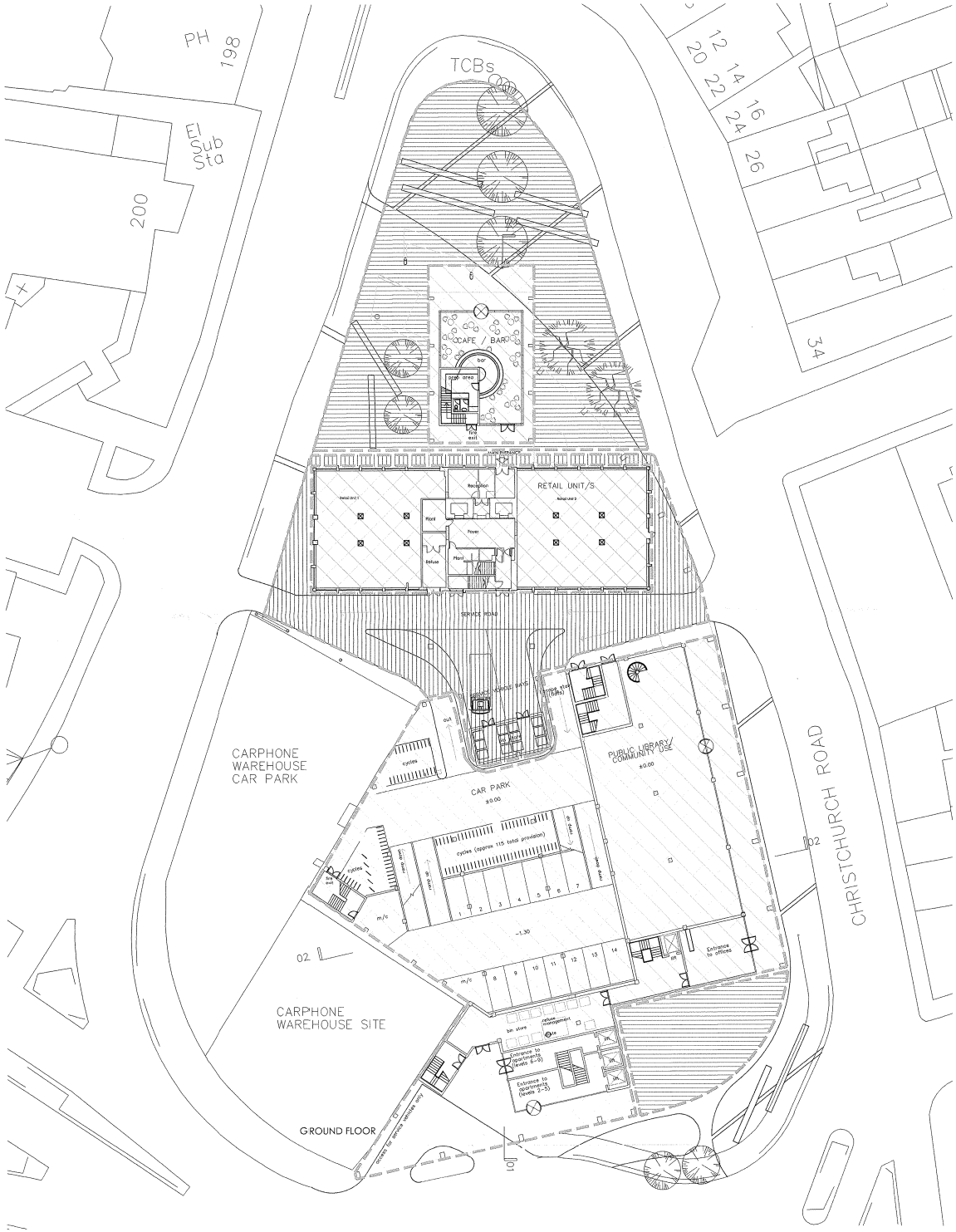

LEGEND

PHASE 1

PHASE 2

PHASE 3

PHASE 1

PHASE 2

PHASE 3

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Scale: 1:50

Scale: 1:20

London Borough of Merton

22 NOV 2010

Planning Development Control

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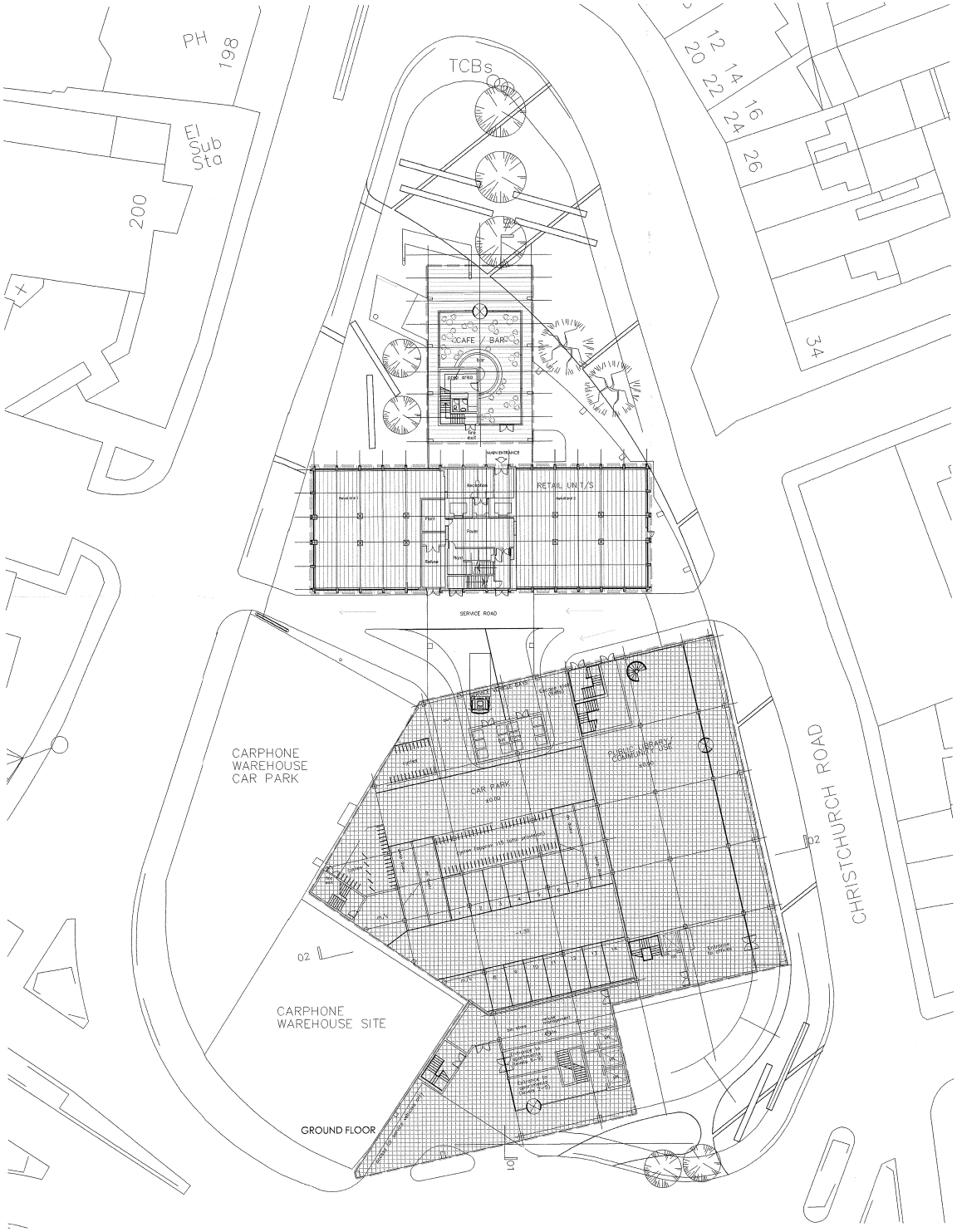

LEGEND

PHASE 1

PHASE 2

PHASE 3

Scale: 1:100
Scale: 1:50
Scale: 1:20

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t: 020 8944 8050 f: 020 8946 9506 e: bma@burgessmean.co.uk

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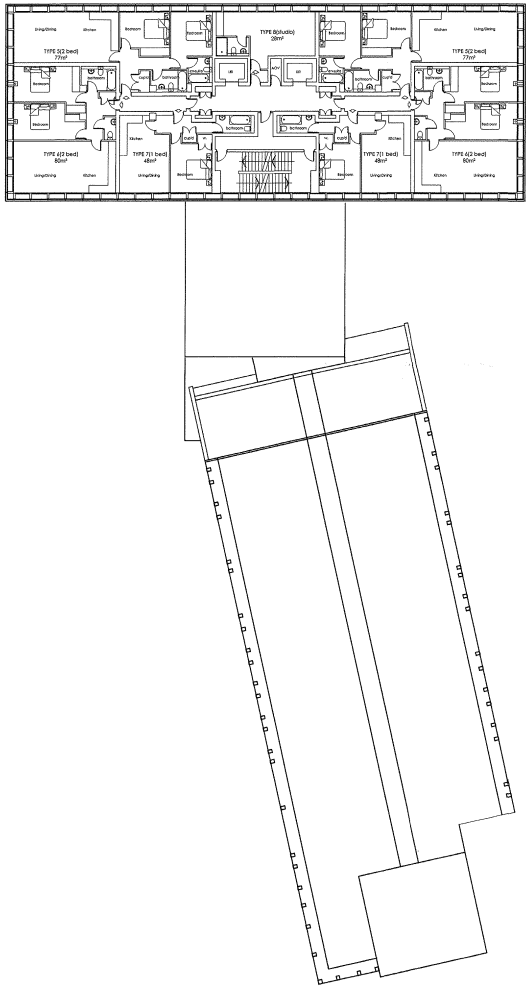
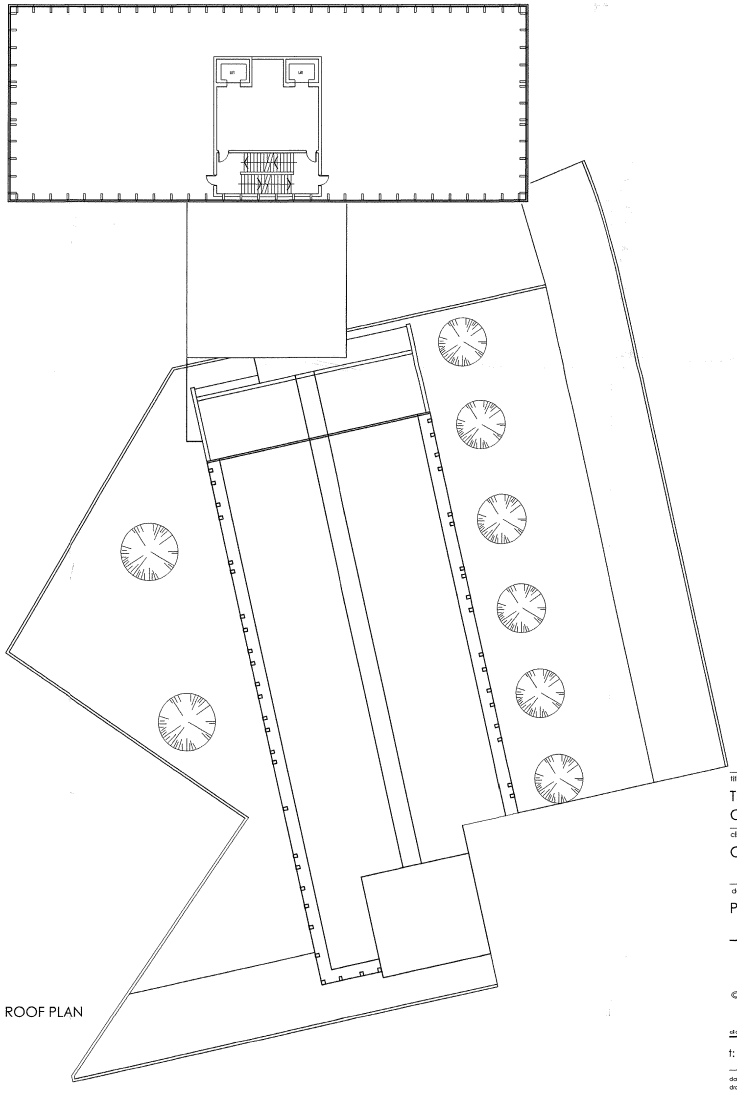


17TH TO 18TH FLOORS



ROOF PLAN

London Borough of Merton

-4 OCT 2010

Planning Development Control

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Scale: 1:20 -0.5 0 0.5

title
THE TOWER, 125 HIGH STREET
COLLIERS WOOD, SW19 2JR

client
CAPITAL CRITERION

description
PROPOSED FLOOR PLANS

bm architects
burgess mean architects
unit 1, the warehouse
12 ravensbury terrace
london
SW18 4RL

t: 020 8944 8050 f: 020 8946 9506 e: bma@burgessmean.co.uk

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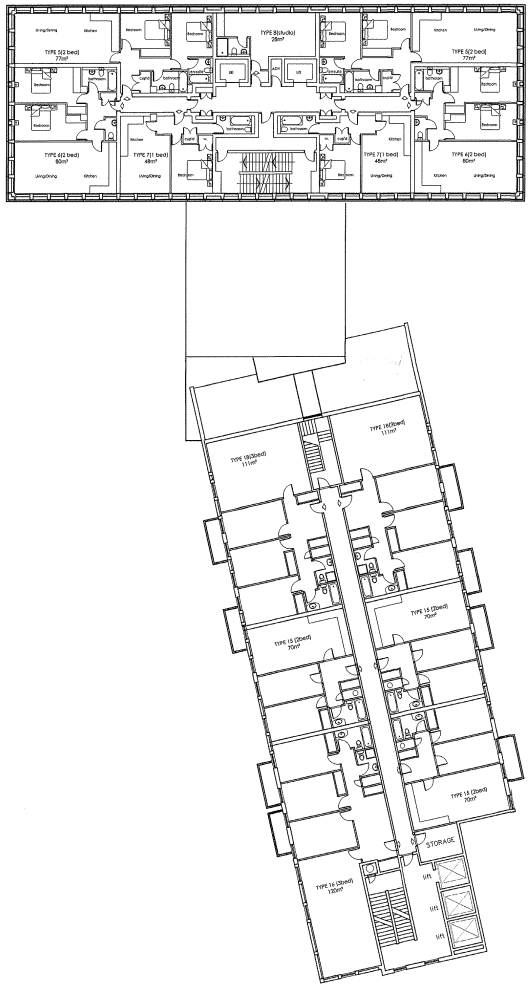

