

Application reference: 11/3819/FUL
MORTLAKE, BARNES COMMON WARD

Date application received	Date made valid	Target report date	8 Week date
24.11.2011	24.11.2011	19.01.2012	19.01.2012

Site:

40 Mortlake High Street, Mortlake, London, SW14 8HR

Proposal:

Demolition of Existing Building

Change of use from Public House (drinking establishment - Class A4) to Residential (Class C3)

Construction of Residential Block Consisting of 9 nos. Apartments on 4 floors plus Basement Car Parking.

Status: Pending Consideration (If status = HOLD please check that all is OK before you proceed any further with this application)

APPLICANT NAME

Mr Shaun Moynagh
37 Webbs Road
Battersea
London
SW11 6RX
England

AGENT NAME

Ms Maia Silva
St Peters Studio
50 North Eytot Gardens
Hammersmith
London
W6 9NL
United Kingdom

DC Site Notice: printed on 05.12.2011 and posted on 16.12.2011 and due to expire on 06.01.2012

Consultations:

Internal/External:

Consultee

14D Urban D
14D POL
LBRUT Transport
LBRUT Trees Preservation Officer
Environment Agency

Expiry Date

19.12.2011
19.12.2011
19.12.2011
19.12.2011
26.12.2011

Neighbours:

29 Vineyard Path, Mortlake, London, SW14 8EJ - 05.12.2011
Flat 9,31 Vineyard Path, Mortlake, London, SW14 8EJ - 05.12.2011
Flat 7,31 Vineyard Path, Mortlake, London, SW14 8EJ - 05.12.2011
Flat 6,31 Vineyard Path, Mortlake, London, SW14 8EJ - 05.12.2011
Flat 5,31 Vineyard Path, Mortlake, London, SW14 8EJ - 05.12.2011
Flat 4,31 Vineyard Path, Mortlake, London, SW14 8EJ - 05.12.2011
Flat 3,31 Vineyard Path, Mortlake, London, SW14 8EJ - 05.12.2011
Flat 2,31 Vineyard Path, Mortlake, London, SW14 8EJ - 05.12.2011
Flat 12,31 Vineyard Path, Mortlake, London, SW14 8EJ - 05.12.2011
Flat 11,31 Vineyard Path, Mortlake, London, SW14 8EJ - 05.12.2011
Flat 10,31 Vineyard Path, Mortlake, London, SW14 8EJ - 05.12.2011
Flat 1,31 Vineyard Path, Mortlake, London, SW14 8EJ, - 05.12.2011
Flat 1,30 Mortlake High Street, Mortlake, London, SW14 8HX, - 05.12.2011
Flat 23,30 Mortlake High Street, Mortlake, London, SW14 8HX, - 05.12.2011
Flat 22,30 Mortlake High Street, Mortlake, London, SW14 8HX, - 05.12.2011
Flat 21,30 Mortlake High Street, Mortlake, London, SW14 8HX, - 05.12.2011
Flat 20,30 Mortlake High Street, Mortlake, London, SW14 8HX, - 05.12.2011
Flat 19,30 Mortlake High Street, Mortlake, London, SW14 8HX, - 05.12.2011
Flat 18,30 Mortlake High Street, Mortlake, London, SW14 8HX, - 05.12.2011
Flat 17,30 Mortlake High Street, Mortlake, London, SW14 8HX, - 05.12.2011
Flat 16,30 Mortlake High Street, Mortlake, London, SW14 8HX, - 05.12.2011

