

PLANNING APPLICATIONS COMMITTEE 8TH DECEMBER 2016

	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	16/P1317	04/04/2016
Address/Site:	80-86 Bushey Road SW20	
Ward:	Raynes Park	
Proposal:	Redevelopment of land involving demolition of existing buildings and the erection of a retail park (Class A1 - 13,736 sq.m internal floorspace), with café/restaurant units (Class A3 - 1,193 sq.m internal floorspace) landscaping, associated car parking (334 spaces), cycle parking (100 spaces) and new pedestrian access from Bodnant Gardens.	
Drawing No.'s and documents:	See Appendix A	
Contact Officer:	Jonathan Lewis (020 8545 3287)	

RECOMMENDATION

Grant planning permission subject to any direction from the Mayor of London, any direction from the Secretary of State, the completion of a S106 agreement and conditions.

CHECKLIST INFORMATION

- S106: Yes
- Is a screening opinion required: Yes
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No.
- Number of neighbours consulted: 543
- External consultations: Yes
- Controlled Parking Zone: No
- Flood zone:
- Conservation Area:
- Listed buildings: No statutorily listed buildings. One locally listed building – 84/86 Bushey Road.
- Protected Trees: Yes – 5 silver birch trees in front of No 84 (TPO 635 – 2013)
- Public Transport Access Level: 2

1. INTRODUCTION

- 1.1 This application is being brought to the Planning Applications Committee for determination as the application is a departure from the development plan.

2. SITE AND SURROUNDINGS

- 2.1 The site fronts Bushey Road, close to the junction with the A3, and extends to some 2.7 hectares with 2.4 hectares being within the Applicants ownership. It is 1 kilometre to the southwest of Raynes Park.
- 2.2 It is currently occupied by three main buildings. The former Thales office building is a two storey building extending to 5,282 square metres originally constructed in the 1930s, but has been altered significantly since. The building is currently vacant. it was Locally Listed in December 1982.
- 2.3 To the west of the Thales building lies the existing Pets at Home/Topps Tiles unit, which is in active retail use and provides 3,345 square metres of Class A1 accommodation.
- 2.4 Finally, there is a vacant warehouse to the rear of the Pets at Home unit which extends to 999 square metres, therefore providing a total of 9,626 square metres of floorspace on the site of which only 3,345 square metres is in active (retail) use.
- 2.5 Vehicular access into the site is provided from two points off Bushey Road, with car parking and servicing areas accommodating the land around the three buildings. With the exception of some limited tree planting, the site is largely impermeable and made up of either buildings and concrete or tarmacadam surfaces.
- 2.6 The site is bound by Bushey Road to the South, West Wimbledon Primary School to the East, houses to the north and the Race Tech site to the northwest. Immediately to the west at 88 Bushey Road is the new Next retail unit which is currently under construction, (formerly occupied by Apex House and the SafeStore Storage building).
- 2.7 A number of TPO birch trees front the site on Bushey Road and the site is located predominantly in Flood Zone 1 with the south west corner in Flood Zone 2.
- 2.8 Raynes Park local centre is located approximately 1 kilometre (walking distance) to the north east of the Application Site and New Malden district centre (within the neighbouring authority of Royal Borough of Kingston) is 1 kilometre to the west. It therefore occupies an out-of-centre location in retail planning policy terms.
- 2.9 The A3 (Beverley Way) forms part of the transport for London Road Network and the A298 (Bushey Road) forms part of the Strategic Road Network. TfL is the highway authority for Beverley Way and for both roads has a duty to ensure that any development does not adversely impact on their operation.
- 2.10 There are a number of bus routes serving the site with routes 265, 152 and K5 stopping on Bushey Road and providing links to New Malden, Putney and Tolworth. Route 131 runs along West Barnes Lane and provides links to Kingston, Wimbledon and Tooting although bus stops are in excess of 400m

walk from the site.

- 2.11 The site has a low public transport accessibility level (PTAL 2 on a scale of 1-6 where 6 is the highest).
- 2.12 Parts of the site and in particular the parking and servicing areas towards the northern boundary are in an unkempt condition and suffer from fly tipping.

3. CURRENT PROPOSAL

- 3.1 Redevelopment of land involving demolition of existing buildings and the erection of a retail park (Class A1 - 13,736 sq.m internal floorspace), with café/restaurant units (Class A3 - 1,193 sq.m internal floorspace) landscaping, associated car parking (334 spaces), cycle parking (100 spaces) and new pedestrian access from Bodnant Gardens.
- 3.2 The proposed development comprises the demolition of existing buildings on the site and construction of a retail park (Class A1) with complementary restaurant/café (Class A3) units and associated works. The current light industrial use that is adjacent to the north west boundary of the application site and behind the new Next retail store is retained.
- 3.3 The development comprises four key elements:
 - An L-shaped retail terrace along the norther and western boundaries providing large-format units capable of being installed with mezzanine floorspace; Buildings 9.4m high to parapet and 10m to ridge of shallow pitched roof.
 - Two smaller buildings providing four café/restaurant units fronting Bushey Road 7.5m high to parapet and approximately 16m to top of feature replica clock tower;
 - Customer car parking and external circulation areas; and
 - Service and support areas to the rear of the retail terrace.
- 3.4 The site will be laid out to tie with the adjacent retail unit which is currently under construction and will be occupied by a Next Home & Garden Store. This development was thoroughly considered throughout the design process so that the proposed development would become a seamless extension to the retail offer proposed by Next. This would be delivered in the L shaped form of the retail units. The intention is to maintain the continuity of form, pedestrian linkages and visual lines.
- 3.5 Restaurant/café (Class A3) units which will be accommodated in two smaller buildings southwest of the site. The design of these buildings includes a replica clock tower replacing that part of the locally listed building.
- 3.6 Facing materials: Prefabricated metal cladding to lower parts of units with wood effect composite panels to top half all framing large glazed areas to unit frontages. Food and drink units in white painted render with large areas of glazing to lower level and smaller glazing units, reminiscent of art deco style building to be demolished at upper level.

