



## Appeal Decision

Site visit made on 19 December 2016

by **Jonathan Hockley BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13<sup>th</sup> January 2017

**Appeal Ref: APP/T5720/W/16/3158138**

**The Former Cricketers Public House, 340 London Road, Mitcham, Surrey CR4 3ND**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Chatsworth Land Ltd against the decision of the Council of the London Borough of Merton.
- The application Ref 15/P0890, dated 26 February 2015, was refused by notice dated 9 June 2016.
- The development proposed is the demolition of existing buildings and construction of a part 2 storey/part 3 storey building to provide 11 homes with associated access, car parking, cycle parking, refuse/recycling storage and landscaping.

### Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and construction of a part 2 storey/part 3 storey building to provide 10 homes with associated access, car parking, cycle parking, refuse/recycling storage and landscaping at The Former Cricketers Public House, 340 London Road, Mitcham, Surrey CR4 3ND in accordance with the terms of the application, Ref 15/P0890, dated 26 February 2015, subject to the conditions set out at the end of my decision.

### Procedural Matters

2. During the application process the number of dwelling proposed at the site reduced from 11 to 10. I have reflected this in my formal decision above.

### Main Issue

3. The main issue in this case is the effect of the proposal on the character and appearance of the Mitcham Cricket Green Conservation Area, and the setting of the locally listed buildings of the Vestry Hall and The Old Fire Station.

### Reasons

4. The Mitcham Cricket Green Conservation Area (MCGCA) is a large conservation area, based around and centred on various large green spaces. These green spaces define the area, with built form clustered around the edges of the open spaces. Cricket Green in particular is noted as being used for cricket since as early as 1707. There are a wide range of buildings within the area, including various listed and locally listed buildings. Scale of development is generally fairly modest. The appeal site lies at the heart of the MCGCA and faces onto,

and is separated from Cricket Green by the busy 3 lane London road, with the west flank of the building facing onto the street of Lower Green West.

5. The former Cricketers Inn is a two storey pitched roofed yellow brick building with a prominent balcony at first floor level built over a larger ground floor plan, and is stated to date from around 1958. The building has been vacant for some time; the extensive windows on the ground floor façade and those around the remainder of the building have been boarded up. At my visit there was evidence of unauthorised ingress to the building at the rear, and there is various graffiti and fly tipping around the sides of the property. The MCGCA appraisal<sup>1</sup> identifies the former Inn as having a neutral impact on the Conservation Area. However, given the time that has elapsed since the publication of this document, as well as previous appeal decisions on the site, and the continued derelict nature of the building, I am of the view that the property now has a negative impact on the MCGCA. The site is located on a busy road network in a sensitive location at the heart of the Conservation Area, with clear views of the building available from the south and from across Cricket Green. The condition and quality of the building has an adverse effect on the surrounding area.
6. This surrounding area includes two locally listed buildings located adjacent to the appeal site. The Vestry Hall lies on the north east side of the site and was erected in 1887, and is a red brick building with a very steeply gabled slate roof rising to a central cupola. There is a prominent clock tower located on the north east corner of the building, and also of note are prominent projecting corbels supporting the eaves, and various classical architectural features around the building. The Old Fire Station is located on the north west side of the former Inn, facing onto Lower Green West. It has a red brick and ashlar simple classical symmetrical façade with a diamond shaped window located in a small gable above the three bay building. Both buildings are identified in the MCGCA appraisal as local landmark buildings, and together with the Cricketers, form an island of development in the corner of the open space of Lower Green.
7. Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 132 of the National Planning Policy Framework (the Framework) says when considering the impact of a proposed development on the significance of a designated heritage asset (including conservation areas), great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration of a heritage asset, and as they are irreplaceable, harm should require clear and convincing justification.
8. Whilst there is no corresponding statutory protection for non-designated heritage assets (including locally listed buildings), paragraph 135 of the Framework requires the effect of a proposal on the significance of a non-designated heritage asset to be taken into account, with a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset.
9. Policies CS14 of the Core Strategy<sup>2</sup> and DM D2 and DM D4 of the Sites and Policies Plan<sup>3</sup> together state that all development should be designed to

---

<sup>1</sup> Mitcham Cricket Green Conservation Area Appraisal and Management Plan, Merton Council, July 2013

<sup>2</sup> London Borough of Merton LDF Core Planning Strategy July 2011

respect, reinforce and enhance the local character of the area. The Borough's heritage assets, including conservation areas and locally listed buildings will be conserved and enhanced. Development should relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings, historic context, urban layout and landscape features of the surrounding areas. Policies 7.6 and 7.8 of the London Plan<sup>4</sup> together state that architecture should make a positive contribution to a coherent streetscape and wider cityscape, incorporating design appropriate to its context and that the significance of London's heritage assets should be conserved by being sympathetic to their form, scale, materials and architectural detail.