Flat 15,30 Mortlake High Street,Mortlake,London,SW14 8HX, - 05.12.2011
 Flat 14,30 Mortlake High Street,Mortlake,London,SW14 8HX, - 05.12.2011
 Flat 13,30 Mortlake High Street,Mortlake,London,SW14 8HX, - 05.12.2011
 Flat 12,30 Mortlake High Street,Mortlake,London,SW14 8HX, - 05.12.2011
 Flat 11,30 Mortlake High Street,Mortlake,London,SW14 8HX, - 05.12.2011
 Flat 10,30 Mortlake High Street,Mortlake,London,SW14 8HX, - 05.12.2011
 Flat 9,30 Mortlake High Street,Mortlake,London,SW14 8HX, - 05.12.2011
 Flat 8,30 Mortlake High Street,Mortlake,London,SW14 8HX, - 05.12.2011
 Flat 7,30 Mortlake High Street,Mortlake,London,SW14 8HX, - 05.12.2011
 Flat 6,30 Mortlake High Street,Mortlake,London,SW14 8HX, - 05.12.2011
 Flat 5,30 Mortlake High Street,Mortlake,London,SW14 8HX, - 05.12.2011
 Flat 4,30 Mortlake High Street,Mortlake,London,SW14 8HX, - 05.12.2011
 Flat 3,30 Mortlake High Street,Mortlake,London,SW14 8HX, - 05.12.2011
 2 Wrights Walk,Mortlake,London,SW14 8EU, - 05.12.2011
 1 Wrights Walk,Mortlake,London,SW14 8EU, - 05.12.2011
 24 Rann House,Mortlake High Street,Mortlake,London,SW14 8HT, - 05.12.2011
 22 Rann House,Mortlake High Street,Mortlake,London,SW14 8HT, - 05.12.2011
 20 Rann House,Mortlake High Street,Mortlake,London,SW14 8HT, - 05.12.2011
 18 Rann House,Mortlake High Street,Mortlake,London,SW14 8HT, - 05.12.2011
 16 Rann House,Mortlake High Street,Mortlake,London,SW14 8HT, - 05.12.2011
 14 Rann House,Mortlake High Street,Mortlake,London,SW14 8HT, - 05.12.2011
 12 Rann House,Mortlake High Street,Mortlake,London,SW14 8HT, - 05.12.2011
 10 Rann House,Mortlake High Street,Mortlake,London,SW14 8HT, - 05.12.2011
 8 Rann House,Mortlake High Street,Mortlake,London,SW14 8HT, - 05.12.2011
 6 Rann House,Mortlake High Street,Mortlake,London,SW14 8HT, - 05.12.2011
 4 Rann House,Mortlake High Street,Mortlake,London,SW14 8HT, - 05.12.2011
 2 Rann House,Mortlake High Street,Mortlake,London,SW14 8HT, - 05.12.2011
 61 Victoria Road,Mortlake,London,SW14 8EX, - 05.12.2011
 57 Victoria Road,Mortlake,London,SW14 8EX, - 05.12.2011
 7A Alder Road,Mortlake,London,SW14 8ER, - 05.12.2011
 5A Alder Road,Mortlake,London,SW14 8ER, - 05.12.2011
 3 Alder Road,Mortlake,London,SW14 8ER, - 05.12.2011
 2 Alder Road,Mortlake,London,SW14 8ER, - 05.12.2011
 23 Rann House,Mortlake High Street,Mortlake,London,SW14 8HT, - 05.12.2011
 21 Rann House,Mortlake High Street,Mortlake,London,SW14 8HT, - 05.12.2011
 19 Rann House,Mortlake High Street,Mortlake,London,SW14 8HT, - 05.12.2011
 17 Rann House,Mortlake High Street,Mortlake,London,SW14 8HT, - 05.12.2011
 15 Rann House,Mortlake High Street,Mortlake,London,SW14 8HT, - 05.12.2011
 13 Rann House,Mortlake High Street,Mortlake,London,SW14 8HT, - 05.12.2011
 11 Rann House,Mortlake High Street,Mortlake,London,SW14 8HT, - 05.12.2011
 9 Rann House,Mortlake High Street,Mortlake,London,SW14 8HT, - 05.12.2011
 7 Rann House,Mortlake High Street,Mortlake,London,SW14 8HT, - 05.12.2011
 5 Rann House,Mortlake High Street,Mortlake,London,SW14 8HT, - 05.12.2011
 3 Rann House,Mortlake High Street,Mortlake,London,SW14 8HT, - 05.12.2011
 1 Rann House,Mortlake High Street,Mortlake,London,SW14 8HT, - 05.12.2011
 30 Vineyard Path,Mortlake,London,SW14 8ET, - 05.12.2011
 59 Victoria Road,Mortlake,London,SW14 8EX, - 05.12.2011
 55 Victoria Road,Mortlake,London,SW14 8EX, - 05.12.2011
 53 Victoria Road,Mortlake,London,SW14 8EX, - 05.12.2011
 46 Victoria Road,Mortlake,London,SW14 8EX, - 05.12.2011
 44 Victoria Road,Mortlake,London,SW14 8EX, - 05.12.2011
 7 Alder Road,Mortlake,London,SW14 8ER, - 05.12.2011
 5 Alder Road,Mortlake,London,SW14 8ER, - 05.12.2011
 4 Alder Road,Mortlake,London,SW14 8ER, - 05.12.2011
 3A Alder Road,Mortlake,London,SW14 8ER, - 05.12.2011

History: Development Management, Appeals, Building Control, Enforcements:

Development Management
 Status: GTD
 Date: 11/10/1979

Application: 79/0959

Alterations involving the partial demolition of existing outbuildings and the erection of a single storey extension at the rear to provide new dining room, bar, male and female lavatories and entrance lobby.

Development Management
 Status: PCO

Application: 11/3819/FUL

Date:

Demolition of Existing Building

Change of use from Public House (drinking establishment - Class A4) to Residential (Class C3)

Construction of Residential Block Consisting of 9 nos. Apartments on 4 floors plus Basement Car Parking.

