

PLANNING APPLICATIONS COMMITTEE
30th April 2014

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	13/P1802	25/06/2013
Address:	88 Bushey Road SW20.	
Ward:	Raynes Park	
Proposal:	Demolition of existing buildings on site and the erection of a new building on three floors for retail purposes (Use within Class A1) with an ancillary café and associated car parking and cycle parking. Gross floor space 5,970 square metres; net tradable area 3,705 square metres.	
Drawing No's:	11003_050_001 – Location Plan, 11003_050_001 – Location Plan Site Boundary, 11003_050_002 – Site Plan rev E, 11003_050_003 – Ground Floor Plan proposed rev A , 11003_050_004 – First Floor Plan proposed rev A, 11003_050_005 – Second Floor Plan proposed rev A, 11003_050_006 – Elevations South & North proposed, 11003_050_007 – Elevations South & North proposed, 11003_050_008 – Elevations East & West proposed, 11003_050_009 – Elevations East & West proposed, 11003_050_010 – Section AA proposed, Air Quality Assessment; Planning and Retail Assessment; Supplementary Retail information; Noise Assessment; and Flood Risk Assessment; Geoenvironmental and Geotechnical Study, Design and Access Statement; Transport Assessment. Travel Plan, Traffic Signal Report, Energy Strategy.	
Contact Officer:	Jonathan Lewis (020 8545 3287)	

RECOMMENDATION: Grant planning permission subject to:

- a) A direction from the Mayor of London that Merton Council can determine the application;**
 - b) Any direction from the National Casework office, as the proposed development is a departure from the development plan; and**
 - c) Planning conditions and a S106 legal agreement.**
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CHECKLIST INFORMATION.

- S106: Off-site highways works, cost to Council of all work in drafting S106 and monitoring the obligations; Legal costs.
 - Is an Environmental Statement required: No
 - Has an Environmental Impact Assessment been submitted: No
 - Is a Screening Opinion under the Environmental Impact Assessment Regulations required: Yes.
 - Has a Screening opinion been issued: Yes.
 - Press notice: Yes.
 - Site notice: Yes
 - Design Review Panel consulted: No.
 - Number of neighbours consulted: 635
 - External consultations: Greater London Authority/Transport for London, Environment Agency and Thames Water.
 - Public Transport Accessibility Level [PTAL]: Level 2 TFL Information Database [On a scale of 1a, 1b, and 2-5,6a, 6b where zone 6b has the greatest accessibility]
 - Number of jobs created: existing employment on the site 20 full time jobs and the proposal includes 20 full time and 123 part time jobs.
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1. INTRODUCTION

- 1.1 This application is brought before the Planning Application's Committee to seek members' views on a development that the Council is required to refer to the Mayor for direction, to refer to the National Casework Office (formerly Government Office for London) and as the current application is not one that can be dealt with under the powers delegated to officers having been the subject of local interest including objections.

2. SITE AND SURROUNDINGS

- 2.1 The application site covering 0.95 hectares is located at the junction of Bushey Road [A298] and the Beverley Way Kingston Bypass [A3] that runs to the side of the site. An elevated slip road to the side and front boundaries of the site provides access to Bushey Road for vehicles travelling southbound along the A3.
- 2.2 At the front of the application is a five storey office building [Use Class B1a] called Apex House (3,140 square metres [CIL form]). The highest part of the existing building is 18.8 metres high. The building, last used by Thales Ltd, has been vacant since 2006. The two lower floors of the building and the open areas of the site currently provide 83 car parking spaces.
- 2.3 An access road adjacent to the eastern site boundary provides vehicle access to separate warehouse buildings at the rear part of the application site that provide a self-storage use [Safestore] covering 4,918 square metres [Use Class B8] with 55 car parking spaces. This building is 10 metres high. Although outside the current application site boundary, a further building in the applicant's ownership is located to

the rear of Safestore with this building in light industrial use [Racotech, Use Class B1c]. Residential properties in Bodnant Gardens are located behind the Racotech building.

- 2.4 The former Thales factory [Use Class B2 General Industrial] is located immediately to the east of the application site with the front part of the building on the local list of historically important buildings. The building has a prominent central clock tower and is finished in white painted render. In the local list the building is described as a large interwar industrial building, built in the 1930's with a good architectural style. The building is considered historically important, as a rare example in the borough of what is a typical suburban industrial development. The original building fronting Bushey Road has been previously extended with a modern rear extension that forms an external courtyard in the centre of the building. The retail warehouse 'Pets at home' is located beyond the Thales former factory with Raynes Park High School located to the south of the application site on the opposite side of Bushey Road.
- 2.5 The application site and land to the east is designated as a 'Designated Industrial Area' in the Unitary Development Plan and as a Locally Significant Industrial Area' in the Council's adopted Core Strategy. The designation in the emerging Sites and Policies DPD is for an employment-led mixed use scheme, including research and development (B1 [b] Use Class), light industrial (B1 [c] Use Class, storage or distribution (B8 Use Class) bulky goods retail (A1 Use Class), a car show room (sui generis Use Class) and a school use (D1 Use Class).
- 2.6 The front part of the site has been determined by the Environment Agency to be in an area at risk from flooding, with the land in flood risk zone 2 [between a 1 in 100 and 1 in 1000 chance of flooding from rivers in any one year] with an overlapping area in flood risk zone 3 [where there is a 1 in 100 year or greater chance of flooding from rivers in any one year].
- 2.7 The application site is not situated within a conservation area or an archaeological priority zone and there are no listed buildings or protected trees in the locality. The site is not within a Controlled Parking Zone and has a Public Transport Accessibility Level [PTAL]: Level 2 TFL Information Database [On a scale of 1a, 1b, and 2-5,6a, 6b where zone 6b has the greatest accessibility]
3. **CURRENT PROPOSAL**
 - 3.1 The proposal involves the demolition of existing buildings on the application site that provide vacant office accommodation and the self-storage use and the erection of a new building providing three floors of retail floor space (Use within Class A1).