10. The proposal seeks to demolish the existing Inn and construct a new building hosting apartments. The history of the site is fairly extensive, and the current design has gone through various iterations to address comments made by the Council and their Design Review Panel. The proposal would be roughly 'T' shaped in plan with the main façade onto London Road and a prominent side elevation to Lower Green West. The materials of the scheme, subject to conditions, would in general match those of the Vestry Hall and the Fire Station, with the three storey building having a ridge and an eaves line lower than the Vestry Hall, allowing the latter building to remain prominent in the street scene. To Lower Green West, the proposal would present itself with a double plan, twin gable form, with a set-back 2 storey elevation closest to the Fire Station. In such a way the eaves and ridge of this elevation would also be lower than the ridge and eaves of the attractive adjacent Fire Station roof, despite the three storey element on the corner of the building being taller. The proposal would therefore respect and pay heed to the proportions and height of both adjacent buildings, making a positive contribution to the streetscape. Both main elevations would also be softened by reasonable areas of green space and landscaping, setting the building off the corner of the busy one way road network and helping the building to assimilate into the wider cityscape.
11. Whilst the proposal would take cues from both adjacent locally listed buildings, the use of differing fenestration details would ensure that the building would have its own individual character, with window details differing on both main elevations and from the adjacent buildings. On my visit I noted that the former Inn, described as 'architecturally undistinguished' by former Inspectors, appears particularly unexceptional when viewed from the south west, around the junction of London Road and Cricket Green. Whilst I have some sympathy with the view that the roof pitch of the proposed building could be steeper to be more similar to the roof of the Vestry Hall, the proposal would significantly improve this vista, presenting a building with a varied and higher roof form in common with the Vestry Hall to the north east, with the double plan/double gable form presenting an interesting and varied design, relating positively to the massing of surrounding buildings in a design appropriate to its context, which, despite its size, retains a modest scale on this important corner site.
12. Overall, the proposal would respect both adjacent buildings whilst building a character of its own, enhancing the setting of both the Vestry Hall and the Old Fire Station, and improving views from the nearby open green spaces,

---

<sup>3</sup> Part of Merton's Local Plan Sites and Policies Plan and Policies Map July 2014

<sup>4</sup> Mayor of London, The London Plan Spatial Development Strategy for London, consolidated with alterations since 2011, March 2015.

enhancing and reinforcing the character of the area. Accordingly, I consider that the proposal would enhance the character and appearance of the Mitcham Cricket Green Conservation Area, and would also enhance the setting of the locally listed buildings of the Vestry Hall and The Old Fire Station. The proposal would comply with polices CS14 of the Core Strategy, DM D2 and DM D4 of the Sites and Policies Plan, and with policies 7.6 and 7.8 of the London Plan. The scheme would also comply with the Framework.

#### *Other Matters*

13. Concern is raised by members of the public over the effects of the scheme on highway safety. I note in this respect that the Highways Authority have no objections to the proposal, subject to conditions, and that the scheme is sustainably located, within PTAL Level 4 and is not in a controlled parking zone. Accordingly, subject to conditions concerning the phasing of car parking, gate opening, a working method statement for the construction of the site, and agreement to those aspects of the site which require working within Highways land, I do not consider that the proposal would cause harm to matters of highway safety. In this respect however I have reworded the proposed conditions relating to works within highways land to ensure that the condition remains lawful and enforceable, and have merged and simplified other suggested conditions.
14. Given the historical use of the site and the immediate surrounding area, concerns are raised over the suitability of a residential scheme, and a desire is also stated for non-residential uses of the site at ground floor level. However, I note that the Council raise no objections in this regard, and given the sustainable location of the site I see no concerns with allowing a fully residential scheme. This would have the objective of bringing a derelict brownfield site in the heart of the MCGCA back into full use, providing additional benefits in terms of new housing.
15. It is stated that in the Council area schemes involving housing of 10 or more dwellings should provide on-site affordable housing. However, I note that the Council were satisfied that the proposal would not be viable with either an on or off site affordable housing contribution. The minutes of the Council's Planning Committee state that Councillors enquired over the possibility of clawback in the future. However, no further evidence has been produced on this matter and the Council have not raised the issue in their statement. Based on the evidence I have received therefore I have no reason to disagree with the view expressed in the Council Officer's committee report.
16. My attention is drawn to the size of the flats proposed amid concerns that they may not meet the standards provided in the London Plan. However, I note that each proposed flat would meet or exceed the space standards. Whilst one flat should have a separate living and kitchen/diner and one flat has no private amenity, in the case of the former apartment it is some 25m<sup>2</sup> larger than the minimum standard and in the case of the latter flat, it is located opposite the open space of Cricket Green. I do not consider therefore that the proposal would have an adverse effect on the living conditions of future residents.
17. Concern is raised over possible light pollution from the windows fronting Cricket Green. However, whilst in an 'island' of development, the site is set in a busy area and the windows are separated from Cricket Green by the busy London Road, with the substantial mature trees on the southern side of the road also

helping to mitigate any light effects from the proposal on the character of the Conservation Area.