Constraints:

Professional Comments:

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Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES / ~~NO~~

I therefore recommend the following:

- 1. REFUSAL
 - 2. PERMISSION
 - 3. FORWARD TO COMMITTEE
- WOULD HAVE REFUSED

Case Officer (Initials): ... *AWL*

Dated: ... *20/9/12*

I agree the recommendation:

Team Leader/Development Control Manager

Dated: ... *20/09/12*

[Signature]
[Signature] 20.9.2012

This application has been subject to representations that are contrary to the officer recommendation. The Development Control Manager has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

Development Control Manager:

Dated:

REASONS:
CONDITIONS:
INFORMATIVES:
UDP POLICIES:
OTHER POLICIES:

The following table will populate as a quick check by running the template once items have been entered into Uniform

SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS:	
INFORMATIVES:	

ADDITIONAL NOTES CONTINUED FROM ABOVE:

Contact Officer:
A Wilson x7300

11/3819/FUL
CHARLIE BUTLER P.H.
40 MORTLAKE HIGH STREET
MORTLAKE

Proposal:

Demolition of Existing Building. Change of use from Public House (drinking establishment - Class A4) to Residential (Class C3). Construction of Residential Block consisting of 9 no. Apartments on 4 floors plus Basement Car Parking.

Applicant:

Languard Homes (Shaun Moynagh)

Application Received:

24 November 2011

Main Development Plan Policies:

LDF Management Plan: DM SD1, SD2, SD6, OS6, HD1, HD3, HO6, SI 1, SI 2, TP2, TP7, TP8, DC1, DC 4, DC5, DC6.

LDF Core Strategy: CP1, CP2, CP5, CP7, CP10, CP14, CP15, CP16, CP17, CP18.
Supplementary Planning Standards: Planning Obligations Strategy, Residential Development Standards March 2010; Consultation Draft Affordable Housing March 2012

Present Use:

Public house (class A4)

UDP Proposal Site

The site is a saved proposal site from the UDP (S5). This seeks to retain the existing uses on site, but acknowledges there is an opportunity to provide housing (both market and affordable). In the case of a redevelopment, activity levels should be maximised along the frontage so as to increase the opportunity for surveillance.

Site, History and Proposal:

The Charlie Butler pub is a 2 storey detached building having approximate dimensions of 15m by 15m. The building has no statutory protected status. It faces Mortlake High Street and is set back from the footway behind a parking forecourt with 7 spaces. On the opposite side of Mortlake High Street is the Stag Brewery site. To the west of the site is a link road leading to Vineyard Path which runs to the south of the site. Across the link road is a contemporary styled mixed use building, Vineyard Heights, consisting of a 4 storey element facing the Charlie Butler site, with a 10 storey tower set further west along Mortlake High Street. The element facing the Charlie Butler site consists of parking at ground level with 3 floors of apartments above. To the east is the elongated 4 storey building comprising flats at Rann House. The detached house, 30 Vineyard Path, is 4.5m

to the south-east of the site. Also to the south of the site are 2 storey houses and gardens in Wrights Walk and Victoria Road. The Mortlake CA immediately borders the site to the south. Redevelopment of the Brewery site to the north of Mortlake High Street is anticipated in the medium term.

History

79/0959 - Alterations involving partial demolition of outbuildings and erection single storey extension to rear to provide new dining room, bar, toilets and lobby entrance. Approved.

08/0805/FUL – Demolish building. Erect 8 storey block of 24 apartments, part market, part affordable, construct basement with car and cycle parking. Withdrawn.

12/2414/FUL – New application current. Redevelopment of site to include change of use from Pub (class A4) to Residential block comprising 8 apartments on 4 floors plus basement parking.

Proposal

The proposal is for demolition of the pub and for the erection of a block of 9 market apartments (3 x 1-bed., 6 x 2-bed). This would be for a 4 storey building plus basement for underground parking. The ground floor would have an approximate footprint of 23m by 18m, reducing progressively on the upper floors with the third floor having a footprint of 11m by 9m plus wings and external terraces on all sides. It would be set on average 4.5m behind the Mortlake High Street footway, but would otherwise be close to the boundaries of the existing site. The building would have a contemporary architectural style, with the core of the building finished in brick with either end characterised by large windows and a series of terraces set in part behind privacy screens. The building would be sub-divided horizontally by metal panels between the floors at either end of the building, which would be broken by brick facades on all elevations. The roof would be mainly flat at a height of 12.2m, with the southern wing also flat roof. In the original plans, the centre of the building had a mono-pitch sloping to the rear composed of slates and pv cells. The base of the building would be sited on a brick plinth.

Vehicular access to the basement car park would be down a ramp from the south-east corner onto the Vineyard Path cul-de-sac. The car park would comprise 6 car spaces, with cycle parking, lift and escape stairway.

The site perimeters to the north and south would be landscaped with some tree planting to the east of the building.

The scheme has been appealed against for non-determination.