- 3.2 The building will provide gross floor space of 5,970 square metres and a net tradable area of 3,705 square metres and will sell fashion goods and bulky goods with an ancillary café. The new building is located to the rear of the application site in a similar location to the existing self-storage building. The proposed plot ratio would be 0.62 : 1.
- 3.3 The ground floor of the building provides retail floor space with a goods inward area at the rear of the building to the north elevation. Further retail floor space is provided at first floor level with customer access provided by two sets of escalators. The second floor of the building provides non public floor space including an ancillary stockroom and staff areas.
- 3.4 In the main, south elevation of the building the ground and first floor sections of the proposed building will be glazed with a metal cladding at second floor level. Facing brick is also used on other parts of the proposed building. The roof of the building will have a shallow pitched roof hidden behind a parapet with the top of the parapet at a height of 13 metres.

4. PLANNING HISTORY.

- 4.1 In May 2010, advertisement consent was granted under reference 10/P0822 for the display of a free standing, internally illuminated advertising hoarding measuring 12.5 metres in length, 3.2 metres in height by 0.9 metres in depth with an overall height of 5.7 metres. This hoarding is located adjacent to the existing self-storage use.
- 4.2 In January 2007, advertisement consent was granted under reference 06/P2866 for the display of externally illuminated signs on west facing elevation in connection with the existing self-storage use.
- 4.3 In December 2004, advertisement consent was granted under reference 04/P2265 for the display of an internally illuminated fascia sign, freestanding signs, parking signs, directional signs and menu boards in connection with the existing self-storage use.
- 4.4 There have been three recent requests for pre-application planning advice in relation to the application site. This has included a request for advice in relation to a new retail store [Use Class A1] under reference 13/P0422/NEW; a request for advice in relation to a non-food retail use [Use Class A1] under reference 12/p0352/New and a request for advice in relation to the conversion of the existing office building [Apex House] to provide affordable residential units 10/P3166/NEW.

5. CONSULTATION

- 5.1 The planning application was publicised by means of site and press notices, together with individual letters to 635 nearby addresses. In response to this public consultation, 2 letters have been received objecting to the proposal on the following grounds:

- The resident supports the demolition of the existing derelict building and its replacement, along with the new jobs and business activity the proposed scheme would create; however, they are concerned about the high dependence on cars for travelling to and from the site.
- The A3/Bushey Road area is already congested, especially on a Saturday, and the assumption that the majority of people would travel to the site via car would exacerbate the problem.
- The review of the existing pedestrian and cycle access as being in an 'acceptable' condition is challenged and it is argued that the many of the nearby pedestrian and cycle routes are in very poor condition, offer poor sightlines to other users and have a confusing layout.
- It is recommended that Merton Council should work with the retailer Next to improve the routes to the proposed store in order to promote sustainable travel and reduce traffic pressures.

5.2 As a result of the public consultation 98 letters have also been received expressing support for the proposal for the following reasons:

- The increase in consumer choice and new product ranges for local people;
- The creation of employment opportunities, especially for younger people;
- The visual improvement of the application site;
- The excellent location of the site due to its accessibility via the A3;
- More people being attracted into the Raynes Park area.

5.3 Raynes Park High School Following discussions with the retailer Next, Raynes Park High School are in support of the proposed scheme. Raynes Park High School, which is located directly opposite the application site, believes that the proposal would be significantly beneficial for their students as a result of:

- The creation of employment opportunities, especially for younger people;
- The visual improvement of the application site;
- The excellent location of the site due to its accessibility via the A3;
- The potential educational opportunities Next could offer the school, thus providing students with insights into the world of business, retail, fashion and design;
- The proposed apprentice scheme for school leavers and the provision of in-store mock interviews for students at the school who are interested in applying;
- The possibilities of seasonal part-time work opportunities for students;
- The aesthetic improvement upon the derelict buildings currently occupying the site;
- The full-time employment opportunities the proposal would create.

- 5.4 Wimbledon Society The Wimbledon Society objects to the proposal on the grounds that the introduction of a new retail unit of the proposed size contradicts a number of policies in the Council's Core Strategy and Draft Sites and Policies Plan. It is considered that the out-of-centre development contradicts Merton Council's planning policies by competing with and impacting on established town centres, as well as encouraging car trips to an area poorly served by public transport.
- 5.5 LB Merton Transport Planning There is no objection to the development subject to planning conditions relating to traffic engineering requirements and further information on Cycle Parking; a Travel Plan; a Delivery and Servicing Plan; the retention of car parking; a Construction Logistics Plan and an informative relating to works affecting the public highway.
- 5.6 Greater London Authority and Mayor of London Policies on retail, urban design, sustainable energy, flood risk and transport in the London Plan are considered relevant to this application. It was found that the application complies with some of these policies but not with others and the applicant was asked for additional information to address these deficiencies.
- Transport for London
- 5.7 (Initial response) TfL requires further assessment of the junction layout which ensures to the satisfaction of TfL, that the development proposal would have no adverse impacts upon the operation of TLRN or SRN. TfL also requests further review and improvements to pedestrian links.
- 5.8 TfL would request that a Grampian condition/ obligation is included in the Section 106 agreement which requires the developer to enter into a Section 278 agreement with TfL under the Highways Act 1980, together with a detailed scope of works be agreed with TfL and the council prior to implementation of the development.
- 5.9 Officers note that since the receipt of the initial comments plans have been prepared in connection with junction and highways improvements by the applicant in discussion with TfL and Council officers.
- 5.10 All other issues should be dealt with by condition or Section 106 obligation including parking management plan, electric vehicle charging points, cycle parking, construction logistics plan, and travel plan.
- 5.11 Environment Agency Following receipt of further information from the applicant the Environment Agency has withdrawn an earlier objection to this development and now concludes that the proposed development will be acceptable subject to a planning condition relation to the submission and approval of a drainage strategy.