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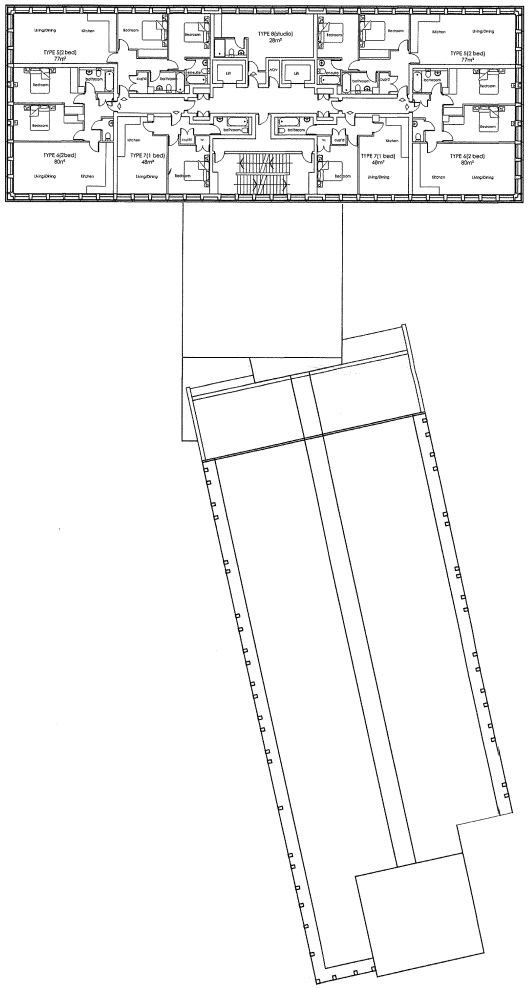

TENTH TO SIXTEENTH FLOOR

Scale: 1:100

Scale: 1:50

Scale: 1:20

title

THE TOWER, 125 HIGH STREET
COLLIERS WOOD, SW19 2JR

client

CAPITAL CRITERION

description

PROPOSED FLOOR PLANS

burgess mean architects
unit 1, the warehouse
12 ravensbury terrace
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SW18 4RL

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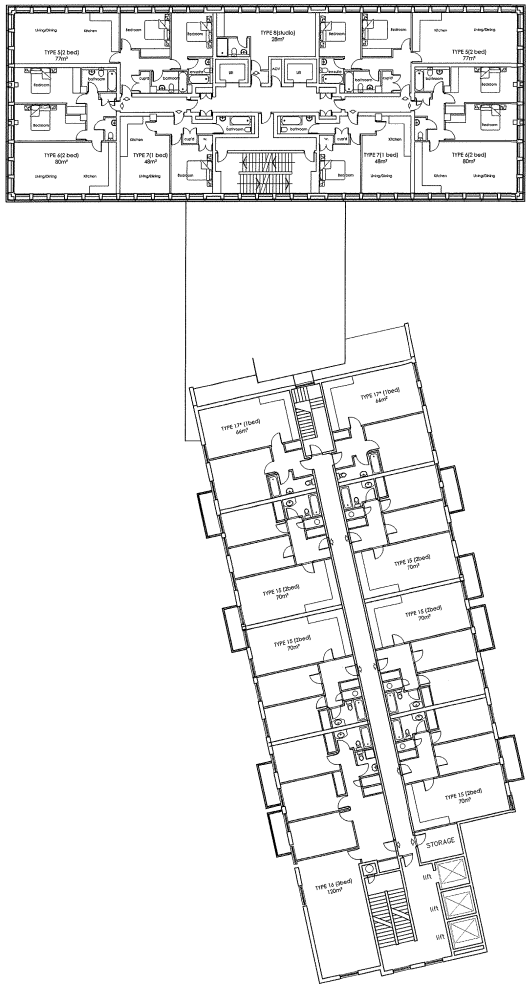

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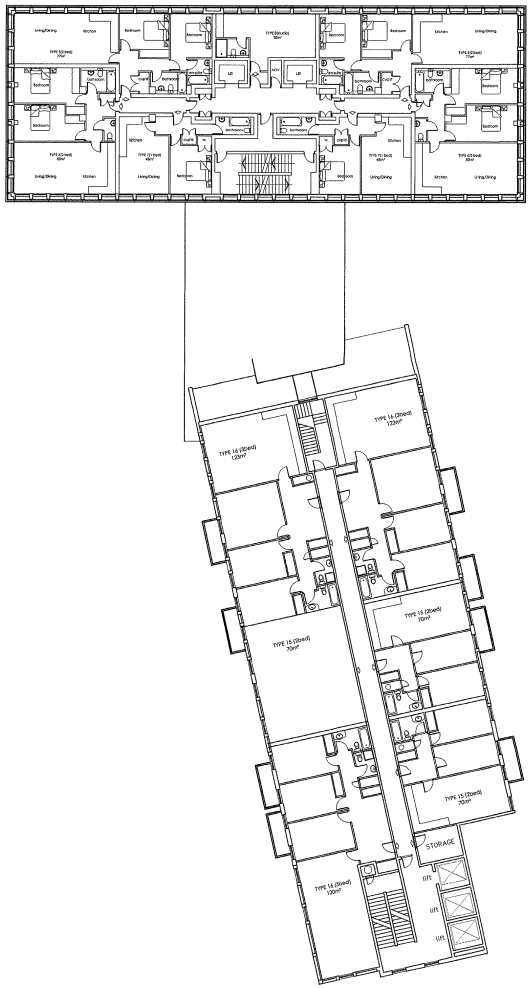

EIGHTH FLOOR

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Scale: 1:50

Scale: 1:20

title
THE TOWER, 125 HIGH STREET
COLLIERS WOOD, SW19 2JR

client
CAPITAL CRITERION

description
PROPOSED FLOOR PLANS

burgess mean architects
unit 1, the warehouse
12 ravensbury terrace
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SW18 4RL

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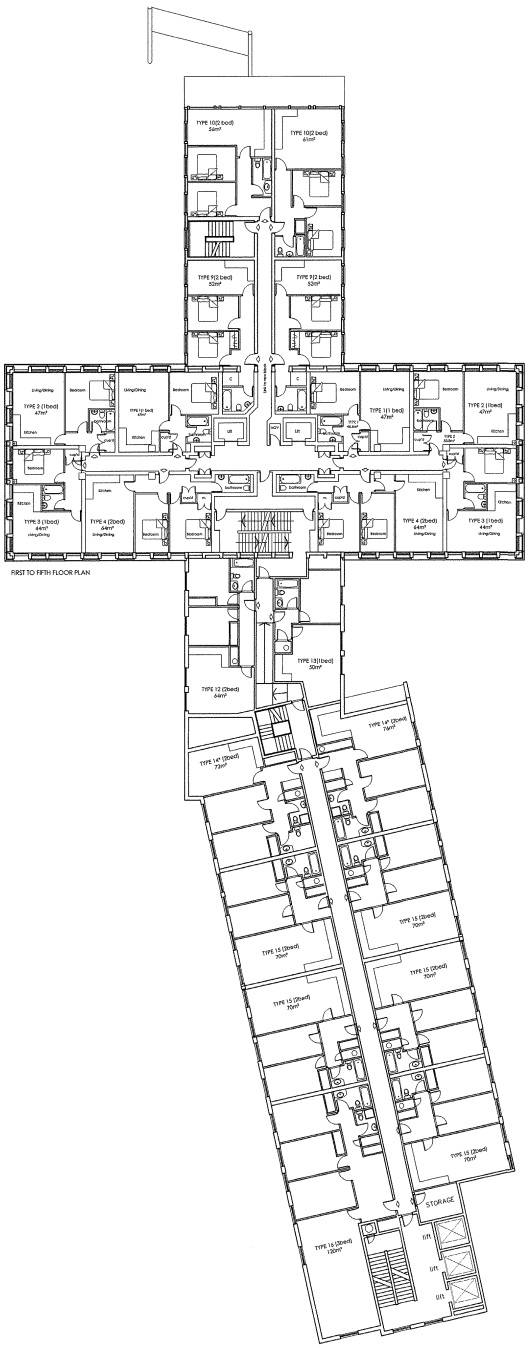
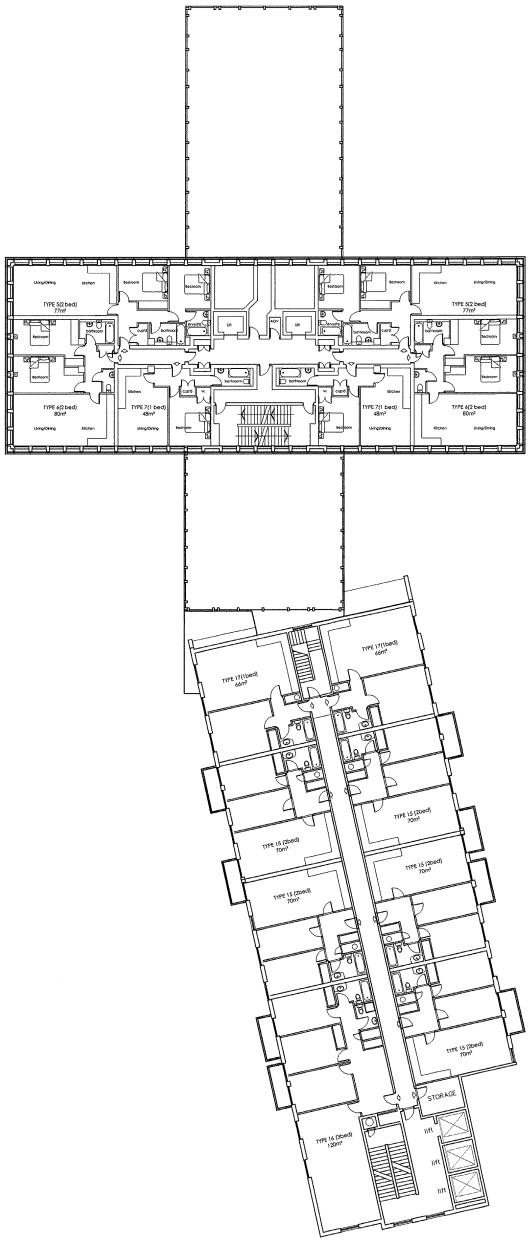


FIRST TO FIFTH FLOOR PLAN

FIFTH FLOOR



SIXTH FLOOR

London Borough of Merton

- 4 OCT 2010

Planning Development Control

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Scale: 1:50

Scale: 1:20

title
THE TOWER, 125 HIGH STREET
COLLIERS WOOD, SW19 2JR

client
CAPITAL CRITERION

description
PROPOSED FLOOR PLANS

burgess mean architects
unit 1, the warehouse
12 ravensbury terrace
london
SW18 4RL