Public and Other Representations:

41 letters of objection have been received on the following grounds;

- Loss of public house
- Loss of a highly valued community resource
- Vineyard Heights building is not a suitable precedent;
- Development should be viewed in relation to the adjoining conservation area;
- A lot of pubs being lost
- Erroneous information on applicant's Planning Statement;
- All noise problems from the pub have been addressed by the Council;
- Short-sighted in the context of additional residential use at the Brewery site.
- Loss of music venue;
- Should be providing social housing;

- Inadequate space for vehicular access and parking, road safety and traffic disturbance;
- Loss of employment
- Poorly designed
- Overlooking to south and to 30 Vineyard Path
- Loss of light to 30 Vineyard Path, 61 Victoria Road, no proper analysis of daylight
- Scheme fails to include open space around the building;
- Overdominant in relation to properties and streets to the south and from Mortlake High Street;
- Cramped overdevelopment
- Creating wind tunnel;
- Premature with Brewery redevelopment;
- Landlord has worked hard to improve facilities;
- Disputes that it is not viable;
- Adversely affecting the conservation area
- Adversely affecting BTM's.
- No need for expensive flats
- Existing building breaks up the prevailing 4 storey monotony of the High Street and allows sun to penetrate through.
- Query that there are other pubs within walking distance
- Contrary to policies DM TC4 and TC5
- Existing pub represents scale of building truly characteristic of the area
- Inadequate consultation/publicity
- Disruption during construction

2 letters of support from residents who considers the pub a constant source of noise and anti-social behaviour, and another not objecting as long as river views from Vineyard Heights are not obscured and development does not exceed 4 storeys.

Mortlake with East Sheen Society object to the loss of community use. The landlord has improved the facilities and entertainment, and has addressed noise issues previously raised by the Council. This is an important focal point in Mortlake High Street and would be even more so with the Brewery redevelopment.

Mortlake Community Association object for the following reasons:

It would result in the loss of an important community facility and follows the loss of the Railway Tavern. This adversely affects the viability and vibrancy of the high street. Other pubs quoted in the *Planning Statement* are not in close proximity and not offering comparable services. The new residents would have less local facilities and the *Council* should be encouraging commercial activity on Mortlake High Street.

Cllr Avon objects to the loss of an important community centre and adds to the relentless development in Barnes and Mortlake which is destroying local character.

Zac Goldsmith M.P. objects on the following grounds;

- loss to the local community;
- varied social calendar;
- reasonably priced menu;
- provides jobs;
- Mortlake High Street has little or no alternative social/community facility;
- have supported local athletes;
- a number of pubs on this street have already closed in recent years.

Campaign for Real Ale (CAMRA) consider that the pub is viable contrary to statement by the developer. Development of the Brewery site would make it more viable. This would result in the loss of the only public meeting place in Mortlake.

Environment Agency state they have reviewed the applicant's FRA and raise no objections to the scheme,. This is subject to a condition being imposed requiring the ground floor to be set no lower than 5.2m AOD, in order to safeguard against flooding.

Amendments:

- Adjustments to basement parking layout
- Further details on design of access and ramp to basement
- Alterations to internal layouts
- Width of first and second floors reduced by 2.5m
- Rear part of second floor reduced by 5.4m;
- Rear second floor terrace widened by 2m;
- 3.6m wide wings removed from third floor;
- Third floor terrace extended around building
- pv panels re-positioned to centre of main roof;
- Windows enlarged on north elevation
- Mono-pitched roofs above third floor removed
- stairwell roof re-modelled

Professional Comments:

The main issues which have been considered with this application have been the loss of the public house, both as a pub and as a community facility, the replacement building's design and scale and its impact on the amenities of surrounding residents, and contributions towards affordable housing and other community infrastructure.

Change of use

The loss of the pub, being a community asset, would normally be resisted, but the main policy covering this issue, DM TC4, allows the loss in certain circumstances. These are, i) where there is another pub within convenient walking distance, ii) it is inappropriate in terms of access or neighbourliness or iii) where the new use would provide a community service or function. Furthermore, DM TC4 requires marketing evidence making a successful case that reasonable endeavours have been made to find an alternative occupier from a range of compatible uses, before consideration is given to a residential use.

In terms of the main criteria set out under TC4, there are considered to be 3 pubs within convenient walking distance, notwithstanding the recent closure of the Railway Tavern in Sheen Lane. These are the Jolly Gardeners at 36 Lower Mortlake Road, the Tapestry at 1 Lower Mortlake Road and the White Hart. The former 2 pubs are ca. 300m away and the White Hart ca.600m away. The proposal is considered to therefore satisfy this part of the policy.

In terms of the pub's viability, comprehensive information has been submitted on trading conditions in the area, the specifics of the pub, competition, trading potential and marketing history. The pub was marketed between April 2007 and August 2008, but Young's were unable to find a long term operator. The applicants state that the pub was let to a succession of short-term tenants at nil or nominal rents since September 2007 who were largely unable to sustain the business. It concludes that Young & Co were unable to find a long term and sustainable tenant willing to trade the business whilst paying a commercial rent.