6. POLICY CONTEXT

National Planning Policy Framework [March 2012]

- 6.1 The National Planning Policy Framework was published on the 27 March 2012 and replaces previous guidance contained in Planning Policy Guidance Notes and Planning Policy Statements. This document is put forward as a key part of central government reforms ‘...to make the planning system less complex and more accessible, and to promote sustainable growth’.
- 6.2 The document reiterates the plan led system stating that development that accords with an up to date plan should be approved and proposed development that conflicts should be refused. The framework also states that the primary objective of development management should be to foster the delivery of sustainable development, not to hinder or prevent development.
- 6.3 To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, the framework advises that local planning authorities need to approach development management decisions positively – looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. The framework attaches significant weight to the benefits of economic and housing growth, the need to influence development proposals to achieve quality outcomes; and enable the delivery of sustainable development proposals.
- 6.4 Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale. When assessing applications for retail development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment of the development

The London Plan [2011].

- 6.5 The relevant policies in the London Plan [July 2011] are 2.17 [Strategic industrial locations] 4.4 [managing industrial land and premises]; 4.7 [Retail and town centre development]; 4.8 [Supporting a successful and diverse retail sector]; 5.2 [Minimising carbon dioxide emissions]; 5.3 [Sustainable design and construction]; 5.7 [Renewable energy]; 5.10 [Urban greening]; 5.12 [Flood risk management]; 5.13 [Sustainable drainage]; 6.3 [Assessing effects of development on transport capacity]; 6.9 [Cycling]; 6.10 [Walking]; 6.11 [Smoothing traffic flow and tackling congestion]; 6.12 [Road network capacity]; 6.13 [Parking]; 7.2 [An inclusive environment]; 7.3 [Designing out crime]; 7.4 [Local character]; 7.5 [Public realm]; 7.6 [Architecture]; 7.14 [Improving air

quality]; 7.15 [Reducing noise and enhancing soundscapes] and 8.2 [Planning obligations].

Merton LDF Core Planning Strategy [2011]

- 6.6 The relevant policies within the Council's Adopted Core Strategy [July 2011] are CS 4[Raynes Park Local Centre]; CS 7 [Centres] CS.12 [Economic development]; CS.14 [Design]; CS.15 [Climate change]; CS.18 [Active transport]; CS.19 [Public transport]; and CS.20 [Parking; servicing and delivery].

Emerging policies within the Draft Sites and Policies Plan.

- 6.7 The application site and land to the east is designated as an industrial area in the adopted Unitary Development Plan, as a locally significant industrial location in the Council's Core Strategy. Paragraph 216 of the National Planning Policy Framework advises that a decision maker may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan and the extent to which there are unresolved objections to relevant policies.
- 6.8 The London Borough of Merton draft 'Sites and Policies Plan' was submitted to the Secretary of State in September 2013. The independent Planning Inspector appointed by the Secretary of State considered the Sites and Policies Plan at a public hearing held between 21 and 29 January 2014.
- 6.9 The current application site and adjacent land to the north occupied by a light industrial use is designated as site 48a within the emerging draft 'Sites and Policies Plan'. Land immediately to the east that is in separate ownership is designated as site 48b and consists of the vacant art deco former Thales Avionics offices and warehouse, with a separate industrial unit to the rear in the northeast corner.
- 6.10 The recommended designation for these two plots of land known as proposal sites 48a and 48b is for "An employment-led mixed use scheme, research and development (B1[b] Use Class), light industrial appropriate in a residential area (B1[c] Use Class) and storage or distribution (B8 Use Classes) that may include an appropriate mix of any of the following: bulky goods retail (A1 Use Class), car show room (sui generis Use Class) and school (D1 Use Class)".
- 6.11 The relevant policies within the Draft Sites and Policies Plan are as follows: DM D1 (Urban design and the public realm); DM D2 (Design considerations and the public realm); DM E4 (Local employment opportunities); DM T1 (Support for sustainable travel and active travel); DM T2 (Transport impacts from development); DM T3 (Car parking and servicing standards) and DM R2: (Development of town centre type uses outside town centres). The Inspector did not raise and concerns in relation to these policies, or make any indication that the submitted Plan was not sound. On this basis it is considered these policies should

be given significant weight in determining the current planning application.

Merton Unitary Development Plan [2003]

- 6.12 The relevant planning policies retained in the Adopted Unitary Development Plan [October 2003] are: BE.15 [New buildings and extensions; daylight; sunlight; privacy; visual intrusion and noise]; BE.16 [Urban design]; BE.22 [Design of new development]; BE25 [Sustainable development]; E1 [General employment policy]; E2 [Access for disabled people]; E3 [Land uses in industrial areas] F.2 [Planning obligations]; PE 2 [Pollution and amenity]; PE.5 [Risk from flooding]; PE.7 [Capacity of water systems]; PE.9 [Waste minimisation and waste disposal]; PE.11 [Recycling points]; PE.12 [Energy generation and energy saving]; RN.3 [Vehicular access].

7. PLANNING CONSIDERATIONS

- 7.1 The main planning considerations include assessing the following:

- The loss of the existing employment land and departure;
- The impact of the proposed retail use;
- Layout, scale and design;
- Layout, scale, design and appearance;
- Residential amenity;
- Transport, car parking, servicing, access, walking and cycling;
- Sustainable design and construction; and
- Flooding issues.

Loss of the existing employment land and departure.

- 7.2 Core Strategy policy CS 12 states that the Council will seek to ensure that there is an adequate supply of viable and appropriate sites and premises for employment use in locations which minimise the need to travel by private car while meeting the needs of business by maintaining and improving locally significant industrial areas and ensuring that they contribute towards business, industrial, storage and distribution functions.
- 7.3 The current application will introduce a retail use into a locally significant industrial area and as a result the proposal represents a departure from the adopted development plan. In these circumstances the Council is required to assess whether there are material planning considerations, which would warrant the granting of permission and whether the proposed development would cause demonstrable harm to interests of acknowledged importance.
- 7.4 Paragraph 22 of the National Planning Policy Framework [March 2012] advises "Planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed". In line with the National Planning Policy

Framework the employment land allocations within the borough have been subject to several recent reviews as part of the preparation of the evidence base for both the Council's Core Strategy and the London Plan.