## **Conditions**

18. Aside from the highways conditions mentioned above, I have also imposed conditions concerning commencement of development and compliance with plans, in the interests of the proper planning of the area and for the avoidance of doubt. In the interests of the character and appearance of the conservation area, I have imposed conditions requiring details of building materials, surface treatment of the site, boundary treatments and a landscaping scheme for the site to be agreed and implemented. I have merged and simplified some suggested conditions from the Council for these purposes. With regards to the materials condition, I have included a reference to a consideration of the natural weathering of any proposed materials. This is necessary given the positioning of the site within the MCGCA and the adjacent locally listed buildings. For the same reasons, I have also imposed a condition requiring the external lighting of the site to be agreed, which I consider necessary given the sensitive nature of the surrounding area. In the interests of the safety and security of the area I have also imposed a condition covering site security details, along the lines of that suggested by the Metropolitan Police.
19. The site lies in the centre of a busy road intersection, and I agree that such a siting would have the potential to adversely affect the living conditions of future residents with regards to both air and noise pollution. Accordingly I agree that conditions to ensure assessments for such matters are carried out, and suitable mitigation measures put in place are required. Whilst I note that the appellant queries the wording of these conditions I consider the requirements to be reasonable.
20. To ensure the living conditions of existing nearby residents are maintained, a condition is also imposed to restrict the construction times on site. To ensure satisfactory facilities for refuse and cycle storage, and in the interests of the appearance of the area, conditions are also imposed so that details of such facilities are agreed. The appellant suggests that the proposed waste condition could be simplified. However, the plan is not referenced in their submissions and I have relied on the plans provided on the decision notice; accordingly I have kept the condition along the lines of that suggested by the Council.
21. Finally, given the location of the site and its probable history, and noting the comments of Historic England, I agree that a condition concerning a programme of archaeological work is required. A condition has also been suggested by the Council concerning water efficiency. However, the Code for Sustainable Homes as referred to by the Council have been replaced in this respect since 1 October 2015 by the Building Regulations Optional Requirements. I do not have any evidence that such a requirement is in force in the Borough and so the condition has not been proved necessary to me.

## Conclusion

22. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Jon Hockley*

INSPECTOR

## Schedule of 15 conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 00842\_B\_01 P02, 00842\_B\_02 P02, 00842\_B\_03 P03, 00842\_B\_04 P02, 00842\_S\_02 P02, 00842\_S\_03 P05 & 00842\_S\_04 P02, 00842\_S\_01 P01.
- 3) No development shall take place until details and samples of all external facing materials, including windows and doors have been submitted to and approved by the local planning authority in writing. The details shall include a consideration of how such materials may weather over time. The relevant works shall be carried out in accordance with the approved details.
- 4) No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to occupation of any part of the development. Such facilities shall thereafter be retained for use at all times.
- 5) No external lighting shall be installed without the prior approval in writing of the Local Planning Authority
- 6) No demolition, construction work, or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.
- 7) No construction shall take place until full details of a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The details shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with details of any hard surfacing and the surfacing of all those parts of the site not covered by buildings or soft landscaping, including any parking, service areas or roads, footpaths, means of enclosure and boundary treatments, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development.

- 8) All hard and soft landscape works shall be carried out in accordance with the details approved by condition 7. The soft landscaping works shall be carried out in the first available planting season following the completion of the development or prior to the occupation of any part of the development, whichever is the sooner, and any trees which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased or are dying, shall be replaced in the next planting season with others of same approved specification, unless the Local Planning Authority gives written consent to any variation. All hard surfacing and means of enclosure/boundary treatments shall be completed before the development is first occupied.
- 9) No development shall commence until a Parking Management Strategy, including the details of the vehicle parking areas as shown on the approved plans has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the strategy has been approved and the measures as approved have been implemented. Those measures shall be maintained for the duration of the use.
- 10) No development [including demolition] pursuant to this consent shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority and in accordance with the approved written scheme of investigation.
- 11) An air quality assessment shall be undertaken, submitted to, and approved in writing by the Council prior to occupation of any part of the development. The assessment report, which shall include dispersion modelling, shall be undertaken having regard to all relevant planning guidance, codes of practice, British Standards for the investigation of air quality and national air quality standards. The assessment report shall include recommendations and appropriate remedial measures and actions to minimise the impact of the surrounding locality on the living conditions of the future occupants of the development. Any remedial measures shall be implemented prior to the occupation of the residential properties.
- 12) A noise survey and scheme shall be undertaken, submitted to, and approved in writing by the Council prior to occupation of any part of the development. The survey shall be undertaken by a competent person having regard to all relevant planning guidance, codes of practice and British Standards for the investigation of noise. The scheme shall include recommendations and appropriate remedial measures. Any agreed remedial measures shall be implemented prior to occupation of the residential properties.
- 13) Prior to the commencement of the development hereby permitted a scheme of highway improvement works in line with the details shown on drawing No 00842\_S\_03 Rev P05 shall be submitted to and approved in writing by the local panning authority. The scheme shall include details of the removal of the existing redundant crossover/s. No part of the

development shall be brought into use until the approved scheme has been fully implemented.

- 14) The development hereby approved shall not be occupied until details relating to planting, lighting, defensible buffer zones, communal entrance security, undercroft parking area painting, refuse and cycle store locking systems, security fencing and parking demarcation for the front bays has been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to occupation of any part of the development
- 15) The doors of the gates hereby approved shall not open over the adjacent highway.