During this time the rent was dropped significantly, and since, Young's have operated the business on short-term lets whilst continuing to market it for a permanent tenant at a market rent review. The applicant's statement considers that the pub is poorly located, lacking a river frontage or town centre siting, which adversely affects footfall. It caters mainly for drinks sales rather than food, and the constraints of the site would prevent it expanding to cater for the 100 plus covers needed which purchasers would generally expect in order to cater for food. The Statement notes that such community pubs are struggling to be viable in comparison to those on town centre circuits. The size of the rooms and the condition of the building would also inhibit investors. Although residents have highlighted the value of the pub as a live music venue, the Statement considers the configuration of the premises prevents the business being sustainable as a music venue in the medium term.

In summary, the applicant's reports satisfy the test of providing satisfactory marketing evidence and making a convincing case that the pub business has been loss making and its continued use as public house would be unviable.

The loss of the pub would also be considered as a loss of social infrastructure, and has to be considered in relation to Policy DM SI2. This policy considers whether any other social infrastructure uses would be feasible at the site. If this is not the case, then residential use, including affordable housing, would be acceptable. In this instance, the site is relatively close to the Sheen Lane Centre, where there is a Health Centre, a day centre and a modern purpose-built community hall available for hire. With the proximity to East Sheen town centre, and anticipating the creation of a new village heart for Mortlake through the redevelopment of the Stag Brewery site, it is considered these locations should be the focus for community facilities in this area. The size of the footprint would also limit the alternative community uses which could be accommodated and the site is also unlikely to be suitable for uses, generating significant car parking, such as education or health. Transport officers have added their concerns about alternative community uses attracting car trips. Overall, the Council can be satisfied that no suitable alternative social infrastructure uses meeting local needs, which would be viable for the site, have been identified. A change of use to residential would satisfy the terms of Policy DMSI2.

Affordable Housing

The proposal falls within the scope of DM policy DM HO6, and according to Core Strategy Policy CP15, requires a contribution towards affordable housing. DM HO6 requires this to be based on the subsidy which would have been made by the developer had the scheme provided affordable units on site. This amount is discounted to 45% to reflect the 9 flats proposed, based on the scale given in policy DMH06, which would be approximately £680,000 (based on average sales prices in the applicant's appraisal). The applicants were advised of the approximate policy requirement figure, but consider that such a contribution would make the scheme unviable. Their own viability appraisal calculates that the scheme could afford a maximum contribution of £35,407 for the combined contributions towards affordable housing, other s.106 payments (based on the Planning Obligations Strategy) and CIL. This would be substantially under the figure which the above policy requirements and CIL would generate, and so an assessment of the applicant's viability appraisal has been assessed by an independent valuer appointed by the Council. He has concluded that;

The applicant's viability appraisal's accuracy and robustness is flawed in a number of respects. The appraisal's stated build costs based on current BICS rates are considered an overestimate by £137,721, with basement construction costs and design costs being highlighted. A further overestimate is considered to be in the site valuation after adding a

development premium. The pub's estimated value of £280,000 is not disputed, but the appraisal includes a 30% development premium which the Council's consultant considers should be 20% based on recent appeal decisions, which would generate a further £28,000. Taking this differential and the build cost overestimate, the Council's consultant calculates that the scheme would be viable whilst funding up to £201,128 in contributions. The applicant's offer of £35,407 to cover s.106 contributions, CIL payments and affordable housing is therefore substantially below the £201,128 figure which could be contributed whilst maintaining the scheme's viability.

With the CIL contribution being calculated at ca. £23,500 and an s.106 contribution of £58,592.64, there would be substantial funds remaining for affordable housing.

Whilst the current property values for residential units quoted in the appraisal are considered to be realistic, the Council's consultant notes that the values per sq.ft floor area are comparatively low, suggesting there would over time be considerable potential for price increases. In the event of the application having been supported, the Council would have wished to see the rise in residential values reflected in an s.106 agreement or unilateral undertaking.

In summary, an independent review of the appraisal establishes that substantial additional funds for affordable housing, s.106 contributions and CIL could be offered, whilst maintaining the scheme's viability. The failure to reflect this in the offer of funds available for affordable housing, forms a reason for refusal.

Planning Obligations Strategy (POS)

The scheme would attract a P.O.S. contribution towards public infrastructure services and facilities due to the increased burden which would be placed on these. The policy requirement has to be viewed in the context of the applicant's viability appraisal, considered in greater detail under the Affordable Housing paragraphs. The headline figures using the Council's Public Obligations Strategy formula are (£28,960 – Transport, £8,195.40 – public realm, £2,077.11 – health, £16,570 – education and £2,790.13 – 5% management fee) totalling £58,592.64. The applicants' quote the s.106 policy requirement in error as being £52,222, but in treating it as part of the combined contribution of £35,407 with affordable housing and CIL, it would clearly not be meeting the full contribution. As the CIL sum is non-negotiable, that would effectively leave a combined sum of ca. £11,500 being shared between affordable housing s.106 contributions. No unilateral undertaking has been submitted and it is clear that the sum on offer for s.106 monies would be substantially below the £58,592.64 figure required. This therefore forms a reason for refusal.