- 7.5 After an independent 'examination in public' the Core Strategy was found 'sound' and adopted in July 2011. In this context the Nathaniel, Litchfield and Partners review of employment land in the borough and its conclusions that informed policies within the Core Strategy are considered 'robust and credible'. This represents a recent review of employment land in the borough as required by paragraph 22 the National Planning Policy Framework. Although designated as a 'Locally Significant Industrial Area' as part of this employment study the application site was found to be of below average quality in terms of the compatibility with adjoining uses with two schools located nearby and residential properties to the north.
- 7.6 Apex House is vacant office building providing floor space of 3,140 square metres [Use Class B1a] and the self-storage use at the rear of the site provides 4,918 square metres [Use Class B8]. The self-storage use currently provides 20 full time jobs. The current proposal that includes gross floor space 5,970 square metres will increase the employment opportunities provided by this site providing 20 full time staff and 123 part time staff, with the possibility of additional employment during busy periods. The current light industrial use that is adjacent to the rear boundary of the application site is also retained as part of the current proposal.
- 7.7 Apex House is a 5 storey building located at a prominent location at an entrance to the borough and adjacent to the A3 that carries significant traffic levels. Apex House has been vacant since 2006 and the applicant has stated that marketing for a period of ten years has been unsuccessful in finding an alternative office occupier for the building. The current proposal includes the removal of a vacant building and the provision of a new building that will provide general improvements to the visual appearance of this site in this prominent location.
- 7.8 The site designation within the Council's emerging Sites and Policies DPD for the application site and adjacent land includes "*An employment-led mixed use scheme, ...light industrial appropriate in a residential area (B1[c] Use Class) ...may include an appropriate mix of any of the following: bulky goods retail (A1 Use Class), car show room (sui generis Use Class) and school (D1 Use Class)*". The current proposal providing new bulky goods retail [Use Class A1] floor space and retaining the light industrial use (Use Class B1c) is considered in line with this site designation.

- 7.9 It is considered that in this instance the nature of the proposal that would bring a partially vacant site back into beneficial use; would create employment opportunities and is in line with the emerging site designation warrants a departure from the adopted development plan.

Impact of the proposed retail use

- 7.10 Policy CS7 of the Council's Core Strategy states that outside town or local centres development of town centre type uses will only be granted if it can be demonstrated that the sequential approach as advocated by government guidance has been applied and there is no significant adverse impact on the vitality and viability of any nearby centre.
- 7.11 In support of the current planning application and in accordance with the Policy CS7 and the National Planning Policy Framework the applicant has provided a retail impact assessment and sequential test. After considering alternative sites in and on the edge of New Malden; Kingston and Wimbledon the assessment concludes that the proposed store will '*not compete*' with any nearby district or local centre in that there would be minimal overlap in relation to the goods sold from the proposed store to those sold '*from places such as New Malden and Raynes Park*'.
- 7.12 The conclusions of the retail impact assessment and sequential test have been the subject of an independent third party review. The review concluded that in terms of retail impact the proposed store is not expected to have a significant adverse impact on town centres. The review stated that the store will draw trade from a relatively wide area and the impact will be dispersed amongst a number of shopping destinations.
- 7.13 In terms of the sequential test the review highlights that "The applicant is not required to demonstrate their proposals are needed, but must demonstrate the development cannot be met in sequentially preferable locations, allowing for flexibility". After assessing the test carried out by the applicant the review concludes that based on available information it is not considered that there are grounds in which to refuse planning permission on grounds of retail impact.
- 7.14 With the conclusions of the independent review of the submitted retail impact assessment and the sequential test it is considered that the proposed development will have no significant impact on town centres or local centres. With the assessment of retail impact based on the information supplied by the applicant planning conditions are recommended to ensure that the development is built in accordance with the approved plans and that there is no future change to the use of internal floor space.

Layout, scale, design and appearance

- 7.15 The London Plan policy 7.4 requires, amongst other matters, that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. Policy 7.6 sets out a number of key objectives for the design of new buildings including the following: that buildings should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm.
- 7.16 Policy CS14 of the adopted Core Strategy states that all development needs to be designed to respect, reinforce and enhance local character and contribute to Merton's sense of place and identity. This will be achieved in various ways including by promoting high quality design and providing functional spaces and buildings. Retained UDP policies BE.16 and BE.22 require proposals for development to compliment the character and appearance of the wider setting. This is achieved by careful consideration of how the density, scale, design and materials of a development relate to the urban setting in which the development is placed.

Layout and context

- 7.17 The local area surrounding the application site is characterised by the variety that is present in terms of the design, scale and appearance of buildings. As noted by the GLA in their Stage 1 report, the location of the store is dominated by both car parking surrounding freestanding buildings of varying quality from the large retail sheds of Pets at Home and Topps Tiles to the listed vacant art deco building of the former Thales Avionics offices. Access ramps to the surrounding road network create severance from surrounding areas.
- 7.18 With this existing variety and the functional nature of existing commercial buildings, the design of the proposed building has sought to introduce character to the area with a three storey building with a predominantly glazed front elevation that also includes ceramic tiles. Other parts of the building also use facing brick.
- 7.19 The scale of the proposed building with floor space over three floors is considered in keeping with existing surrounding development including commercial buildings to the north providing light industrial floor space and the adjacent vacant buildings previously occupied by Thales.
- 7.20 The application site is located in a prominent location, with the elevated section of the Beverley Way Kingston Bypass [A3] located to the west of the site and Bushey Road to the south. The submitted design and access statement advises that the south building elevation has been designed to "be instantly identifiable" for the occupiers of vehicles travelling at speed along the A3 past the site whilst also 'welcoming' for pedestrians and car drivers in Bushey Road and within the application site.