t: 020 8944 8050 f: 020 8946 9506 e: bma@burgessmean.co.uk

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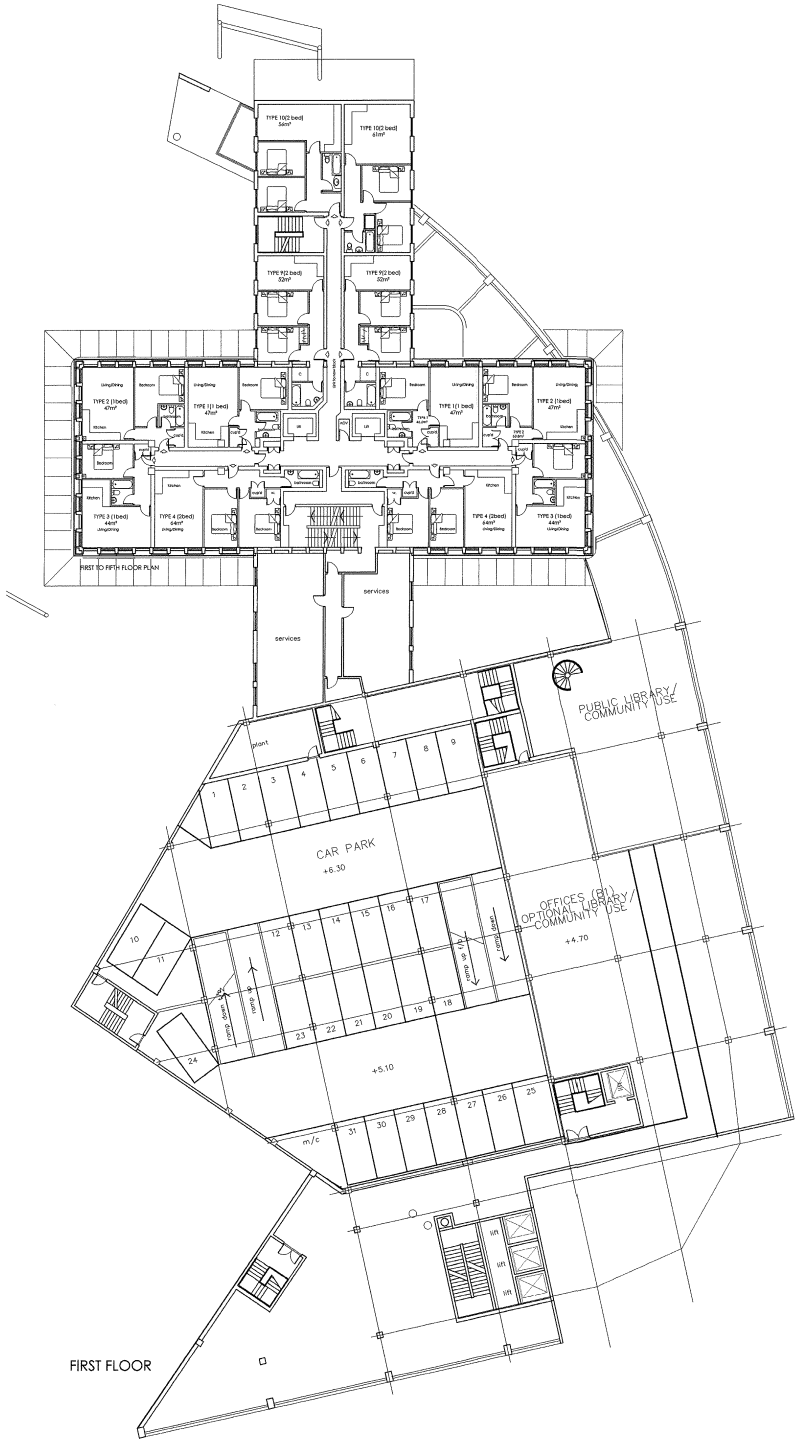
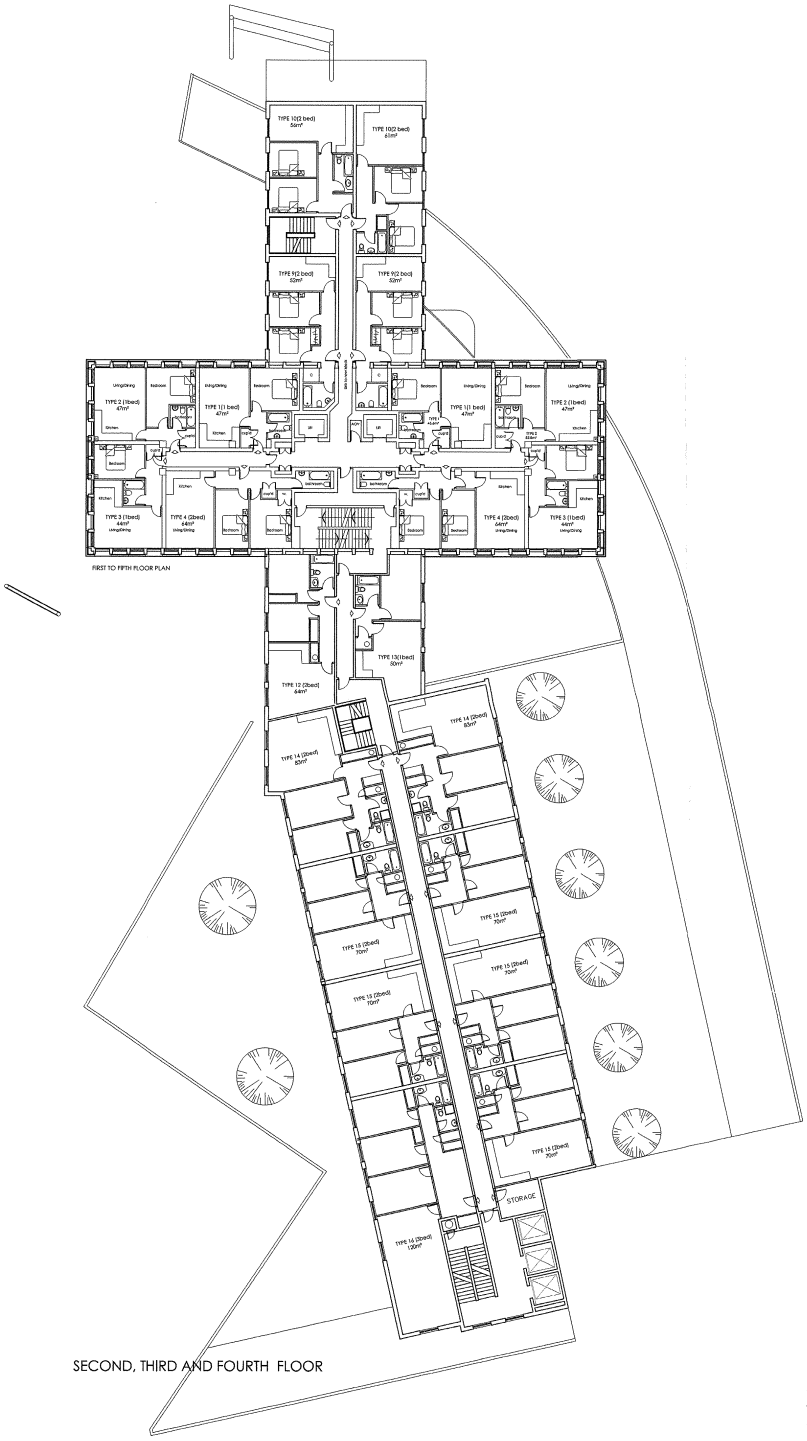


FIRST FLOOR



SECOND, THIRD AND FOURTH FLOOR

Scale: 1:100

Scale: 1:50

Scale: 1:20

title
THE TOWER, 125 HIGH STREET
COLLIERS WOOD, SW19 2JR

client
CAPITAL CRITERION

description
PROPOSED FLOOR PLANS

burgess mean architects
unit 1, the warehouse
12 ravensbury terrace
london
SW18 4RL

t: 020 8944 8050 f: 020 8946 9506 e: bma@burgessmean.co.uk

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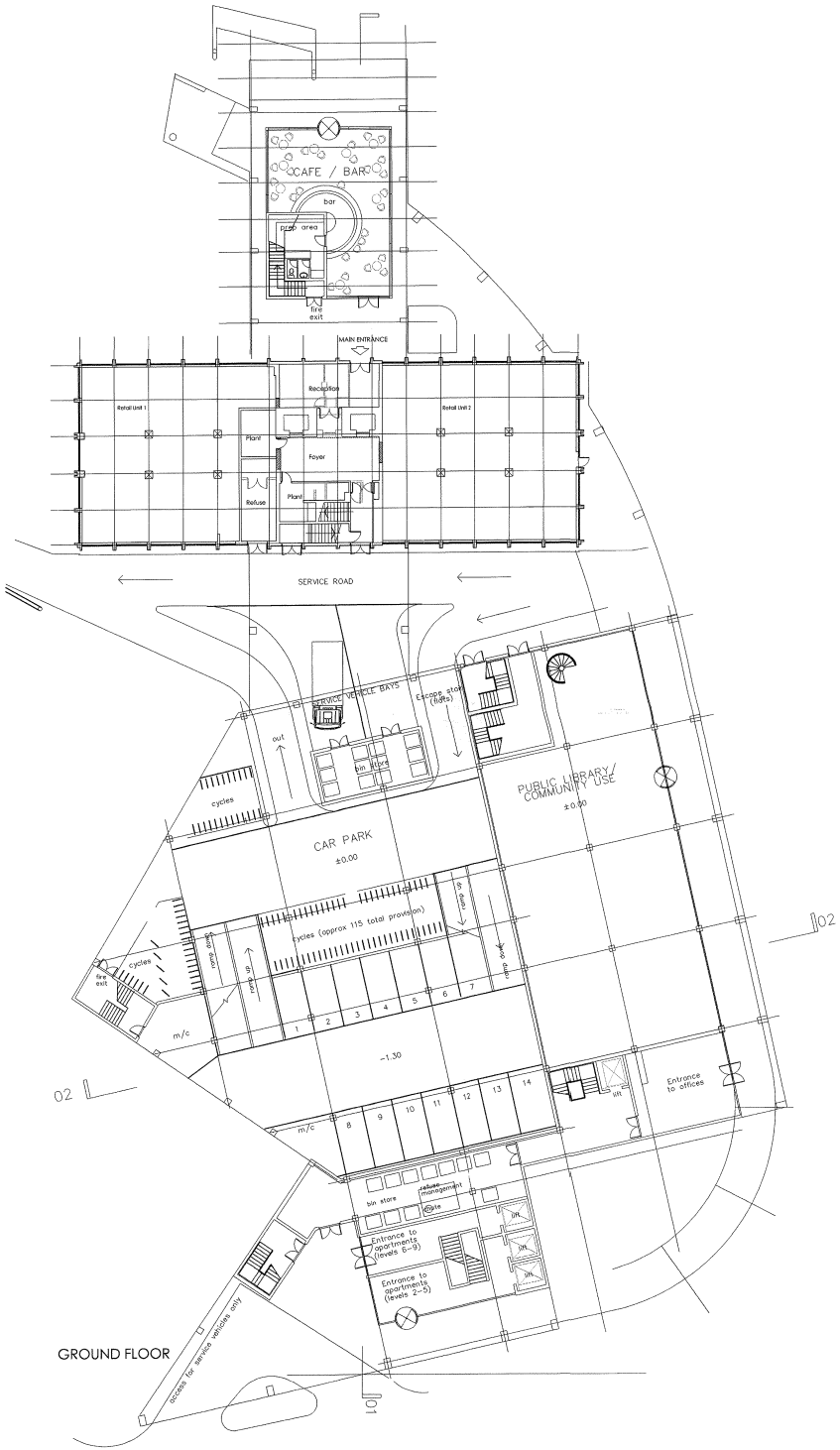

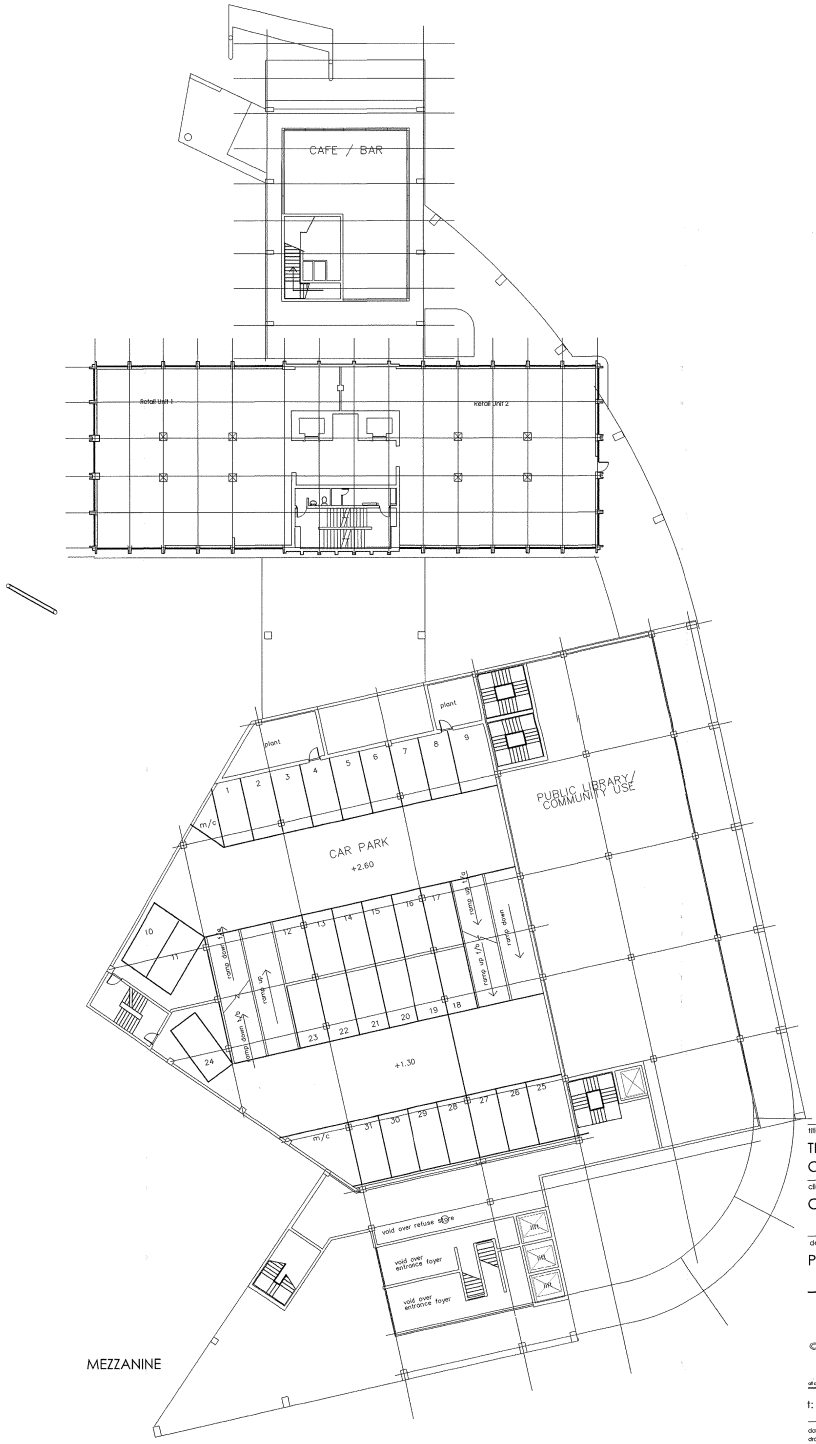

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title
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COLLIERS WOOD, SW19 2JR

client
CAPITAL CRITERION

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PROPOSED FLOOR PLANS

burgess mean architects
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SW18 4RL

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date:	drawn by: SA	file name:	checked:	scale	project	drawing	revision
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Appendix 1.

PLANNING APPLICATIONS AND LICENSING COMMITTEE
11 March 2004

Item No:

UPRN	**APPLICATION NO.**	**DATE VALID**
57/22	03/P0202	07/02/2003

Address/Site Brown and Root House, 125 High Street Colliers Wood, SW19

(Ward) Colliers Wood

Proposal: Demolition of existing multi-storey car park, conversion of and alterations / extensions to the tower block; erection of a new building (combined) to provide 226 residential units, 2 retail (A1) units (370 square metres), a new public library facility (629 square metres), Class B1 business/office adaptable space (876 square metres), a café / bar (A3) (102 square metres), creation of public open space together with car and cycle parking provision and landscaping.

Drawing Nos JS 0541/SITE 01D, PL 01D, PL 02D, PL 03D, PL 04D, PL 05D, PL 06D, PL 08D, EL 01D, EL 02D, EL 03D, EL 04D, SECT 01D & SECT 02D

Contact Officer: Olawale Duyile (020 8545 3113)

RECOMMENDATION

Permission GRANTED subject to the completion of a Section 106 Agreement and conditions

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1. **SITE AND SURROUNDINGS**

1.1 The application site, herein referred to as site 1CW, forms an island, located at the centre of Colliers Wood between the intersections of Merton and Colliers Wood High Streets, Christchurch Road and Priory Road. It measures approximately 0.78 hectare and is triangular in shape, tapering towards the intersection of Christchurch Road and Colliers Wood High Street to the north. Colliers Wood High Street borders the site to the west, Christchurch Road on the north and eastern boundaries and Priory Road to the south.

1.2 Directly opposite the site on Christchurch Road is the Colliers Wood Underground Station and on the opposite side of Priory Road is Priory Retail Park, comprising, Currys, Burger King, Harveys etc. The Holiday Inn hotel is

on the opposite side of Colliers Wood High Street. A single storey building – Carphone Warehouse abuts the site to the south-west. Diagonally opposite the site on Colliers Wood High Street to the south west, is Wandle Park – a public open space.

1.3 The site comprises 3 different components – the multi-storey car park (5 storeys with 210 spaces) on the south-eastern corner adjacent to Christchurch Road and Priory Road, the open space area on the northern side with a small surface car park (approximately 15 spaces) and the 17 storey Brown & Root Tower.