(Mayoral) Community Infrastructure Levy

This is calculated at £23,850 for the development, as amended. As this contribution is non-negotiable, it would be taken from the combined £35,407 sum being offered for affordable housing, s.106 contributions and CIL. However, it would leave a smaller balance for the other items, re-inforcing the affordable housing and s.106 contributions reasons for refusal

Neighbour amenity

There has been some modest reduction in building mass during the course of negotiations, but the development would have an overbearing and visually intrusive impact on the outlook from various neighbouring residential properties.

Whilst the upper storeys of the new building would be stepped away from the south-east

corner of the site, closest to the 2 storey house at No.30 Vineyard Path, these occupiers would encounter a dramatic increase in height and building mass in comparison with their existing *outlook towards the 2 storey pub*. This partly arises because the existing pub's upper floor is contained within a pitched roof, which slopes away from No.30, whereas the proposal building's design is based on flat roofs, which would serve to increase the building mass. The 2 storey southern wing would reach a height of 6.8m, approximately 9m to the west when standing in front of No.30, whilst the 3 storey element would be more visible from No.30's front windows ca. 13.5m away and at a height of approximately 10m. The projecting canopy roof would be at a height of 12m, ca.16.5m away from No.30's windows. As a result, the outlook from outside the front of No.30 and from inside its front windows would be substantially reduced due to the visual intrusion and overbearing relationship caused. This would be despite there being no objection to loss of daylighting to No.30, based on a BRE daylight test.

Because of its height and bulk, the development would also appear overdominant from gardens at No. 61 Victoria Road and other properties to the south in Victoria Road and Wrights Walk. It would also appear intrusive from a first floor bedroom window at No.1 Wrights Walk which would be orientated almost directly towards the development.

There are *habitable room windows in the 4 storey Vineyard Heights building facing the side of the proposed development* from where the outlook would also be adversely affected. Although these are not ground floor windows, due to the ground floor facing the development being a car park, the facing windows at first floor level would be low enough, at cill heights varying between ca. 3.5m and 4m above ground level, for there to be an overbearing and visually intrusive impact on these residents. That is based on the separation distance between the closest first floor windows at Vineyard Heights and the projecting brick facades on the proposed west elevation being 13.3m apart. (Although the North elevation drawing indicates this separation distance as being 14m, the majority of the drawings indicate the separation as 13.3m, and so the assessment is based on this latter distance). Using the same drawings, the distance to the overhanging roof has been taken as 14.6m, which will therefore also contribute to the overbearing impact on Vineyard Heights first floor residents.

Overlooking

The scheme proposes a large number of terraces and windows which would face *Vineyard Heights habitable room windows and the gardens of residential properties to the south*. In addition, the first floor bedroom window at No.1 Wrights Walk would be susceptible from overlooking.

In relation to the Vineyard Heights dwellings, there would be first, second and third floor terraces facing Vineyard Heights windows, all of which would be sited much closer than the 20m standard, the Council uses to assess a loss of privacy. The applicants have responded to this issue in part, by proposing 1.75m high screens to 3 of the 5 upper floor terraces with a westerly view. However, in the case of the southerly second floor terrace and the third floor terrace, there would be only low screens to the west, insufficient to prevent overlooking. In addition, there would be windows facing Vineyard Heights windows at distances well under 20m. The applicant proposes partially obscurely glazing the closest of these (below 1.75m from floor level), and the west facing bathroom windows could also be conditioned to have obscure glazing. However, there would be 4 large west-facing windows on the first, second and third floors which would not be screened or have obscure glazing, and these would be well under the 20m standard, enabling overlooking into Vineyard Heights.

To the south are gardens to the rear of the houses in Victoria Road which would also

suffer a loss of privacy from the proposed development. The windows serving the first floor living room and kitchen at Flat 4 would have direct views into the nearest garden at a distance of ca. 13m and the distance from the living room to the first floor bedroom window at No.1 Wrights Walk would be ca. 17.5m from the proposed first floor living window. As making the proposed living room windows for Flat 4 obscure glazed would reduce the internal living conditions of this flat to an unacceptable degree, such a condition would be inappropriate. There would also be south-facing terraces proposed at first, second and third floor levels. Views from the first floor terrace would be possible towards the first floor bedroom window at No.1 Wrights Walk, whilst more direct views into the Victoria Road gardens would be possible from the second floor terrace. Even though the third floor terrace would be ca. 20m from the nearest garden, the fact that it would be more than 13m wide, would together with the other terraces, compound the perception of overlooking into properties to the south.

There would also be a bedroom window and the third floor terrace sited at a distance of ca. 16m from the front of 30 Vineyard Path which would also cause a loss of privacy.

There are no overlooking issues with regard to Rann House which has non-habitable windows on its western elevation.