- 7.21 One of the key principles of urban design is to promote the continuity of street frontages and the enclosure of space by development which clearly defines private and public areas. Notwithstanding the somewhat brutal architectural style of the existing building, the existing building broadly follows this guiding principle as does the Safestore building to the rear, albeit much of the ground floor is masked from the A3 by the elevated nature of the road along this boundary. The layout of the proposed development departs from this approach and follows a format common to out of centre retail stores, placing the building to the rear of the principal customer car park and segregating customer parking from servicing. In this instance the layout of the development has the main entrance to the south elevation and servicing located to the north elevation.
- 7.22 The GLA acknowledges that the position and orientation layout of the store is aimed at giving the store a strong presence to the surrounding road network, with the principle frontage orientated to the car park area, and concludes that this approach is acceptable given the limited pedestrian flow on the surrounding road network. This adopted approach appears reasonable given the context of the development proposals, it also allows for the locally listed vacant art deco building of former Thales Avionics offices and warehouse.
- 7.23 In context on the previous buildings occupying the site and that of surrounding buildings, the scale and mass appear appropriate for an out of centre location.
- 7.24 Officers have raised concerns as to whether the location of the proposed car park and its size makes a positive contribution to the appearance of the area and have highlighted the site's significant location next to a busy road providing a key route into Merton. To this end the applicant has agreed to a modest reduction in the overall number of parking spaces (4 spaces) in order to enable a larger landscaped strip to be secured around the southern and south western boundaries of the site.
- 7.25 In conclusion it is considered that the scale of the building is appropriate to its context. Subject to the introduction of suitable high quality landscaping, the design, layout and appearance of the proposed development would be acceptable given the local context, and may be considered in accordance with policy BE.16, policy BE.22 Unitary Development Plan, policy CS14 of the Core Strategy and policy 7.4 of the London Plan.

Residential amenity.

- 7.26 The nearest residential properties to the application site are in Bodnant Gardens. A distance of 95 metres and the adjacent light industrial building separates these residential properties from the application site. With this relationship it is considered that the current application will not impact upon residential amenity in terms of loss of privacy, loss of daylight or sunlight or visual intrusion.

Transport, car parking, servicing, access cycling and walking.

- 7.27 The application site is located on Bushey Road (A298) that forms part of the strategic road network where the Council are the highways authority. The site is located close to the junction between Bushey Road and Beverley Way Kingston Bypass [A3], with Transport for London the highways authority for the A3.
- 7.28 The application site has a Public Transport Accessibility Level of 2 which indicates that it has poor access to public transport services. The site is not located within a Controlled Car Parking Zone.
- 7.29 The current application is for a large retail store and in support of the application the applicant has submitted a transport statement, a draft travel plan, traffic signal report and a pedestrian survey.

Car parking.

- 7.30 Policy CS20 of the Core Strategy [July 2011] states car parking should be provided in accordance with current parking standards, whilst assessing the impact of any additional on street parking on vehicle movements and road safety. Policy 6.13 of the London Plan states that the Mayor wishes to see an appropriate balance between promoting new development and preventing excessive car parking that can undermine cycling, walking and public transport use.
- 7.31 The current maximum car parking standards are set out within the London Plan at table 6.2. These standards state that developments providing non-food retail floor space in areas with a PTAL score of between 2 and 4 should provide a maximum level of car parking of between 179 and 299 spaces and 6% of these spaces suitable for those with a disability. The current proposal includes 163 (original plans 167) car parking spaces with 10 disabled spaces and 7 parent and child bays.
- 7.32 The Four parking spaces have been removed from the on-site car park in order to provide increased area for landscaping along the southern site boundary. This reduces the total parking provision from 167 spaces to 163 spaces, which would not have a significant impact on the total number of vehicle trips generated by the development at peak times and would therefore not impact on the validity of the proposed site access junction layout and associated traffic modelling assessment. The reduction in parking provision would result in the ratio of spaces to floor area reducing from 1 space per 38sqm to 1 space per 39sqm.

Based on the parking demand assessment contained within the Transport Assessment report, this slight reduction still exceeds the minimum recommended ratio of 1 space per 42sqm, and is therefore considered acceptable.

- 7.33 In order to reduce carbon dioxide emissions and promote sustainable transport use, the Mayor of London's Electric Vehicle Delivery Plan and policy 6.13 of the adopted London Plan seek as part of new development on site facilities for charging electric vehicles. A planning condition is recommended to ensure that the development provides facilities for charging electric vehicles in line with the requirement of 10% within the London Plan.
- 7.34 The level of off street car parking proposed as part of the proposed development is line with the maximum parking standards provided within the London Plan and is considered acceptable.

Servicing and access

- 7.35 Policy CS20 of the Core Strategy [July 2011] states that the Council will seek to implement effective traffic management by requiring developers to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway. The policy also requires developers to incorporate safe access to and from the public highway.
- 7.36 Following discussions between the applicant, the Council and Transport for London the current application involves the introduction of traffic signals to control vehicle access to the application site. Other adjustments to the road layout in the vicinity of the site have also been discussed including surface level pedestrian access.
- 7.37 The site access junction layout has been amended to accommodate north-south at-grade pedestrian crossing facilities between the site and the south side of Bushey Road to the south of the flyover. The route comprises three new formal pedestrian crossings with associated guardrails, tactile paving and dropped kerbs. An updated junction layout arrangement has been produced, which demonstrates that the proposed pedestrian crossing facilities can be incorporated into the junction design without the need for any significant changes to be made to the general arrangement for traffic movements. The future year traffic modelling has been updated to reflect the design changes, and the results demonstrate that these changes do not have a material impact on the operational performance of the junction when compared with the previous layout presented in the Transport Assessment report.
- 7.38 It is considered that the implementation of the proposed highway improvement works will minimise any impact from the proposed development on the local highway network. After assessing the submitted details and subject to conditions the Council's Transport Planning officer has no objection to the development.

- 7.39 While formal endorsement of the revised proposals from TfL remains outstanding, a planning agreement is recommended as an appropriate mechanism secure these improvements, and to provide for the completion of these works prior to occupation of the building.

Cycling and walking.