1.4 The tower (constructed in pre-cast concrete) comprises approximately 7576 square metres of office (B1) space. It was entirely occupied by Brown and Root between 1971 and 1995 on a long lease. They relinquished 12 of the 17 floors some 4 years ago and now occupy floors 2-4 of the building for office purposes on a short lease. At the time of submission of the planning application, the vacancy and under-used floorspace amounted to 4563 square metres representing about 60%.

1.5 As mentioned above, the site is directly opposite the Colliers Wood Underground station. There are bus stops directly adjacent to the site on Christchurch Road and Priory Road and the surrounding area is served by many bus routes. Very recently, the Colliers Wood Controlled Parking Zone (CPZ) has been extended southwards to cover the surrounding streets including North Gardens, Valley Gardens, South Gardens, Christchurch Road (between High Street Colliers Wood and Valley Gardens), Wandle Bank, Priory Road, Merton High Street and High Street Colliers Wood.

1.6 The application site together with the carphone warehouse building to the south-west, is designated as site 1CW (B1, residential, hotel, community, transport inter-change and public open space). The site is within a 1:100 year flood plain and also within an Archaeological Priority Zone. The surrounding roads (Christchurch Road and Colliers Wood High Street) are scheduled for streetscape/frontage improvements in the Adopted UDP.

1.7 The surrounding streetscape is diverse in terms of architectural style, scale and spatial pattern. On the opposite side of High Street Colliers Wood, the Holiday Inn hotel, Oslo Court and Millers Mead, both of which are residential buildings, are predominantly 3 storey structures, whilst the parades on Christchurch Road and on the High Street are 2 storeys in height.

2. CURRENT PROPOSAL

2.1 The key elements of the proposal can be summarised as the erection of roof top extension to and conversion of the existing tower, erection of two 6-storey extensions (north and south of the tower) and a 10 storey building (in place of the demolished multi-storey car park) and the creation of a public park. Overall, the development comprises 226 residential units (5 studios, 64 x 1 bed; 145 x 2 bed and 12 x 3 bed), the provision of 370 square metres of retail

space, 629 square metres of new library facility, a café/bar, leaving about 876 square metres of Class B1 business / office space.

2.2 **The tower and the two 6 storey extensions**: This aspect of the development comprises a 2 storey roof top extension to the tower (increasing its height by 5 metres to 59 metres) and two 6 storey extensions (each measuring 20 metres in height) to the north and south of the tower. The 2 storey roof top extension is intended to hide the existing unsightly plant room and upgrade the image of the tower. The 6 storey extensions are positioned obliquely to provide appropriate backdrop from the tower to the public open space being created on the northern side of the site. The northern extension is also intended to create a notional front entrance to the tower with distinctive sloping façade, which provides a scope for plasma translucent artistic images / public information or limited advertising screen. The northern building comprises the café/bar at ground and mezzanine level, whilst the ground and first floor of the tower is dedicated to retail use. The remainder of the space comprises residential flats. The southern extension provides a linkage between the tower and the new south block.

2.3 **The new 10 storey building** otherwise known as the south block replaces the unsightly spiral multi-storey car park and measures 29.5 metres in height. The building comprises a double storey public library at ground and mezzanine levels and office accommodation at first floor level. The upper floors comprise a total of 98 self contained flats. The building is designed with a sloping / parabolic façade facing the tower. The rationale behind this is to prevent overshadowing and loss of light to the lower part of the tower. The roof of the building would provide communal amenity space for the residential occupiers of the building.

2.4 The underlying concept of the design approach is to create a development with varied massing and more dynamic composition of the build form. The facing materials to be used vary from curtain wall glazed screens for the roof top extension to the tower and the uppermost storeys of the 6 storey extensions, insulating render system using bright colours on the facades of the existing tower and the other 3 buildings, powder coated aluminium framed windows throughout the development and rendered arcade columns with mosaic or aluminium cladding on the Christchurch Road elevation of the proposed library at lower levels.

2.5 The landscaping for the proposed public park will provide various hard and soft landscaping features with attractive street furniture set in striking paviors. The open area will be designed as lawn at pavement level with linear seats. This area will be attractive with the afternoon sun and will act as visual amenity at all times and may be illuminated at night. The public square street level is mainly kept as hard landscape relying on the umbrella of trees for contrast and softening and providing stronger links with Wandle Park.

2.6 Provision is made within the development for 76 car parking spaces on the ground and first floor levels of the proposed south block, together with storage facilities for bicycles. Vehicular access to the site would be from Christchurch

Road with internal servicing and turning and egress onto Colliers Wood High Street. This is a requirement in the approved planning brief for the site and is a requirement of both the Council's Highway Engineers and Transport for London. Parts of the site on Christchurch Road and Priory Road frontages would be dedicated to the Council to facilitate sustainable and public transport initiatives including an elongated bus lay-by, tram line and a taxi rank.

2.7 The application is accompanied by a Transport Impact Assessment, a design statement, a Flood Risk Assessment and marketing information as part of the planning statement.

3. PLANNING HISTORY

3.1 The tower dates back to mid 1960s following a grant of outline permission for the erection of a 19 storey office block in May 1963 (Ref: MIT 4556 (O)). The reserved matters were subsequently approved in August 1965 (Ref: MIT 4556 (D)). Since then, the site has a lengthy history of consents for alterations and extensions, alterations to vehicular access and various advertisement proposals. More recently, temporary consent was granted for the use of the open car park for the operation of a car wash business 9LBM Ref: 02/P2372)

3.2 An unauthorised hoarding, currently displayed on the northern side of the tower, adjacent to the High Street was refused consent for its retention in May 2003 (LBM Ref: 02/P2790). A subsequent appeal has now been dismissed by the Secretary of State.

4. CONSULTATION

4.1 The proposal was advertised by press and site notices and letters sent to the neighbouring occupiers, the adjoining Borough of Wandsworth, the Greater London Authority, Environment Agency, English Heritage, Transport for London and London Underground. In response, 38 representations have been received. 5 expressed support for the proposal, 2 expressed support with some concerns and reservations whilst 31 raised objections. The grounds of objections are summarised as follows:

- Increasing the height of the tower is undesirable;
- Proposed development is unsustainable;
- The proposed panel for public art will increase light pollution;
- Lack of sufficient amenity space;
- Extra pressure on local resources and infrastructure;
- Effect on house prices;
- Over-development / excessive density;
- Traffic generation / congestion and attendant parking problems;
- Overlooking, loss of privacy, overshadowing, loss of light;
- Effect on micro-climate – wind tunnel effect;
- The tower should be demolished.

4.2 The Greater London Authority: This is not referable application as defined in the Town & Country Planning (Mayor of London) Order 2000. The proposed 10 storey building is less than 30 metres in height and the proposed roof top extension to the tower does not increase its height by more than 15 metres and the aggregate height is less than 75 metres. However, the Greater London Authority was consulted and the Mayor of London has written back to say that the proposal is not one which he considers as strategic and referable, and has therefore not commented on the application.

4.3 Environment Agency: Following the submission of an acceptable Flood Risk Assessment, no objection is raised to the proposal.

4.4 English Heritage have requested further information upon which to base their assessment.

4.5 London Underground Ltd: The site is close to the northern line tunnel and whilst the London Underground Ltd has no objection to the application, there are concerns about the potential effects on the safe operations of the railway. They have advised the developers that no support is to be taken from the London Underground land or structure in implementing the scheme, that the loading on any London Underground structure is not to be increased and details of any boreholes, bored piles or trial pits in the vicinity of the tunnel require the written approval of London Underground Ltd.

4.6 London Borough of Wandsworth have raised objection to the proposal on grounds that the additional retail floorspace will undermine Tooting Town Centre. The Council would wish to see the Class A3 floorspace restricted to prevent a change of use to retail under the Town & Country Planning (General Permitted Development) Order.

4.7 Transport Planning: On balance, subject to a comprehensive package of sustainable transport incentives to minimise car use and dedication of land, transport planning have no objections to the proposal. Other section 106 heads recommended, include the following:

- Dedication of all the residential units other than those within the 10 storey south block as car free (128 units);
- Dedication of 12 of the 76 on-site spaces for the development of a City Car Club and financial contributions for the operation of the Club for a minimum of 3 years;
- Submission of a Green Travel Plan and Car Park Management Plan to ensure optimum use of on-site spaces. This could involve selling spaces separately to dwellings so that only residents who own vehicles have access to a parking space;
- Provision of on-site travel information terminal/providing up to date travel information and details of walking / cycle routes in the area and travel plan; and
- Financial contributions to promote sustainable transport initiatives in the Colliers Wood area as defined by UDP policy LU.5

4.8 Environmental Health: There are no sufficient grounds to refuse the application. If permission is minded to be granted the conditions in respect of ground contamination, hours of construction, methods of demolition, details of soundproofing of plant and machinery, ventilation of the café/bar unit are recommended for imposition

4.9 Plans & Projects (Sites & Projects): Development is broadly consistent with the approved planning brief – no objection.

4.10 Plans & Projects (Design Officer): The Design Officer has had a significant input in the formulation of the design concept. The scheme has been designed in response to previous concerns. However, section 106 contributions should be sought to improve the public realms and for environmental improvements.

4.11 Plans & Projects (Policy and Information): It is considered that the appropriateness of a high density residential element is broadly consistent with PPG 3, which encourages the provision of additional residential accommodation on brownfield land. The development is also consistent with provisions in the London Plan which proposes the designation of Colliers Wood as an area for intensification and brownfield development with a target of 1300 additional homes by 2016. Whilst it is acknowledged that density is one of a number of considerations, proposals which exceed the density requirements will need to demonstrate exemption. No private amenity space is provided within the development, it is therefore reasonable to expect off-site contributions from the developers. It has also come to the Council's attention that additional health facilities are required in Colliers Wood. As such the scheme represents a suitable opportunity to pursue this provision, subject to consultation with the Health Authority.

4.12 Education & Leisure (Library Services): The Head of Library Services had contributed to the preparation of the planning brief for the site and had specifically requested the inclusion of a new library within any new development. The proposed library within the proposed development is therefore supported.

4.13 Business and Environmental Partnerships Unit (BEPU): The proposal is contrary to Policies ST.11 (Mixed Use Neighbourhoods) and E.6 (Protection of Employment Land and Premises outside Defined Industrial Areas), which aim to retain employment floorspace in the Borough and maintain sustainable mixed-use neighbourhoods. It will not assist the achievement of the London Plan target of 2000 new jobs in the South Wimbledon / Colliers Wood Area for intensification.

4.14 The proposal will involve the displacement of 13 businesses / organisations providing 295 jobs (survey date April 2003, soon after the submission of the application). The net loss of office floorspace arising from the development is 6545 square metres. This is equivalent of 50% of all the currently available vacant office floorspace in the Borough. The loss of the employment space will be felt particularly acutely since this space will be lost from a highly

attractive business location next to Colliers Wood Underground Station. The tower will generate fewer trips if it is in residential use than it would if it was in office use. Therefore, this highly accessible location should be reserved for employment generating use.

4.15 Against a background of rising unemployment, this site should be retained for employment use. In any case, a substantial contribution should be sought to mitigate the impact of the scheme on the local area.

5. POLICY CONTEXT

5.1 The application site together with the adjacent Carphone Warehouse building adjacent to the south-west boundary, form proposal 1CW in the Adopted UDP –designated for B1, residential, hotel, community, transport interchange and public open space. The site is within the Colliers Wood Urban Centre, within the River Wandle flood plain and is also within an Archaeological Priority Zone and the surrounding Christchurch Road and Colliers Wood High Street are earmarked for streetscape improvements in the Adopted UDP.

5.2 The relevant policies in the Adopted UDP are as follows:

ST.1 (Deposit ST1a – Sustainable Development),
ST.3 (Mixed Uses),
ST.7 (Deposit ST9 – Key Areas for Revitalisation),
ST.8 (Deposit ST9a – Colliers Wood),
ST.9 (Deposit ST10 –Quality Residential Areas),
ST.11 (Deposit ST12 – Housing Provision),
ST.12 (Deposit ST12a – Development on Previously Developed Land),
ST.13 (Housing Needs),
ST.14 (Employment Land),
ST.17 (Deposit ST18 – Built Environment),
ST.18 (Deposit ST19 – Heriatge),
ST.22 9Environmental Protection),
ST.23 (Deposit ST.22a – Environmental Protection),
ST.31 (Deposit ST33 – Land Use/Transport Integration),
ST32 (Deposit ST34 – Traffic Restraint/Reduction),
ST.35 (Deposit ST.37 – Parking),
ST.36 (Deposit ST.39 – Community Benefits),
CW.1 (Colliers Wood),
CW.2 (Deposit CW4 – Sites 1CW and 2CW),
HP.1 (Housing Target),
HP.4 (Deposit HP6 – Density of Development),
HN.1 (Affordable Housing),
HN.3 (Dwelling Mix),
HS.1 (Housing Layout and Amenity),
E.1 (General Employment Policy),
E.6 (Deposit E9 – Loss of Employment Land Outside the Designated Industrial Areas),
C.13 (Deposit C18 – Planning Obligations for Educational Provision),

BE.13 (Deposit BE18 – Archaeological Protection and Preservation),
BE.14 (Deposit BE19 – Archaeological Evaluation),
BE.15 (Deposit BE21 – New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise),
BE.16 (Deposit BE23 - Urban Design),
BE.17 (Proposed Mods BE.23a – Urban Design – Application of Standards),
BE.19 (Deposit BE.25 - High Buildings),
BE.22 (Deposit BE28 – Design of New Development),
BE.23 (Deposit BE29 – Alterations and Extensions to Buildings),
BE.27 (Deposit BE42 – Public Art),
PE.2 (Deposit PE3 – Pollution and Amenity),
PE.3 (Deposit PE.4 – Light Pollution),
PE.5 (Deposit PE6 – Risk from Flooding),
L.8 (Deposit L9 – Open Space Deficiencies),
L.13 (Deposit L17 – Improving Provision),
L.14 (Deposit L18 – Community and Religious Meeting Places),
S.6 (Small Scale Retail Developments Outside Existing hopping Centres),
S.8 (Food and Drink A3 Uses), PT.4 9Deposit PT.5 – Public Transport Interchanges),
RN.3 (Deposit RN4 – Vehicular Access),
WC.3 (Deposit WC4 – Cycle Facilities),
PK.2 (Car Parking Standards),
PK.3 (Car Parking and Development),
PK.6 (Deposit PK7 – Car Free Residential Development),
LU.2 (Public Transport Accessibility),
LU.3 (Transport Impact of New Development),
LU.4 (Consistency of Development Proposals with Transport Policies) and
LU.5 (Developer Contributions).