Design and Streetscene

There are no objections to the demolition of the existing building, which is not a Building of Townscape Merit and not in a conservation area, and its replacement with a new building. Although there has been some reduction in building mass and height negotiated during the course of the application, the height and bulk of the building towards its rear is considered excessive and fails to respond adequately to the domestic two storey scale of buildings in the Mortlake Conservation Area immediately to the south. Whilst the greater height and bulk at the front of the development would be more in keeping with the scale of buildings facing Mortlake High Street, the reduction in the rear part of the building would not be substantial enough in order to address the more domestic scale in the conservation area. The building height in the rear part of the building would range between 6.8m and upwards of 10m (inclusive of boundary screens), and the southernmost wing would exceed the height of No.30 Vineyard's roof ridge. The proposed development would be mainly flat roofed, which would tend to increase the building mass in relation to the 2 storey pitched roof buildings in the conservation area. Whilst the neighbouring Vineyard Heights building also has a bulky form, the separation from the conservation area buildings is greater, and in any case, its abrasive change in scale is considered less successful in making the transition to the buildings at the rear. It is uncharacteristic for Mortlake High Street, and was replacing an earlier particularly bulky development.

There are also Buildings of Townscape Merit at 30 Vineyard Path, 1 Wrights Walk and at 61 Victoria Road. The scale of the development would also detract from the setting of these buildings.

A further design criticism of the scheme is the utilitarian appearance of the ramps at the front of the building. Although the design has responded to earlier officer criticism by introducing an entrance and re-modelling windows, which create a greater presence in the streetscene, the ramps would detract from the overall appearance.

Policy DM HO2 includes a clause requiring developments to reflect traditional architectural features, which this scheme would not include, but the policy is applied to 'infill' sites where the gaps between buildings are narrower than in this case. Therefore the design reason for refusal is not based on these grounds.

However, because of the other design objections, the scheme would fail to comply with Policy DM DC1 and would adversely affect the setting of the conservation area and BTM's, thereby failing to comply with DM HD1 and DM HD3.

Transport

9 parking spaces are indicated in the basement (including one disabled), which complies with the adopted parking standard. A restriction on the issuing of CPZ permits would have been sought via s.106 agreement, so as not to exacerbate the congested local parking conditions. There were some minor revisions made to the layout and columns to ease access to and from parked cars in the basement. The access from the basement via a ramp and gates into the Vineyard Path cul-de-sac is acceptable to transport engineers. The visibility is such that they would raise no objections on road or pedestrian safety grounds, despite there being significant pedestrian traffic along Vineyard Path towards Victoria Road. There are no objections to the cycle storage area in the basement which has space for 12 cycles.

Small units

Policy DM HO4 puts the emphasis on providing family sized accommodation outside of town centres, and with 66% of the units being for 2-bedrooms, no objections are raised based on dwelling mix.

Residential Development Standards

In terms of the Council's Residential Development Standards SPD, the scheme comfortably exceeds the minimum unit sizes applicable to 1 and 2 bedroom flats. Regarding the external amenity space standards, all flats would have access to a private terrace which would comply with the minimum space standards.

Trees

There is an Oak on the Mortlake High Street footway in front of the site and 2 Lime trees on Vineyard Path adjacent to the development site. The tree officer considers the Oak is in a prominent public position and offers significant public amenity, which will increase when the tree reaches maturity. Currently there would be nothing to impede its radial crown spread reaching 10m. However, the proposed building would be sited ca. 7m from the tree and the tree officer considers this to form a poor relationship and would expect pressure from future occupiers for significant pruning. He therefore recommends refusal. He considers any issues arising from the proximity of the pedestrian ramp and landscaping could be resolved without significant root damage to the Oak. With regard to the impact on the Lime trees, their existing relationship to the pub building is poor. Works would be required to both trees but the tree officer does not consider that either tree offers significant streetscene amenity, and would not object to such works.

Flooding

The site falls within the higher risk Flood Zone 3 and as stated above, the Environmental Agency has assessed the applicant's Flood Risk Assessment and raise no objections subject to the ground floor being at least 5.2m AOD. Inspection of the plans and ordnance survey readings in the vicinity of the site, indicate that this objective would comfortably be met.

Sustainability

A Sustainability Construction Checklist has been submitted with the application which achieves a reasonable score in terms of sustainability. It would also achieve Code Level 3 of the Code for Sustainable Homes which meets the Council's standard.

Photovoltaic panels are proposed near the centre of the roof canopy, which would seem feasible in order to obtain sunlight. However, the Energy Assessment indicates that the percentage of total site emissions saved through renewable energy technology would be 8.62% which would be significantly lower than the 20% target stated in Policy CP2 of the LDF Core Strategy. Whilst CP2 allows for scenarios where a target reduction below 20% is permissible, for example due to the constraints of the site, no justification is provided in the energy assessment as to why the target could not be achieved by the use of renewable energy.