- 7.40 Policy CS 18 of the adopted Core Strategy [July 2011] states that the Council will promote active transport by prioritising the safety of pedestrian, cycle and other active transport modes; by supporting schemes and encouraging design that provides, attractive, safe, covered cycle storage.
- 7.41 The submitted application drawings show the provision of a cycle parking area close to the main entrance of the development and this location is considered suitable for this parking. In order to ensure that this cycle parking is covered and of a suitable design a planning condition is recommended to seek further details of this cycle parking and to ensure that it is provided before first occupation of the building.
- 7.42 While the current access for pedestrians and cyclists to the site that involves nearby underpasses is considered inadequate by Transport officers and in need of improvement including in terms of flooding and personal safety issues the revised highways improvements address this issue insofar as they provide an alternative to access the site. It would therefore appear inappropriate and unreasonable to seek improvement of the underpasses for pedestrian and cycle access to the application site. Once surface level improvements are completed officers would suggest that the long term future of the underpasses would be a matter for TfL to resolve.

Sustainable design and construction.

- 7.43 For non-domestic buildings London Plan policy 5.2 seeks an improvement in Carbon dioxide reductions over the Building Regulations (2010) of 25%. The Council's Core Strategy reinforces the wider sustainability objectives of the London Plan with policy CS15 requiring all development to demonstrate how the development makes effective use of resources and materials and minimises water use and CO2 emissions.
- 7.44 The applicant has provided supplementary information to the GLA in response to their queries on the sustainability credentials of the building. With regards to sustainability, a detailed Energy Report has been produced to provide a thorough strategy in the aim of meeting the Planning target of a 25% improvement in Part L regulations. 'Be Lean', 'Be Clean' and 'Be Green' measures have been implemented in order to provide the following:
A 6.4% improvement in Part L2A 2010 was established using passive and energy efficiency measures.

The building has as part of the design specification, high efficiency VRF (air conditioning) systems for the building.

The remaining 18.6% improvement in Part L2A 2010 required for planning is to be provided by a Photovoltaic panel array under the 'Be Green' stage of CO2 reduction.

- 7.45 In terms of BREEAM rating for the development, the strategy devised for this building achieves the 'Very Good' rating required for planning. Of note, however, is the fact the building actually achieves the 'Excellent' standard with respect to Energy (Ene1 credit) at design, and also is targeting 8 out of the 10 credits available for Land Use and Ecology.
- 7.46 The GLA has requested that the applicant provides a commitment to ensuring that the development is designed to allow future connection to a district heating network. The original energy strategy report has shown there to be no existing or planned district heating networks in the vicinity of the development. As such the preferred mechanical solution for the project is to use a high-efficiency VRF system. This provides the most feasible solution in terms of energy efficiency given the size and use of the development.
- 7.47 In order to comply with sustainability requirements planning conditions are recommended to ensure that the development will achieve a BREEAM rating of not less than 'Very Good'.

Flooding issues.

- 7.48 A section of the application site is in flood risk zones 2 and 3 and a Flood Risk assessment has been submitted in support of the application.
- 7.49 After considering the submitted information and the advice from the Environment Agency the submitted development is considered acceptable subject to a planning condition requiring the submission of a detailed drainage strategy.

Air quality.

- 7.50 The NPFF recognises reducing pollution as being one of its core planning principles. It further indicates that LPA's should focus on whether the development is an acceptable use of land, and the impact of the use.
- 7.51 London Plan Policy 7.14 provides strategic guidance specific to air quality. It seeks to minimise exposure to existing poor air quality and make provision to address local problems. This is reflected by local policy, whereby the Core Strategy identifies the strategy to reduce air pollution through Policies CS18-20. The entire borough has been declared as an Air Quality Management Area.

- 7.52 In support of the application an Air Quality Assessment has been submitted. The AQA identifies that only temporary, local negligible impacts on local air quality will arise during the construction phase of the development and that the operation of the building will result in negligible impacts. The AQA recommends construction phase mitigation measures and long term travel plan measures traffic management to reduce impact on air quality.
- 7.53 Officers recommend that permission is made conditional on development not commencing until a method statement outlining the method of site preparation, and measures to prevent nuisance from dust and noise to the surrounding occupiers and a construction logistics plan has been submitted to and approved in writing to the Local Planning Authority for approval and the submission of a Travel Plan .

8. ENVIRONMENTAL IMPACT ASSESSMENT

- 8.1 The application site is 0.95 hectares in area and therefore requires consideration under Schedule 2 development under the The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 8.2 The need for Environmental Impact Assessment as part of the proposed development has been assessed using the criteria in the above regulations. This assessment has concluded that there is no requirement for an Environmental Impact Assessment as part of this planning application.

9. LOCAL FINANCIAL CONSIDERATIONS **Mayor of London Community Infrastructure Levy**

- 9.1 The proposed development is liable to pay the Mayoral Community Infrastructure Levy [CIL], the funds for which will be used by the Mayor of London towards the 'CrossRail' project.
- 9.2 The CIL amount is non-negotiable and planning permission cannot be refused for failure to pay the CIL. It is likely that the development will be liable for the Mayoral Community Infrastructure Levy that is calculated on the basis of £35 per square metre of new floor space.

London Borough of Merton Community Infrastructure Lev

- 9.3 After approval by the Council and independent examination by a Secretary of State appointed planning inspector, in addition to the Mayor of London Levy the Council's Community Infrastructure Levy commenced on the 1 April 2014. The liability for this levy arises upon grant of planning permission with the charge becoming payable when construction work commences.

- 9.4 The Merton Community Infrastructure Levy will allow the Council to raise, and pool, contributions from developers to help fund local infrastructure that is necessary to support new development including transport, decentralised energy, healthcare, schools, leisure and public open spaces. The provision of financial contributions towards affordable housing and site specific obligations will continue to be sought through planning obligations a separate S106 legal agreement.
- 9.5 The London Borough of Merton Community Infrastructure Levy applies to buildings that provide new retail warehouses or superstores. This levy is calculated on the basis of £220 per square metre of new floor space.