5.3 A planning brief has been prepared for this site. The brief, which was approved in April 2002 advocates the same uses under the site designation 1CW in the Adopted UDP and referred to above under paragraph 5.1. The planning brief is appended to this report and sets out key requirements and Council aspirations with respect to urban design objectives and possible section 106 heads for future development proposals. The brief also advocates the rationalisation of access. In particular the existing multi storey car park should be removed and replaced with a mixed-use building.

5.4 The recently published London Plan (Mayor's Spatial Development Strategy) is also a material consideration in the assessment of this application. The plan identifies South Wimbledon/Colliers Wood as an area for intensification with a target of 1300 new homes by year 2016. Policy 2A.3 in the plan urges Local Authorities to exploit their public transport accessibility and potential for increases in residential, employment and other uses through higher densities and more mixed and intensive use.

6. **PLANNING CONSIDERATIONS**

6.1 The main issues raised by the proposal are to consider the desirability / appropriateness of proposed uses, to consider the design and residential density issues, flooding issues, impact on neighbouring amenities, traffic and parking issues, affordable housing and compliance with Council standards.

Principle, desirability and appropriateness of the proposed uses

6.2 The proposed uses comprising residential, B1, public open space and community facility (public library) are consistent with the site's designation in both the Adopted UDP and the approved planning brief for the site. Parts of the site on Christchurch Road and Priory Road frontages would be dedicated to the Council to facilitate sustainable transport initiatives, such as elongated bus lay-by, tram line proposal or taxi-rank, close to the Colliers Wood Underground station. A 136 bed hotel was proposed as part of the original scheme but subsequently deleted as it was felt that this would not be a viable proposition owing the existence of the Holiday Inn on the other side of Colliers Wood High Street and another facility within the site 2CW (Merton Abbey Mills) development currently under construction.

Loss of Employment Land

6.3 The existing lawful use of the site is B1, and as such UDP Policy E.6 is applicable to the proposal. However, the site's designation in the Adopted UDP and the provisions in the planning brief are considered as exceptional circumstances, which allow for a relaxation of the policy, which seeks to retain such sites for continued employment or alternative community uses. This notwithstanding, the applicants have submitted a marketing evidence in support of the application. It is understood that a firm of chartered surveyor - Hurst and Warne have collated marketing evidence on this site since October 1996. The marketing campaign was undertaken in conjunction with another firm - Strutt and Parker. The conclusion drawn is that there is little interest and prospect for office development occupation in the short to medium term.

6.4 Furthermore, the site is within Colliers Wood Urban Centre, where UDP policies promote integrated and major urban renewal and appropriate environmental improvements to revitalise the area. The policies also encourage small retail developments, which complement the existing shopping facilities, particularly those within the established town centres of Wimbledon, Mitcham and Morden. In compliance with policy S.6 of the Adopted UDP, the proposed retail floorspace is significantly less than 500 square metres. It is concluded therefore that the proposed retail provision will not undermine the vitality and viability of the 3 established town centres in the Borough and those within nearby Wandsworth. With regards to the level of B1 floorspace, Colliers Wood is identified under Policy TC. 9 of the Adopted UDP as suitable for large office use in excess of 200 square metres.

Urban Design

6.5 The underlying rationale for the formulation of an urban design concept for the proposal are based on the fact that the tower currently stands as an element dramatically out of scale with its surrounding neighbours but its retention is

seen as an opportunity to create a positive and bold design feature at the gateway to Colliers Wood Urban Centre. The site is certainly one with the potential to help revitalise the area by creating a new heart for Colliers Wood, and is capable of knitting together the various fragmented surroundings. The design approach considered appropriate and adopted is based on taking advantage of the site's prominence and isolated nature.

6.6 This is achieved by introducing new intermediate scale buildings integrated with the tower. The new buildings are designed with sizes mediating between the tower and the existing lower buildings surrounding the site. Whilst acknowledging the scale of the existing tower in the context of surrounding area, it is perhaps considered undesirable to initiate a roof top extension. However, this is necessary, in order to hide the unsightly plant room at the top of the building.

6.7 Whilst the planning brief does not provide any specifics with regards to building mass, the proposed development complies with provisions in the brief which advocates the creation of a new mixed use building in place of the existing unsightly multi-storey car park. The resulting mass of the south block (which replaces the car park) is justified in the design statement submitted as part of the application. This followed considerations of several design options based on retaining the tower as a landmark feature. These options include medium rise perimeter development, the stepped development from low to high rise; mass build-up towards the tower at the centre of the site and a more dynamic composition of build forms generating a diverse massing as curretly proposed. Early studies based on blocks parallel to the existing tower were dismissed on the basis of orientation, over-shadowing, privacy and inefficient circulation and incompatibility with the site's configuration. The replacement of the car park with a new building will further reinforce the identity of the area.

6.8 The proposed buildings are mainly designed within the outline and shadow of the existing tower. The proposed 6 storey extensions and the 10 storey building are juxtaposed to contain and balance the views and improve the unsightly appearance from the southern approaches of Christchurch Road and Merton High Street. The tower would be given a new character with contemporary re-cladding using a range of colours (to be approved) and together with the 10 storey south block with its curved façade, a landmark building will be created, appropriate to the site's prominence.

6.9 The proposed buildings and the tower include ground level commercial activities sweeping around the edge of the development, facing the parade of shops and providing a fluid enclosure of the public open space. It is envisaged that the potential for development of the Carphone Warehouse site, which is currently outside the site boundaries will naturally extend the arcaded commercial frontage on Christchurch Road elevation.

6.10 The proposal also attempts to improve the quality of the public realm by proposing contrasting materials for the pavements aimed at strengthening the identity of the place as part of a coherent design for the proposed public open space. It is proposed to use blue paviors, terracotta / red paving stone

thresholds to each of the commercial units and the entrances to the building along the High Street frontage and public square. The Design Statement also provides justification for the urban design concept by addressing the fundamental urban design objectives such as legibility, ease of movement, permeability, adaptability etc.

6.11 Overall, the design concept aims to achieve the following:

- Create an enhanced Colliers Woog Gateway;
- Create a building of strength and design quality;
- Part pedestrianisation and upgrading of the landscaping to Christchurch Road, taking account of the possible tram route;
- Improved surface treatments to the adjacent areas;
- Improved pedestrian links to the retail parades;
- Improved hard and soft landscaping and pedestrian priority where possible;
- Proposed new urban square to the north with the possibility of the café spilling onto it;
- Better pedestrian linkages around the site and to the High Street and Wandle Park; and
- Generally 'greening' of spaces where possible.

Density Issues

6.12 The proposed development has a residential density of about 800 habitable rooms per hectare. Although this is well above the threshold in the UDP, consideration ought to be given to the site's location and the level of public transport accessibility. The site has a Public Transport Accessibility Level (PTAL 5), considered suitable for high density development in accordance with provisions in PPG 3. Furthermore, the site is within an area identified in the London Plan as area of intensification where 1300 new dwellings are required by the year 2016. The high density is also accounted for by the existing tower. It should be borne in mind that the existing tower accounts for more than 50% of the residential units, and the density would be considerably lower, when considered in the context of the new buildings alone.

Traffic and Transport Issues

6.13 The proposal makes provision for 76 car parking spaces, which is below the standard required for a development of this nature in this location. However Government Guidance in PPG 13 and PPG 3 together with provisions in the London Plan promote the need to reduce travel by private car in favour of more sustainable travel choices together with a maximum parking standards. In addition PPG 13 states that 'Developers need not provide more parking than they themselves wish'. It should also be noted that Colliers Wood has a good public transport accessibility, served by many bus routes and an underground station.

6.14 The developers have submitted a Transport Impact Assessment with the proposal. The Assessment is based on predicted levels of traffic generation if the site was operating at full capacity and those of the proposed development. The Assessment concludes that the proposed residential development will

lead to an increase in traffic flows on the local highway network of 1 vehicle in the morning peak hour and a decrease of 25 vehicles per hour in the evening peak hour.

6.15 The Council has recently approved the expansion of the Colliers Wood Controlled Parking Zone to help reduce the potential impact of this development on neighbouring streets. Therefore, a significant proportion of the residential development will be designated as car free as part of the Section 106 Agreement. The car free designation comprises all the residential units within the existing tower and the two 6 storey extensions totalling 128 units and representing about 56% of the total number of residential units. Given that 12 of the 76 car parking spaces will be required to be dedicated to the operation of the City Car Club, the remaining 64 car parking spaces would be dedicated to the 98 units within the 10 storey south club. This represents about 65% provision, which is considered acceptable in the context of the site location and its PTAL.

6.16 It is considered that if only part of the development is car free, then some although significantly reduced overspill parking could still occur. It is considered essential that a comprehensive package of incentives be offered to prospective occupiers to minimise car use. These could include dedication of 12 of the 76 spaces for City Car Club as mentioned above, submission of Car Park Management Plan and other measures which can be secured as part of the section 106 Agreement. These were negotiated to good effect as part of the approval for the site 2CW (Merton Abbey Mills) and it is suggested that this approach be adopted in the formulation of the section 106 Agreement should planning permission be granted for this scheme.

Impact on neighbouring amenities

6.17 Given the height of the existing tower, the roof extension is not expected to worsen the existing situation. The proposed extensions and the new build are situated at appreciable distance from the nearest residential properties above the parade of shops on Christchurch Road. At its nearest point, the proposed extensions are at some 32 metres from the flats above the parade on Christchurch Road. On the High Street side, the distance is even greater, at some 40 metres. The upper floors above the ground and first floors of the proposed 10 storey building are recessed and set back in order to reduce the degree of visual intrusion to the occupiers of properties on the opposite side of Christchurch Road, minimise over-shadowing and overlooking. Some concerns have been raised regarding the possible light pollution arising from the proposed plasma display panel. This structure is also distanced (about 32 metres) from the nearby residential properties to have any meaningful impact.

Flooding Issues

6.18 The Environment Agency have accepted the Flood Risk Assessment submitted by the developers and consequently raised no objection to the proposal based on the understanding that the River Wandle has now been remodelled to take account of climatic changes. It should also be noted that there are no residential activities on the ground floor of any part of the

development. The commercial activities are confined to the lower level and are not considered to constitute a serious risk.

Affordable Housing

6.19 The developers have also submitted a financial appraisal, setting out the construction costs for the proposed development. The appraisal shows that due to the abnormal construction costs involved with the conversion and refurbishment of the tower, a 30% affordable housing provision is not viable. The Council's Housing Department have examined the appraisal and sought a second opinion on the matter. They have concluded that a contribution of 50 affordable units - representing about 22% provision and comprising 30 general needs rented accommodation; 10 shared ownership and 10 low cost home ownership, representing about 22% provision, would be possible on the site. The developers would be expected to enter into a binding agreement for the transfer of the stock to a Registered Social Landlord prior to the market units being occupied.

6.20 Although the level of provision is below the UDP requirement of 30%, this considered acceptable as Circular 6/98 accepts mitigating circumstances such as viability of schemes as acceptable reason for under-provision.

Compliance with Standards and other components of the Section 106 Agreement

6.21 The internal layout of the residential units complies with floorspace standards. Although a public open space and a communal amenity space on the roof of the 10 storey building are provided as part of the development, the proposal is still deficient in amenity space provision. This shortfall is not sufficient in itself to withhold consent. Policy HS.1 in Adopted UDP advises that provision of amenity space must be set within the context of ensuring an efficient use land and in situations where the standards cannot be achieved e.g. high density housing developments, the Council will seek to work jointly with developers to provide an upgrade to nearby off-site amenity space. Accordingly, a financial 106 contribution has been sought from the developers towards the upgrade of nearby Wandle Park or other open spaces in the vicinity of the site or within Colliers Wood Urban Centre or elsewhere in the Borough. Other components of the Section 106 Agreement, which are contained in the approved planning brief other than those already mentioned in this report include;

- Provision of financial contribution towards environmental improvements within the Colliers Wood Urban Centre;
- Provision of financial contribution towards maintaining and increasing security within Colliers Wood Urban Centre including the CCTV scheme and Urban Centre Management Initiatives;
- Grant of public access to the public open space and submission of a management plan for its maintenance and upkeep;
- Provision of public art or financial contribution for provision; and
- Provision of financial contributions towards the provision of additional school places in the area

7. SUSTAINABILITY

7.1 The proposed development will help to tackle general housing need and provide affordable housing. The loss of the existing multi storey car park is desirable in the interest of achieving a satisfactory design. The creation of a public park will have a positive impact on recreation in the immediate area. Whilst the proposed buildings do not reinforce local distinctiveness, the creation of landmark buildings is acceptable in urban design terms. The proposal also makes full use of public transport and will encourage sustainable lifestyle through reduced car parking provision. The net sustainability score is +68.

7.2 In view of the size of the site, the proposal comprises Schedule 2 development within the meaning of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999. Accordingly, the applicants issued a screening opinion and sought the Council's views as to whether the development would warrant the submission of an Environmental Impact Assessment (EIA). Officers considered that taking into account the characteristics of the development, the location of the development and the characteristics of its potential impact, the submission of an EIA would not be required. Notice of this decision has been placed on Part 1 of the Statutory Register.

8. CONCLUSION

8.1 The proposed development is consistent with the site's designation in the Adopted UDP and accords with the approved planning brief for the site, which seeks a landmark mixed-use development. The scheme also complies with provisions in the London Plan (Mayor's Spatial Development Strategy) and provides high quality modern development in a sustainable location.

8.2 The proposed development will create a focal point for Colliers Wood whilst at the same time contributing to its regeneration in its wider role, use and functions. Taking into account, the advice in PPG 3 and PPG 13, the development is well located, being in an area, which is well served by public transport. The constrained nature of the site implies that certain UDP standards, such as amenity space provision cannot be met. This is compensated for by provision of financial contributions for off-site open space improvements elsewhere. The creation of a new public park and other financial contributions for public realm improvements will undoubtedly benefit the area.