Conclusion

Notwithstanding the fact that the building height would be in keeping with buildings in Mortlake High Street to either side, the development's building mass and height towards the rear, would be excessive in relation to the much lower scale of development in the Mortlake Conservation Area adjoining the site to the south. It would also be harmful to the setting of BTM's to the south of the site. The development's height and bulk would also have an overbearing and unneighbourly impact on properties to the south, notably No.30 Vineyard Path, and to first floor windows at Vineyard Heights. The development would include glazing and terraces to the west and to the south, of which only some would be obscurely glazed or provided with adequate screens to prevent a loss of privacy. Whilst it would be technically feasible to apply conditions to ensure this was applied in 100% of cases, this would reduce the amenity of the flats and in a number of cases the Council may be under pressure from future occupiers to relax such conditions. There are no objections in principle to the change of use to residential subject to an appropriate contribution being made to affordable housing in line with policy. This is based on the proposal satisfying policies DM TC4, which assesses the principle of losing the pub, and DM SI2, which assessed that there were no suitable replacement social infrastructure uses which would be feasible. Satisfactory marketing evidence has also been submitted and a convincing case is made that the pub business has been loss making and its continued use as public house would be unviable.

However, the offer made towards affordable housing and public infrastructure and services (s.106 contributions) would be substantially less than the policy requirements. As the sum offered for these contributions would be combined with the CIL contribution, the sums available for affordable housing and s.106 payments would be reduced further. The applicant's appraisal claiming that a full contribution would make the scheme unviable has been assessed independently. This reveals that a substantially greater sum for contributions could be made available whilst maintaining the scheme's viability. Reasons for refusal are therefore based on under provision of affordable housing and s.106 contributions.

Further objections are based on probable harm to a prominent street tree and the failure to include renewable energy technology which would achieve a 20% reduction in CO2 levels. Following negotiations, the vehicular access and transport-related arrangements would be acceptable, and the parking standard would be met on site. However, the pedestrian ramps' utilitarian design and prominent siting would be detrimental in the streetscene.

I therefore recommend that had no appeal been made, the application **WOULD HAVE BEEN REFUSED** for the following reasons and informative.

1. The proposed development would by reason of its bulk, height, siting and design, be excessive and overdominant in relation to the prevailing scale of development in the adjacent part of the Mortlake Conservation Area to the south of the site and in relation to the setting of nearby Buildings of Townscape Merit. This would be harmful to the character and appearance of the Mortlake Conservation Area and the setting of nearby Buildings of Townscape Merit and contrary to Policies DM DC1, DM HD1, DM HD 3 in the LDF Development Management Plan: November 2011 and Policy CP7 in the LDF Core Strategy: April 2009 .
2. The proposed development would by reason of its bulk, height, siting and design, be overbearing and visually intrusive in relation to existing residential occupiers at 30 Vineyard Path, *first floor occupiers in Vineyard Heights* and at other properties in Victoria Road and Wrights Walk. This would be contrary to Policy DM DC5 in the LDF Development Management Plan: November 2011.
3. In failing to make an adequate contribution towards affordable housing in the Borough, the scheme would fail to comply with Policy DM HO6 in the LDF Development Management Plan: November 2011 and Policy CP15 in the LDF Core Strategy: April 2009 and the London Borough of Richmond Consultation Draft Affordable Housing Supplementary Planning Document: March 2012.
4. In failing to make an adequate contribution in line with the Council's adopted *Planning Obligations Strategy*, the scheme would place an increased burden on public infrastructure facilities and services and this would be contrary to Policies DM OS6, DM SI 1, DM TP2 in the LDF Development Management Plan: November 2011 and Policies CP18, CP16, CP10 and CP5 in the LDF Core Strategy: April 2009.
5. The proposed development would by reason of its design and siting, result in overlooking into habitable rooms and gardens of nearby residential properties to the detriment of the amenities of the residential occupiers. This would be contrary to Policy DM DC5 in the LDF Development Management Plan: November 2011.
6. The proposed development would be harmful to the amenity value of an Oak tree in *Mortlake High Street* by reason of its design and siting in close proximity to the radial crown spread of the tree, and the probable need for substantial pruning would be detrimental to the appearance of the tree and the streetscene. This would be contrary to Policy DM DC4 in the LDF Development Management Plan: November 2011.
7. The proposed pedestrian ramps at the front of the development, would by reason of their utilitarian design and prominent siting, adversely affect the streetscene appearance which would be contrary to Policy DM DC1 in the LDF Development Management Plan: November 2011 and policy CP7 in the LDF Core Strategy: April 2009.
8. The development fails to make provision for an adequate reduction in *carbon dioxide emissions* through the inclusion of renewable energy technology within the scheme, nor any justification as to why this could not be achieved. It would therefore fail to comply with Policy CP2 in the

LDF Core Strategy: April 2009.

Informative:

IL05 - Drawings – 1111 AK (-)00, (-)01, (-) 02, (-)03,(-)04 received 24th November 2011, 1111 AK (2)31.1 TP1, (2)31.2 TP2, (2)31.3 TP2, (2)31.4 TP2, (2)32.1 TP2, (2)32.2 TP2, (2)32.3 TP2, (2)32.4 TP2, (2)32.5 TP2, (2)32.6 TP2 received 22 May 2012.