Planning Obligations

- 9.6 Regulation 122(2) of the CIL Regulations 2010 (continued in the CIL Regulations 2011) introduced three tests for planning obligations into law, stating that obligations must be:
- necessary to make the development acceptable in planning terms;
 - directly related to the development;
 - fairly and reasonably related in scale and kind to the development.
- 9.7 If a planning obligation does not meet all of these tests it cannot legally be taken into account in granting planning permission and for the Local Planning Authority to take account of S106 in granting planning permission it needs to be convinced that, without the obligation, permission should be refused.
- 9.8 The proposed development will generate additional trips by pedestrians and cyclists to the application site that is located adjacent to a complex road junction. As existing access arrangements, via underpasses are considered inadequate and in order to ensure the safety of pedestrians and cyclists and car drivers a planning obligation is recommended to ensure improvements to these access arrangements as an integral part of the overall highways improvements proposals.

The developer agreeing to meet the Council's costs of preparing and monitoring the Section 106 Obligations;

- 9.9 The s106 monitoring fees are calculated on the basis of the advice in the Council's adopted Supplementary Planning Guidance Legal fees would need to be agreed at a later date.

10. CONCLUSION

- 10.1 The proposed development represents a suitable use of this brownfield site providing a new retail use that will generate additional employment and incorporates a design and layout sympathetic to the character of the surrounding area, whilst at the same time minimising any adverse impacts on the local highway. Accordingly, it is recommended that planning permission be granted subject to the planning conditions and planning obligations set out below.

RECOMMENDATION: Grant planning permission subject to:

- A) A direction from the Mayor of London that Merton Council can determine the application;**
- B) Any direction from the National Casework office, as the proposed development is a departure from the development plan; and**
- C) The following planning conditions and a S106 legal agreement:**

S106 legal agreement:

- 1. Financial contributions to cover in full the costs of off-site highways, road junction and pedestrian and cycle crossing improvements including associated signalisation, at grade crossings and improvements to site access along with any necessary dedication of land as highway;
- 2. The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations [to be agreed].
- 3. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [to be agreed].

And the following conditions:

- 1. Standard condition [Time period] the development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission. Reason for condition: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.
- 2. Amended standard condition [Approved plans] The development hereby permitted shall be carried out in accordance with the following approved plans: (Schedule of drawings and documents on Page 1 of PAC report to be inserted) Reason for condition: For the avoidance of doubt and in the interests of proper planning.
- 3. Standard condition [Timing of construction work] No demolition or construction work or ancillary activities such as deliveries shall take place before 0800hrs or after 1800hrs Mondays - Fridays inclusive; before 0800hrs or after 1300hrs on Saturdays or at any time on Sundays or Bank Holidays. Reason for condition: To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.
- 4. Amended standard condition [Demolition dust and noise] Prior to the commencement of development [including demolition] a method statement shall be submitted to and approved in writing by the Local Planning Authority with the method statement outlining the method of demolition, and measures to prevent nuisance from dust and noise to the surrounding occupiers. The approved method statement shall be implemented before any demolition or construction work commences and maintained for the duration of these works Reason for condition: To protect the amenities of occupiers of nearby buildings and to accord

with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.

5. Amended standard condition [Construction phase impacts] Prior to the commencement of development [including demolition] a working method statement shall be submitted to and approved in writing by the Local Planning Authority with the statement outlining measures to accommodate parking of vehicles of site workers and visitors; loading and unloading of plant and materials; storage of construction plant and materials; wheel cleaning facilities; control of dust, smell and other effluvia; and control of surface water run-off. The approved method statement shall be implemented before any demolition or construction work commences and maintained for the duration of these works. Reason for condition: In the interests of vehicle and pedestrian safety and the amenities of neighbouring occupiers and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
6. Non Standard condition [Local employment strategy] Prior to the commencement of development [including demolition] a local employment strategy shall have been submitted to and approved in writing by the Local Planning Authority setting out the measures taken to ensure that the development provides employment opportunities for residents and businesses in Merton during the construction phase and as in connection with the approved use. Reason for condition: To improve local employment opportunities in accordance with policy E1 of the Unitary development Authority and emerging policy DM. E4 of the Sites and Policies DPD.
7. Standard Condition [Construction Logistics Plan to be Submitted] Prior to the commencement of development [including demolition] a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority with the approved measures implemented and maintained for the duration of all site works Reason for condition In the interests of vehicle and pedestrian safety and the amenities of local residents to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
- 8.
9. Non Standard condition [Gross internal area] The gross internal area of the building hereby approved shall not exceed 5,970 square metres Reason for condition: To order to minimise any potential impact on local centres and town centres in accordance with policy CS7 of the Adopted Core Strategy.
10. Non Standard condition [Net internal area] The net internal area of the building hereby approved, to include all showroom areas and areas where customers have access, shall not exceed 3,705 square metres Reason for condition: To order to minimise any potential impact on

local centres and town centres in accordance with policy CS7 of the Adopted Core Strategy.

11. Non Standard condition [Fashion related floor space] The fashion related sales floor space including related showroom space shall not exceed 1771 square metres and the remaining retail floor space within the building only providing non-food household goods and bulky items and excluding convenience goods and service retail. Reason for condition: To order to minimise any potential impact on local centres and town centres in accordance with policy CS7 of the Adopted Core Strategy.
12. Non Standard condition [Coffee shop floor space] The gross internal area of the coffee shop hereby approved shall not exceed 180 square metres Reason for condition: To order to minimise any potential impact on local centres and town centres in accordance with policy CS7 of the Adopted Core Strategy.
13. Amended standard condition (Cafe ventilation) Prior to the commencement of the use of the canteen hereby permitted detailed plans and specifications of a kitchen ventilation system, shall be submitted to and approved in writing by the Local Planning Authority including details of sound attenuation for a kitchen ventilation extract system and odour control measures. The kitchen ventilation extract system shall be installed in accordance with the approved plans and specifications before the use commences and shall be maintained in accordance with the approved details for the lifetime of the development Reason for condition: To safeguard the amenities of the area and the occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.
14. Amended Standard Condition [Travel Plan] Prior to the commencement of the use a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority with the measures outlined in the plan in place for the lifetime of the development. The Plan shall follow the current 'Travel Plan Development Control Guidance' issued by Transport for London and shall include; targets for sustainable travel arrangements; effective measures for the ongoing monitoring of the plan; a commitment to delivering the Plan objectives for a period of at least 5 years from the first occupation of the development; effective mechanisms to achieve the objectives of the plan by both present and future occupiers of the development. Reason for condition: To promote sustainable travel measures and comply with policies CS18 and CS19 of the Adopted Merton Core Planning Strategy 2011.
15. Standard Condition [Delivery and Servicing Plan to be Submitted] Prior to the commencement of the use a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority

with the approved measures outlined in the plan fully implemented and maintained for the lifetime of the development. Reason for condition: In the interests of the safety of pedestrians and vehicles and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.