RECOMMENDATION

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

1. Provision of 50 affordable units comprising 30 general needs rented accommodation; 10 shared ownership and 10 low cost home ownership and all units to be occupied by people living and or working in Merton;

2. Provision of financial contributions towards the improvements / upgrade of nearby off-site open space or other open spaces elsewhere in the Borough;

3. Provision of financial contributions towards Highway works (including road improvements and road safety) and sustainable transport initiatives under Policy LU.5 of the Adopted UDP;

4. Provision of financial contributions for initiatives arising from the Council's approved Economic Development Strategy;

5. The completion and availability for occupation of the B1 accommodation prior to the occupation of the proposed residential units. The developer will be required to submit a detailed marketing strategy for the sale and letting of the commercial units;

6. Provision of financial contribution towards environmental and physical improvements within the Colliers Wood Urban Centre (including shopfront improvements);

7. Provision of financial contribution towards maintaining and increasing security within Colliers Wood Urban Centre including the CCTV scheme and Urban Centre Management Initiatives;

8. Dedication of land on Christchurch Road and Priory Road frontages to facilitate the implementation of transport initiatives identified in the Adopted UDP;

9. Grant of public access to the public open space and submission of a management plan for its maintenance and upkeep;

10. Provision of public art or financial contribution for provision;

11. Provision of financial contributions towards the provision of additional school places in the area

12. Obligation / undertaking that all residential units within the tower (including those within the two 6 storey extensions) will be designated as car free and unavailability of on-street parking permits in future;

13. Dedication of 12 car parking spaces for the City Car Club to ensure optimum use of the spaces and submission of details for approval of the operations of the City Car Club;

14. Submission of a Green Travel Plan and Car Park Management Plan. These should include measures such as selling spaces separately to dwellings so that only residents who own vehicles have access to a parking space, provision of on-site travel information terminal/providing up to date travel information and details of walking / cycle routes in the area and travel plan;

15. Completion of all associated highway works and works to the open curtilage of the site (including repaving works, hard and soft landscaping) prior to the first occupation of the development; and

16. The developer meeting the Council's administrative and legal costs in the drafting and preparation of the Agreement and monitoring the said obligations.

And the following conditions:-

1. A.1 Commencement of development (full application)

2. B.1 External materials to be approved

3. B.5 Details of site / surface and boundary treatments

4. B.6 Details of refuse storage

5. C.10 Hours of Construction

6. D.1 Provision of Parking

7. D.4 Cycle Parking

8. F.2 Soundproofing of Plant and Machinery

9. G.6 Details of Ventilation

9. H.1 Landscaping Scheme

10. I.1 Access for Persons with Disabilities

11. I.4 Archaeology

12. I.5 Watching Brief

13. I.6 Foundation Design

14. I.8 Ground Contamination

15. I.10 Wash Down Facilities

16. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order (or any other Order revoking or re-enacting the Order), no change of use of the approved café / restaurant to retail (A1) shall be carried out without the prior written consent of the Local Planning Authority.

Reson for condition: In order to exercise proper control over the quantum of retail floorspace in the development in the interests of vitality and viability of nearby town centres.

17. Notwithstanding the provisions of the Town & Country Planning (Control of Advertisements) Regulations, no advertisement hoarding / panel or sign which might otherwise qualify for deemed consent shall be erected at the boundaries of the site adjacent to the public highway during construction works without the prior written consent of the Local Planning Authority.

Reason for condition: To prevent the erection/display of unsatisfactory structures in the interest of pedestrian and road safety.

REASON FOR APPROVAL

18. This determination has been made having regard to the Policies contained in the Council's Adopted UDP so far as material to the proposals which are the subject of this approval. The policies listed below are relevant to the determination of this proposal. For further details of these policies please refer to the Adopted UDP and the case officer's committee report.

ST.1 (Deposit ST1a – Sustainable Development),
ST.3 (Mixed Uses),
ST.7 (Deposit ST9 – Key Areas for Revitalisation),
ST.8 (Deposit ST9a – Colliers Wood),
ST.9 (Deposit ST10 –Quality Residential Areas),
ST.11 (Deposit ST12 – Housing Provision),
ST.12 (Deposit ST12a – Development on Previously Developed Land),
ST.13 (Housing Needs),
ST.14 (Employment Land),
ST.17 (Deposit ST18 – Built Environment),
ST.18 (Deposit ST19 – Heriatge),
ST.22 9Environmental Protection),
ST.23 (Deposit ST.22a – Environmental Protection),
ST.31 (Deposit ST33 – Land Use/Transport Integration),
ST32 (Deposit ST34 – Traffic Restraint/Reduction),
ST.35 (Deposit ST.37 – Parking),
ST.36 (Deposit ST.39 – Community Benefits),
CW.1 (Colliers Wood),
CW.2 (Deposit CW4 – Sites 1CW and 2CW),
HP.1 (Housing Target),
HP.4 (Deposit HP6 – Density of Development),
HN.1 (Affordable Housing),
HN.3 (Dwelling Mix),

HS.1 (Housing Layout and Amenity),
E.1 (General Employment Policy),
E.6 (Deposit E9 – Loss of Employment Land Outside the Designated Industrial Areas),
C.13 (Deposit C18 – Planning Obligations for Educational Provision),
BE.13 (Deposit BE18 – Archaeological Protection and Preservation),
BE.14 (Deposit BE19 – Archaeological Evaluation),
BE.15 (Deposit BE21 – New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise),
BE.16 (Deposit BE23 - Urban Design),
BE.17 (Proposed Mods BE.23a – Urban Design – Application of Standards),
BE.19 (Deposit BE.25 - High Buildings),
BE.22 (Deposit BE28 – Design of New Development),
BE.23 (Deposit BE29 – Alterations and Extensions to Buildings),
BE.27 (Deposit BE42 – Public Art),
PE.2 (Deposit PE3 – Pollution and Amenity),
PE.3 (Deposit PE.4 – Light Pollution),
PE.5 (Deposit PE6 – Risk from Flooding),
L.8 (Deposit L9 – Open Space Deficiencies),
L.13 (Deposit L17 – Improving Provision),
L.14 (Deposit L18 – Community and Religious Meeting Places),
S.6 (Small Scale Retail Developments Outside Existing hopping Centres),
S.8 (Food and Drink A3 Uses), PT.4 9Deposit PT.5 – Public Transport Interchanges),
RN.3 (Deposit RN4 – Vehicular Access),
WC.3 (Deposit WC4 – Cycle Facilities),
PK.2 (Car Parking Standards),
PK.3 (Car Parking and Development),
PK.6 (Deposit PK7 – Car Free Residential Development),
LU.2 (Public Transport Accessibility),
LU.3 (Transport Impact of New Development),
LU.4 (Consistency of Development Proposals with Transport Policies) and
LU.5 (Developer Contributions).

Appendix 2.

PLANNING APPLICATIONS COMMITTEE
15 December 2005

Item No:

UPRN	**APPLICATION NO.**	**DATE VALID**
57/22	03/P0202	07/02/2003

Address/Site Brown and Root House, 125 High Street
Colliers Wood, SW19

(Ward) Colliers Wood

Proposal: Demolition of existing multi-storey car park, conversion of and alterations / extensions to the tower block; erection of a new building (combined) to provide 226 residential units, 2 retail (A1) units (370 square metres), a new public library facility (629 square metres), Class B1 business/office adaptable space (876 square metres), a café / bar (A3) (102 square metres), creation of public open space together with car and cycle parking provision and landscaping.

Drawing Nos JS 0541/SITE 01D, PL 01D, PL 02D, PL 03D, PL 04D, PL 05D, PL 06D, PL 08D, EL 01D, EL 02D, EL 03D, EL 04D, SECT 01D & SECT 02D

Contact Officer: Jonathan Lewis (020 8545 3287)

RECOMMENDATION

Grant permission subject to the completion of a Section 106 Agreement and conditions.

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1. INTRODUCTION

1.1 The meeting of the Council's Planning Applications and Licensing Committee on 11th March 2004 the Committee resolved to grant planning permission subject to the completion of a S106 agreement for the following:

Demolition of the existing multi-storey car park, conversion of and alterations / extensions to the tower block; erection of a new building (combined) to provide 226 residential units, 2 retail (A1) units (370 square metres), a new public library facility (629 square metres), Class B1 business/office adaptable space (876 square metres), a café / bar (A3) (102 square metres), creation of public open space together with car and cycle parking provision and landscaping.

A copy of the report to Committee is appended to this report (Appendix 1).

1.2 The Section 106 obligation has not been completed and planning permission has not yet been issued. The overall amount of financial contributions to the Council under the terms of the planning obligations is the subject of broad agreement, although detailed arrangements with the owner for the provision of space for a library are still under discussion.

1.3 The applicant is in the process of selling the site and does not wish the sale to be delayed on the basis of having to provide further details for inclusion in S106 at this stage, as required under the draft heads of terms for the S106 obligation (Number15 in the heads of terms part of the Recommendation section of the March 2004 Committee Report – Appendix 1):

Completion of all associated highway works and works to the open curtilage of the site (including repaving works, hard and soft landscaping) prior to the first occupation of the development.

This head of agreement would require the applicant to have provided and agreed with the Council details of highway works and hard and soft landscaping.

1.4 This report considers the scope for amending the terms of the draft S106 Heads of Agreement so as to make the above requirements conditions of any planning permission.

1.5 The report also provides an opportunity to review the heads of terms, and conditions to ensure consistency both with one another and the scope of the development proposals. The wording of the head of term regarding improvements to education (Number 11 in the heads of terms part of the Recommendation section of the March 2004 Committee Report – Appendix 1) is reviewed in view of the significant contribution towards life-long learning, which would be made by securing a public library to which the head of terms does not currently refer.

1.6 Finally, in the light of recent legal advice regarding the need for greater clarity on the subject of the "Reasons for Approval" this report also provides an opportunity to update the format of the Council's decision on this matter.

2. SITE AND SURROUNDINGS.

2.1 See Appendix 1.

3. CURRENT PROPOSAL

3.1 See Appendix 1.

4. PLANNING HISTORY

4.1 See Appendix 1.

5. CONSULTATION

5.1 See Appendix 1.

6. POLICY CONTEXT

6.1 See Appendix 1.

7. PLANNING CONSIDERATIONS

7.1 The main issues raised by the proposals namely, desirability / appropriateness of proposed uses, to consider the design and residential density issues, flooding issues, impact on neighbouring amenities, traffic and parking issues, affordable housing and compliance with Council standards, have been dealt with in the report to Committee in March 2004 (See Appendix 1).

7.2 The key issue raised in this instance relates to whether the Council's position would be prejudiced as a result of removing the Heads of Terms relating to highways works, and recasting these objectives in the form of a planning condition. Provision of improved education for the local community through life-long learning, in the form of a new library, is also examined with a view to ensuring consistency between the content of the scheme and the terms of the S106 planning obligations.

7.3 Government advice on S106 obligations is set out in Circular 05/2005. Advice on the use of conditions is set out in Circular 11/95. In dealing with applications for planning permission it may be possible to make acceptable development proposals, which might otherwise be unacceptable through the use of planning conditions or where this is not possible through planning obligations. The tests for determining the appropriateness of a planning obligation or whether a condition is acceptable are broadly similar and focus on the need for each to be relevant to planning, necessary, directly related to the development and reasonable in all other respects.

7.4 Government advice is that where there is a choice between imposing conditions and entering into a planning obligation, the imposition of a condition is preferable.

Highways works and hard and soft landscaping.

7.5 Draft Head of Terms 15 requires the completion of all associated highway works and works to the open curtilage of the site (including repaving works, hard and soft landscaping) prior to the first occupation of the development.

7.6 Plans submitted with the application include some details regarding the access and egress to the site but not a fully worked up set of proposals to define the scope of the highways works. Other material tabled for consideration, with the application, including works on Christchurch Road,

was principally for illustrative purposes and did not form part of the approved plans.

7.7 Development of these details, in order and to meet the requirements of Head of Terms 15 in the Recommendation section of the report to Committee in March 2004 (Appendix 1), has not progressed and the applicant no longer wishes to provide such details in light of the potential sale of the site to a new developer. Development of details relating to the open parts of the site has also not been developed although there is a requirement to submit these details, and carry out such works as are approved, under Condition 3 of the Recommendation section of the report to Committee in March 2004 (Appendix 1).

7.8 Full occupation of the development would be unacceptable without adequate servicing of the development being provided along with associated works to the highway that would need to adequately address the objectives of the Council's adopted planning brief insofar as these relate to land dedication and streetscape improvements. Similarly it would be inappropriate to permit full occupation of the development without there being hard and soft landscaping to the open parts of the site.

7.9 Against the backdrop of the sale of the site it is considered that the submission of details relating to highways works may reasonably be deleted from the Heads of Terms and made the subject of a condition.

7.10 Head of Terms 15 also required that all highways works and hard and soft landscaping are completed prior to first occupation of the development. On major mixed development projects, such as the current proposals, where development may take place in a number of phases, it is not uncommon for partial occupation of buildings to take place before hard and soft landscaping and highways works are completed. To place a restriction on all external works being completed before first occupation could leave many of the 226 flats unoccupied for a considerable period while external works are completed. It is considered that adequate leverage to ensure the completion of highways works, hard and soft landscaping, could reasonably be retained by placing a threshold of no more than 50% of flats in either the Tower or the new build parts of the scheme being occupied before these works are completed.

It is therefore considered that this Head of Terms may reasonably be deleted and substituted by an appropriate condition and by amending condition 3, with both conditions to include a threshold in terms of numbers of dwellings that may be occupied before completion of these works.

Improved education facilities and life-long learning

7.11 A key aspiration of the Council, set out in the adopted brief (Appendix 2), is the provision of a community use in any mixed-use development, such as Collier's Wood library. The scheme approved by Committee in March 2004 included a library and by so doing provided a major opportunity for the Council

to secure a community facility the use of which would contribute towards life-long learning for the local community, a key educational role played by libraries.

7.12 Given the on-going discussions between the Council and the developer regarding the provision of the library as part of the scheme it is considered that the relevant Head of Terms (Number 11 in the Heads of Terms part of the Recommendation section of the March 2004 Committee report) regarding education be recast so as to refer to improved education or life-long learning. It is considered that such an adjustment would better reflect the scope of the scheme, which includes a key community facility, which the Council's adopted planning brief aspires to, and would ensure greater flexibility in the assignment of any S106 financial benefits.

8. SUSTAINABILITY/EIA.

8.1 The proposed amendments raise no new issues with regards to issues of sustainability or require reassessment under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

9. CONCLUSION

9.1 Given the circumstances surrounding the sale of the site to a new potential developer, the proposed amendments to the Heads of Terms for the Section 106 obligation and the planning conditions would assist in progressing work on the draft S106. It is considered that the proposed amendments, including broadening the scope of the obligations to embrace life-long learning in the form of the library, which forms part of the proposals, would be consistent with and not detract from the Council's broad objectives of securing a major regenerative development within an area identified for more intensive forms of development in the Mayor's spatial strategy.