16. Non standard condition (Landscaping) Prior to the commencement of the use a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority, with the approved landscaping in place either prior to the first use of the facility or the first planting season following the completion of the development whichever is the sooner, with the scheme to include details of the size, species, spacing, quantities and location of trees and landscaping and indications of all existing trees, hedges and any other features to be retained Reason for condition: To enhance the appearance of the development in the interest of the amenities of the area and to comply with policy CS13 of the Adopted Merton Core Planning Strategy 2011.
17. Amended Standard Condition (Landscape Management Plan) Prior to the commencement of the use a landscape management plan shall be submitted to and approved in writing by the Local Planning Authority with the approved landscape maintained for the lifetime of the development with the plan including long term design objectives, management responsibilities and maintenance schedules for the proposed trees and landscaping Reason for condition: To enhance the appearance of the development in the interest of the amenities of the area and to comply with policy CS13 of the Adopted Merton Core Planning Strategy 2011.
18. Non standard condition [Detailed drainage strategy] Prior to the commencement of development a detailed drainage strategy for the site shall be submitted to and approved in writing by the Local Planning Authority with the strategy implemented in accordance with the approved details and maintained for the lifetime of the development with the strategy based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development and demonstrating that surface water runoff from the entire site to no greater than 61 l/s.. Reason for condition: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
19. Amended standard condition [BREEAM – Pre-Commencement (New build non-residential)] Prior to the commencement of development a copy of a letter from a person that is licensed with the Building Research Establishment (BRE) or other equivalent assessors as a BREEAM – Pre-Commencement (New build non-residential) assessor that the development is registered with BRE under BREEAM (either a 'standard' BREEAM or a 'bespoke' BREEAM) and a Design Stage Assessment Report showing that the development will achieve a BREEAM rating of not less than 'Very Good' has been submitted to

and approved in writing by the Local Planning Authority. The submission shall also include evidence to show how the development will meet the latest London Plan C02 reduction targets (equivalent to minimum emissions reductions required to achieve BREEAM excellent). Reason for condition: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies BE.25 of the Adopted Merton Unitary Development Plan 2003, 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.

20. Amended standard condition [BREEAM - Pre-Occupation (New build non-residential)] Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be used or occupied until a Post-Construction Review Certificate issued by the Building Research Establishment or other equivalent assessors confirming that the non-residential development has achieved a BREEAM rating of not less than 'Very Good' has been submitted to and acknowledged in writing by the Local Planning Authority. The submission shall also include confirmation that the development will meet the latest London Plan C02 reduction targets (equivalent to minimum emissions reductions required to achieve BREEAM excellent) Reason for condition: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies BE.25 of the Adopted Merton Unitary Development Plan 2003, 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.
21. Non standard condition [Car parking spaces] Prior to the commencement of the use the car parking spaces, including spaces for persons with disabilities shown on the approved plans to serve the development together with 10% of the spaces provided with facilities to charge electric vehicles shall be provided and thereafter shall be kept free from obstruction and shall be retained for parking purposes for users of the development and for no other purpose for the lifetime of the development. Reason for condition: To ensure the provision of an appropriate level of car parking and comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011, the Mayor of London's Electric Vehicle Delivery Plan and policy 6.13 of the adopted London Plan.
22. (Parking management strategy) The development hereby permitted shall not be occupied until a Parking Management Strategy has been submitted in writing for approval to the Local Planning Authority. No works that is subject of this condition shall be carried out until this strategy has been approved, and the development shall not be occupied until this strategy has been approved and the measures as approved have been implemented. Those measures shall be maintained for the duration of the use unless the prior written approval of the Local Planning Authority is obtained to any variation. Reason for

condition: To ensure the provision of an appropriate level of car parking and comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.

23. Non standard condition [Refuse and recycling facilities] Prior to the commencement of the use recycling facilities shall be provided, that are in accordance with details that have previously been submitted to and approved by the Local Planning Authority, with the approved facilities maintained for the lifetime of the development. Reason for condition: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with policies BE.15 and PE.11 of the Adopted Merton Unitary Development Plan 2003.
24. Non standard condition [Cycle parking] Prior to the commencement of the use secure cycle parking shall be in place that is accordance with details to be submitted to and approved in writing by the Local Planning Authority, with the cycle parking retained in accordance with the approved details for the lifetime of the development. Reason for condition: To ensure the provision of satisfactory facilities for the storage of cycles and to comply with policy CS18 of the Adopted Core Strategy [July 2011].
25. [Land contamination – site investigation] No development shall commence until a detailed site investigation has been completed to survey and assess the extent of potential ground contamination on the site and from the surrounding environment (including any controlled waters), considering historic land use data and the proposed end use with the site investigation report (detailing all investigative works and sampling, together with the results of analysis, risk assessment to any receptors and proposed remediation strategy detailing proposals for remediation), submitted to and approved by the Local Planning Authority and the residential units hereby approved shall not be occupied until the approved remediation measures/treatments have been implemented in full. Reason for condition: 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.
26. (Land contamination - construction phase). If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority. Reason for condition: 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.

27. [Land contamination – validation/verification report]. Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved. Reason for condition: 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.

INFORMATIVES:

- a) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application. In this instance the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.
- b) The applicant is advised to contact the Council's Highways team prior to undertaking any works within the Public Highway