RECOMMENDATION

Grant planning permission subject to the completion of Section 106 Obligation and conditions as set out in the recommendation of the report to Committee in March 2004 (Appendix 1) with the following amendments: -

(1) Head of Terms 11 to be amended to read:

11. Provision of financial contributions towards the provision of additional school places in the area and/or life long learning.

(2) Deletion of Head of Terms 15 and replacement with the following additional condition:

18. Prior to the commencement of the development the applicant shall enter into and complete an agreement under Section 278 of the Highways Act, with the Council as local highway authority, to provide

for a scheme of works to the highway, including any alterations to site access, resurfacing of the pedestrian pavements encompassing the perimeter of the site, resurfacing of Christchurch Road between Priory Road and High Street Colliers Wood and other alterations to the highway to provide for an elongated bus lay-by, tramline and taxi rank on Christchurch Road. Such works as form part of the agreement shall be completed before occupation of more than 50% of all dwellings in either the converted tower or the new block comprising part the approved development.

Reason for condition.
To ensure that the proposals provide satisfactory servicing arrangements and to ensure that highways improvements, commensurate with the scale of the proposals, are provided in accordance with both the objectives of the Council's adopted planning brief and policies ST.8, ST.32 and LU.5

(3) Amendment to condition 3 (Appendix 1) to ensure that hard and soft landscaping and boundary treatment are completed prior to the occupation of 50% of all dwellings. Amended condition to read.

Details of those parts of the site not covered by buildings including any parking, service roads, sight lines, footpaths, hard and soft landscaping, surface treatment and boundary treatment shall be submitted to and approved in writing before any development hereby permitted commences. These works shall be carried out in accordance with the approved details and shall be completed before occupation of more than 50% of all dwellings in either the converted tower or the new block, comprising part of the development.

Reason for condition. To ensure the satisfactory treatment of the site and an appropriate setting for the buildings hereby approved and t ensure adequate security for the development.

(4) Amendment to the "Reasons for Approval" by replacing the text preceding the list of policies with the following:

REASONS FOR APPROVAL
The proposed development is consistent with the site's designation in the Adopted UDP and accords with the approved planning brief for the site, which seeks a landmark mixed-use development. The scheme also complies with provisions in the London Plan (Mayor's Spatial Development Strategy) and provides high quality modern development in a sustainable location.

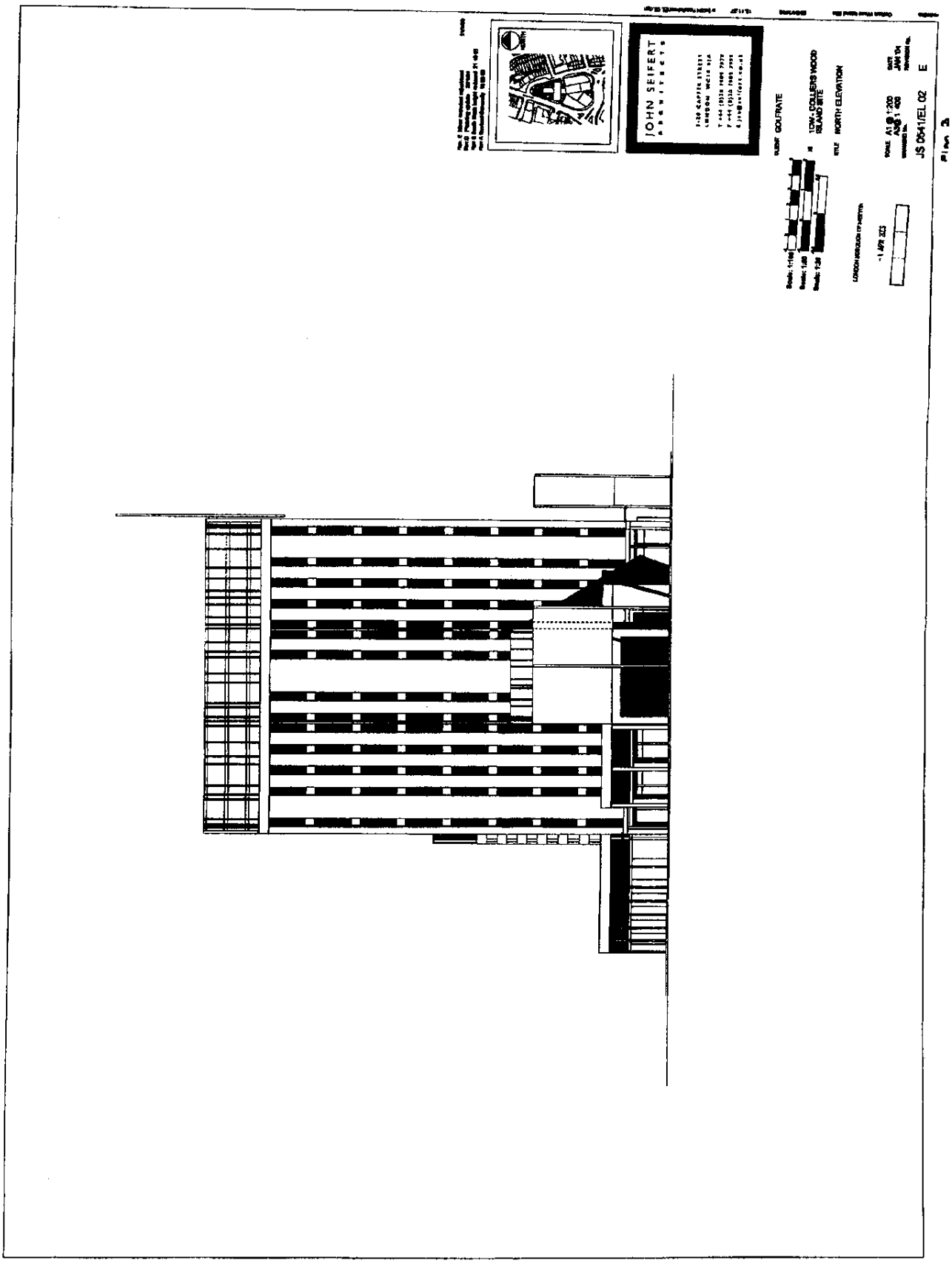
The proposed development would create a focal point for Colliers Wood whilst at the same time contributing to its regeneration in its wider role, use and functions. The absence of amenity space and loss of employment generating floorspace may be compensated for by provision of financial contributions for economic development initiatives, improved educational facilities providing

opportunities for life-long learning in the locality in the form of a new library and off-site open space improvements elsewhere.

This determination has been made having regard to the Policies contained in the Council's UDP (2003) and the London Plan (2004) so far as material to the proposals which are the subject of this approval. The policies listed below are relevant to the determination of this proposal.

JOHN SEIFERT
ARCHITECTS
LEGEND
SEE DESIGN REPORT
DEMOLITIONS
SITE BOUNDARY
MODIFIED CROSSING
JS 0541/SITE 01

JOHN SEIFERT
ARCHITECTS
CLIENT ODE/NATE
JOB ICW - COLLIERS WOOD ISLAND SITE
TITLE WEST ELEVATION
SCALE A1 @ 1:200
DATE JAN '04
JS 0541/EL 01 E


JOHN SEIFERT
ARCHITECTS
SURF GOLFRATE
TOM COLLERS WOOD
SQUAD SITE
NORTH ELEVATION
JS 0641/EL 02 E

JOHN SELFERT
ARCHITECTS
JS 0541/EL 03 F

JOHN SEIFERT
Scale: 1:100
Scale: 1:50
Scale: 1:20
Plans

JOHN SEIFERT
Architects
CLIENT GOLDFINATE
JOB TOW - COLLIERS WOOD ISLAND SITE
TITLE GROUND AND MEZZANINE FLOORS
JS 0541/PL 01 E
CAFE / BAR
RETAIL UNITS
RETAIL UNITS
CAR PARK
MEZZANINE
CAFE / BAR
RETAIL UNITS
RETAIL UNITS
CAR PARK
GROUND FLOOR

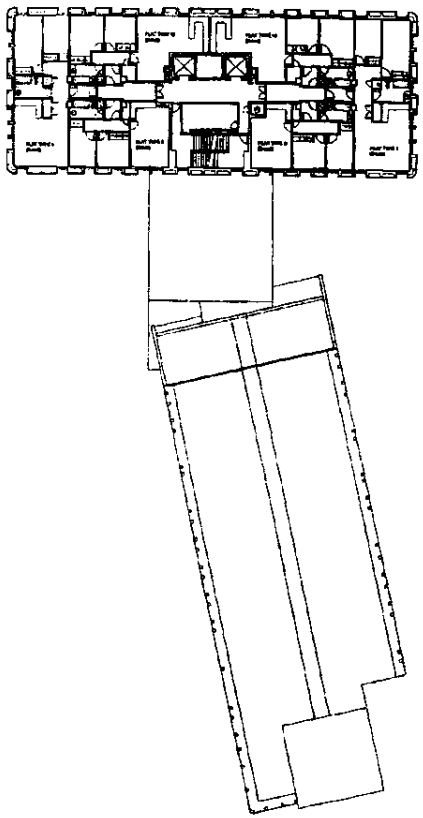
JOHN SEIFERT
ARCHITECTS
SECOND FLOOR
FIRST FLOOR

JOHN SEIFERT
CLIENT GOUGRATE
JOB TOWN - COLLIERS WOOD
SLIPARD SITE
TITLE THIRD & FOURTH FLOORS
JS 0641/PL 03 E
FOURTH FLOOR
THIRD FLOOR

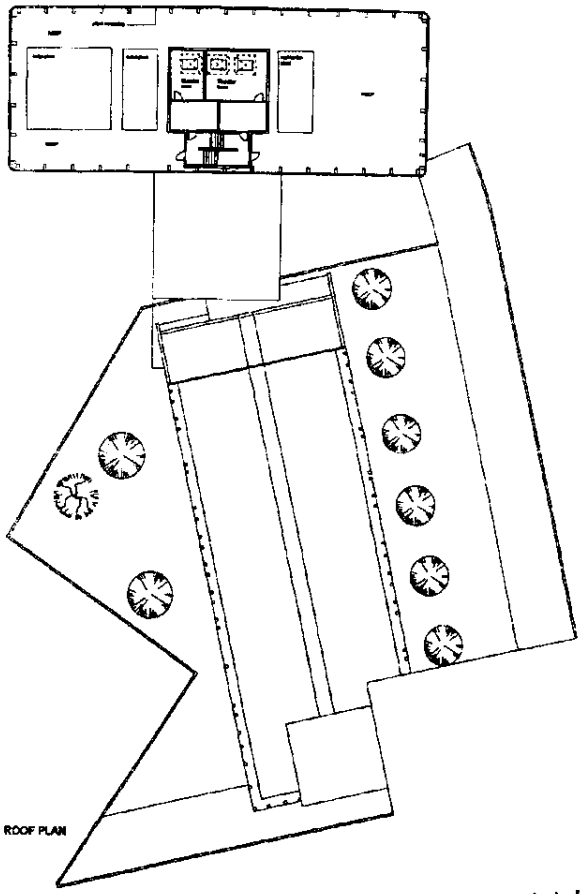
JOHN SEIFERT
ARCHITECTS
CLIENT GOLDRATE
JOB TOW COLLIERS WOOD
SEAMD SITE
TITLE FIFTH AND
SIXTH FLOORS
SCALE A1 @ 1:200
A3 @ 1:400
DATE
FEB '06
JS 0541/PL 04 E
SIXTH FLOOR
FIFTH FLOOR

JOHN SEIFERT
ARCHITECTS
CLIENT COUTRATE
JOB NON-COLLIERS WOOD
SOUND SITE
TITLE SEVENTH &
EIGHTH FLOORS
SCALE A1 @ 1:200
A3 @ 1:400
DATE
FEB '08
REVISION No.
JS 0541/PL 05 E
EIGHTH FLOOR
SEVENTH FLOOR

JOHN SEIFERT
ARCHITECTS
TENTH FLOOR
NINTH FLOOR



11TH TO 18TH FLOORS



ROOF PLAN

JOHN SEIFERT
ARCHITECTS

CLIENT COLFRATE

JOB 10W - COLLIERS WOOD ISLAND SITE

11th TO 18th FLOORS & ROOF PLAN

SCALE A1 @ 1:200
A3 @ 1:400

DATE FEB '05

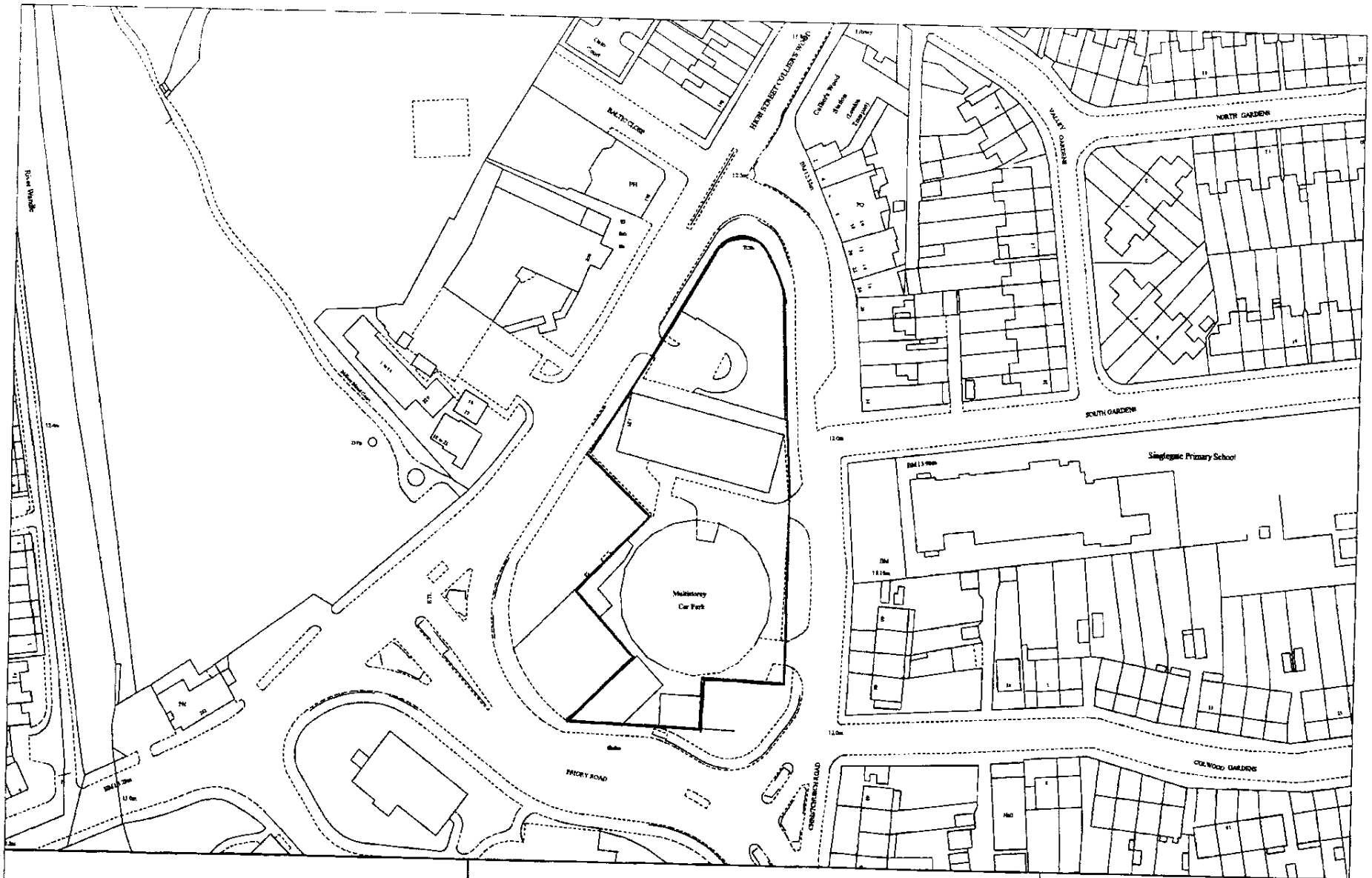
JS 0541/PL 08 E

Plan 12

JOHN SEIFERT
ARCHITECTS
CLIENT GOLDRAVE
JOB KEW - COLLIERS WOOD
SELAND SITE
LONG SECTION
JS 0541/SECT 01 D
ROOF/PLANT

JOHN SEIFERT
ARCHITECTS
CLIENT OOLITHITE
JOB HOW CAULEIGH WOOD BOARD SITE
TITLE SHORT SECTION
DATE JAN'04
JS 0541/SECT 02 D

JOHN SELFERT
ARCHITECTS
CLIENT GOLFRATE
NEW COLLIERS WOOD
ISLAND SITE
SITE PLAN
JS 0541/SITE 01
E
LEGEND
SEE DESIGN REPORT
DEMOLITIONS
SITE BOUNDARY
MOUNTED CROSSING
NORTH
BALTIC CLOSE
DEBDEN ROAD



LONDON BOROUGH OF MERTON
Environmental Services Department

Civic Centre, London Road, Morden, Surrey, SM4 5DX
Telephone: 020 8543 2222 Web: www.merton.gov.uk

Brown & Root Tower
125 High Street Colliers Wood
03/P0202

Scale = 1: 1250

Date Printed: 28/03/06

merton moving ahead

Appendix 3.

PLANNING APPLICATIONS COMMITTEE
17th August 2006

Item No: 16

UPRN	APPLICATION NO.	DATE VALID
57/22	03/P0202	07/02/2003

Address/Site Brown and Root House, 125 High Street
Colliers Wood, SW19

(Ward) Colliers Wood

Proposal: Demolition of existing multi-storey car park, conversion of and alterations / extensions to the tower block; erection of a new building (combined) to provide 218, 2 retail (A1) units (370 square metres), a new public library facility (629 square metres), Class B1 business/office adaptable space 923 sq.m, a café / bar (A3/A4) (102 square metres), creation of public open space together with car and cycle parking provision and landscaping

Drawing Nos JS 0541/SITE 01E, PL 01E, PL 02E, PL 03E, PL 04E, PL 05E, PL 06E, PL 08E, EL 01E, EL 02E, EL 03F, EL 04G, SECT 01D & SECT 02D

Contact Officer: Jonathan Lewis (020 8545 3287)

RECOMMENDATION

Grant permission subject to the completion of a Section 106 Agreement and conditions.

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1. INTRODUCTION.

1.1 At the meeting of the Council's Planning Applications and Licensing Committee on 11th March 2004 the Committee resolved to grant planning permission subject to the completion of a S106 agreement for the following development:

Demolition of the existing multi-storey car park, conversion of and alterations / extensions to the tower block; erection of a new building

(combined) to provide 226 residential units, 2 retail (A1) units (370 square metres), a new public library facility (629 square metres), Class B1 business/office adaptable space (876 square metres), a café / bar (A3) (102 square metres), creation of public open space together with car and cycle parking provision and landscaping.

A copy of the report to Committee is appended to this report (Appendix 1).

1.2 The Section 106 obligation has not been completed and planning permission has not yet been issued. The overall amount of financial contributions to the Council under the terms of the planning obligations is the subject of agreement although detailed arrangements with the owner for the provision of space for a library have yet to be finalised.

1.3 The application was presented again to Committee in December 2005 in order to consider making certain of the heads of agreement planning conditions (see Appendix 2). The objective was to avoid having to have first provided and agreed details of highways works and hard and soft landscaping as part of the S106 agreement. Instead control over these details was to be reserved by the submission of details as a planning condition. The report also provided an opportunity for members to review the wording of the heads of terms to ensure that any education contribution could reasonably be directed towards financing a library as part of the proposals. The initiative to take the application back to Committee flowed from the knowledge that the applicant was in the process of selling the site and did not wish the sale to be delayed while further details were developed which could be superseded were the new owner to submit a fresh planning application. The Planning Applications Committee endorsed the report's recommendations.

1.4 Subsequent to the Committee's decision the applicant has confirmed that a small part of the site towards the southeast corner of the site (202 sq.m) is in the ownership of a third party thereby providing an obstacle to concluding the S106 agreement. The proposals have therefore been amended, deleting this parcel of land and adjusting the shape of the proposed buildings in this corner accordingly. This report sets out the details of the changes to the design and mix of accommodation of the scheme, arising from this change, and considers the implications of the amendments.

2. SITE AND SURROUNDINGS.

2.1 The site and its surroundings are described in the earlier report to Committee (see Appendix 1). The key change to the site is the deletion of a rectangular parcel of land (202 sq.m) on which there are no buildings

and which is located towards the southeast corner of the site at the corner of Priory Road and Christchurch Road.

3. CURRENT PROPOSAL

3.1 See Appendix 1 for the key elements of the scheme, including extensions to existing building. The scheme would remain broadly unaltered.

3.2 The amendments to the accommodation within the scheme arising from the deletion of the land towards the south east corner to the site are set out in the table below:

	Scheme considered by Committee March 2004	Amendments 2006
Studio flats	5	12
1 Bedroom flats	64	66
2 bedroom flats	145	128
3 bedroom flats	12	12
Library	629 sq.m	629 sq.m
Retail	370 sq.m	370 sq.m
Food and drink uses.	102 sq.m	102 sq.m
Office	876 sq.m (net)	822 sq.m (net) 923 sq.m (gross including plant areas)

3.3 The change to the footprint of the site would result in the southern end of the proposed extension no longer having a curved end with the library at ground floor. Instead two windowless flank walls would define the edge of the land that has been identified as outside the applicant's ownership.

3.4 At ground floor level the consequence of the change would be to reposition the entrance to the offices from the north to the south end of the extension facing Christchurch Road. To the rear of the extension, and fronting Priory Road the ground floor elevation would be rationalised to delete a second office entrance and would comprise only the entrances to the flats. Vehicle servicing arrangements would be unaltered in this area.

3.5 On the upper floors the remodelled south elevation for this part of the scheme would be without windows, whereas previously windows to flats would have punctuated this elevation.

3.6 The size of the library (629 sq.m) would remain unaltered as a result of the proposed changes.

4. PLANNING HISTORY

4.1 See Appendix 1 for history up to 2004.

4.2 In March 2004 the Planning Applications and Licensing Committee resolved to grant planning permission subject to the completion of a Section 106 obligation for the demolition of the existing multi-storey car park, conversion of and alterations / extensions to the tower block; erection of a new building (combined) to provide 226 residential units, 2 retail (A1) units (370 square metres), a new public library facility (629 square metres), Class B1 business/office adaptable space (876 square metres), a café / bar (A3) (102 square metres), creation of public open space together with car and cycle parking provision and landscaping (see Appendix 1).

4.3 In December 2005 the Planning Applications Committee resolved to grant planning permission for the same development as above subject to an amended set of heads of agreement for a Section 106 obligation and amended conditions (see Appendix 2).

4.4 August 2006: Concurrent application (LBM Ref 06/P1641) for redevelopment of site submitted by London Green Properties for The refurbishment and extension of the existing tower to include 315 residential units (146 X 1, 151 X 2 and 18 X 3 bedrooms), new library building (794 q.m), B1 office space (537 sq.m), retail units (250 sq.m), D1 Health Centre (750 sq.m) and a new public square with associated landscaping and highway works.

5. CONSULTATION

5.1 Proposals as considered by the Planning Applications and Licensing Committee in March 2004:
See Appendix 1.

5.2 Amended proposals the subject of this report:
The proposals have been advertised by press and site notices and letters have been sent to all those consulted in connection with the earlier proposals including neighbouring residents and businesses, Wandsworth Council, Transport for London.

3 letters received raising objections on the following grounds:

- Has consideration been given to a CPO and demolishing the building?
- Plans would increase population of Colliers Wood still further;
- Roads are grid locked and tube trains are full at peak times;
- Concerns about environmental impact and wind tunnel effect;
- Proposals need to be a state of the art sustainable development;
- Will there be a car pool?

Transport for London. Views of London Underground Ltd (LUL) would be the same as those expressed in February 2003. Imperative that the developer makes contact with LUL engineers to discuss the measures necessary for the safety of the nearby Northern Line tunnels before any work (including ground investigation) commences on site.

Wandsworth Borough Council. Objects to the additional retail floorspace in the area, which could undermine Tooting Town Centre. Wandsworth Council would wish to see the Class A3 floorspace restricted to prevent a change of use to retail use under the Town and Country Planning (General Permitted Development) Order 1995.

6. POLICY CONTEXT

6.1 Policy considerations remain unaltered. Both the Council's Unitary Development Plan and the London Plan still remain the key planning policy documents (see Appendix 1).

7. PLANNING CONSIDERATIONS

7.1 The main issues raised by the proposals namely, the desirability / appropriateness of the proposed uses, the general approach to design, scale and bulk of extensions and alterations, residential density issues, flooding issues, impact on neighbouring amenities, traffic and parking issues, affordable housing and compliance with Council standards, have been dealt with in the report to Committee in March 2004 (See Appendix 1) and have been considered acceptable.

7.2 The key issues raised by the latest amendments relate to the changes in the design in the southeast corner of the site, changes to the mix of accommodation including the reduction in the number of flats and office floorspace.

Design and appearance.

7.3 While it is regrettable that the issue of land ownership has required changes to the scheme before the S106 can be completed, it is considered that the changes to the design of the southern end of the building provide a simple and pragmatic response to this issue.

7.4 The rather plain walls that would define this corner of the site would require thoughtful treatment in terms of the use of an appropriate palette of facing materials, blending in with those to be used elsewhere in the development, to break up the overall mass of this elevation and to ensure that it complemented the wider setting. Notwithstanding that a further application would be required, and rather than encouraging a complete remodelling of the southern end of the reduced site, the endorsement of proposals for the larger site area now provides a suitable benchmark as to how the design of the new southern extension might be extended were the additional land to be secured for development purposes.

7.5 Details of facing materials for the extensions are required to be approved by condition and as such there is no overriding need to insert additional conditions to deal with the treatment of the remodelled elevations.

7.6 The changes to the design would raise no new detailed issues with regards to the accessibility of the new residential and commercial accommodation, which would be required to meet the provisions of Part M of the Building Regulations.

Change in the mix of accommodation including the reduction in the amount of residential units and B1 floorspace.

7.7 The site is identified in the London Plan as an area of intensification. Despite the proposed reduction in the number of dwellings the scheme would still make a significant contribution towards the 1300 additional dwellings that this area is identified to accommodate by the year 2016. No objection is raised in principle to the modest reduction in the number of residential units as part of this mixed use development.

7.8 Adopted policies ST.13 and HN.3 indicates that the Council will seek provision for a range of housing types and tenures to meet the needs of all sectors of the community. The proposals would still retain a broad mix of accommodation of varying sizes and while the amendments would introduce a number of smaller studio units the number of 3 bedroom units would remain unaltered. In this respect it is considered that the proposals raise no new issues regarding housing mix and would in fact produce a wider range of units than the scheme considered in March 2004.

7.9 While the reduction in commercial floorspace for the offices is regrettable, the scale of this would be modest given the overall size of the proposals. The adjustments to this element of the scheme would still provide the potential for viable employment opportunities as part of this mixed-use development and no objection is raised.

8. SUSTAINABILITY/EIA.

8.1 The proposed amendments raise no new issues with regards to issues of sustainability or require reassessment under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. The Council issued a screening opinion at the time of considering the proposals in 2003/4 to the effect that an Environmental Statement would not be required. Given that the latest amendments would result in a slightly smaller development there is no overriding requirement to issue a further screening opinion.

9. CONCLUSION

9.1 The amendments to the design of the extension to the rear of the existing tower raise no new or fundamental issues in terms of overall bulk and scale of the scheme. While the south facing elevation would be somewhat plainer than previously envisaged, this alone is not considered to be a basis to withhold permission. Notwithstanding the fact that a further application would need to be submitted, the earlier resolution to grant permission for the enlarged footprint provides some comfort in the sense that it effectively demonstrates how the building could be successfully enlarged were the additional land to come forward for development.

9.2 The Council has already accepted the loss of the majority of the commercial floorspace within the existing Tower and has endorsed proposals for a primarily residential led development of the Brown and Root site. Against this background the further modest reduction in the amount of commercial floorspace is not a cause for concern and would not be basis for withholding permission.

9.3 The mix of housing units is considered to be satisfactory and would meet adopted policy objectives.

9.4 Given the circumstances surrounding the anticipated sale of the site to a new potential developer, the proposed amendments would assist in progressing work on the draft S106. It is considered that the proposed amendments would be consistent with and not detract from the Council's broad objectives of securing a major regenerative development within an area identified for more intensive forms of development in the Mayor's spatial strategy.

RECOMMENDATION

Grant planning permission subject to the completion of a Section 106 Obligations and conditions as set out in the recommendation of the report to Committee in March 2004 (Appendix 1) and as amended by the recommendation in the report to Committee December 2005 (Appendix 2).