- 3.7 The applicant's planning statement advises that mezzanine areas are indicative and reflect 75% of the ground floor area of each unit. This is 'floating' mezzanine space allowing it to be installed anywhere across the scheme, to accommodate tenant demand.
- 3.8 The car park will be located centrally and will provide convenient vehicle access to all of the units. The main pedestrian circulation will be created around the perimeter of the car park, providing a pedestrian link between all of the customer entrances of the retail units. Another pedestrian route will run centrally through the car park. A new pedestrian link to Bodnant Gardens is also provided at the rear of the site. This will provide a route from the residential estate into the site, via the service road.
- 3.9 Servicing and delivery access has been segregated to the rear of the L shaped building to ensure a safe customer environment to the public frontage. The restaurant building will be serviced internally and not from Bushey Road.
- 3.10 The table below is an extract from the applicant's Planning statement and provides a breakdown of floorspace.

Table 4.1 Breakdown of floorspace

Unit	Use Class	Floorspace (GIA)		
		Ground	Mezzanine (indicative)	Total
1	A1	966	724.5	1690.5
2	A1	1,393	1,044.75	2437.75
3	A1	956	717	1,673
4	A1	1,858	1,393.5	3,251.5
5	A1	1,394	1,045.5	2,439.5
6	A1	650	487.5	1,137.5
7	A1	633	474.5	1,107.75
Total A1		7,850	5,887.5	13,737.5
8	A3	378	0	378
9	A3	347	0	347
10	A3	275	0	275
11	A3	193	0	193
Total A3		1,193	0	1,193
Overall Total	A1 and A3	9,043	5,887.5	14,931

- 3.11 Boundary treatment is in the form of 2m high weld mesh fence to west of proposed pedestrian access from Bodnant Gardens, and 3m high to the east. Refurbished railings on Bushey Road frontage. No details for eastern boundary. Landscaping is focused on the periphery of the site in the form of replacement tree planting along the Bushey Road frontage and alongside the exit road between Units 10 and 11 on Bushey Road and alongside the main service road located to the west side of the site.
- 3.12 Surface treatment is in the form of tarmacked service roads and manoeuvring areas with contrasting colour tarmac for parking bays and pedestrian routes. Paving to forecourts of retail units. Granite aggregate concrete to forecourts of food and drink units.
- 3.13 Renewable energy technology in the form of PV panels are proposed to be roof mounted (up to 800 sq.m).

3.14 The application is accompanied by a number of supporting statements:

Planning Statement, prepared by Quod;
Retail Assessment, prepared by Quod;
Transport Assessment, prepared by TPP;
Statement of Economic Benefits, prepared by Quod;
Phase 1 Geotechnical & Geoenvironmental Assessment, prepared by Cundall;
Energy and Sustainability Statement, prepared by Cundall;
Air Quality Assessment, prepared by Cundall;
Noise Assessment, prepared by Cundall;
Flood Risk Assessment, prepared by Cundall;
Light Pollution Study Summary, prepared by Cundall;
Ecological Assessment, prepared by Ecology Solutions;
Arboricultural Implications Assessment, prepared by DLA;
Tree Survey and Constraints Plan, prepared by DLA;
Heritage Statement, prepared by CgMs plus Supplemental Heritage response.
Market Report; prepared by Altus Edwin Hill;
Statement of Community Involvement, prepared by Thorncliffe;
Design and Access Statement, prepared by Chapman Taylor;

4. PLANNING HISTORY

4.1 The site has an extensive planning history which dates back to the 1950's, although the first buildings appeared on the site in the 1930's. The majority of the planning history is of limited relevance to the planning application proposals.

4.2 In the 1950's and 60's consent was granted for extensions to the factory (ref: MM7340 and ref: MM 6307) whilst consent was granted in 1968 to temporarily use the building for storage and distribution purposes (ref. MER914/68).

4.3 Nurdin and Peacock submitted a number of planning applications in the 1980's and 1990's.
1985 permission granted to change of use of the ground floor of the cash and carry warehouse for offices to serve their own IT department (ref: MER19585);
1985 and 1991 permission granted to Nurdin and Peacock for extensions to the existing office buildings (ref: MER195/85 and 91/P0626).
1993 consent was granted to Nurdin and Peacock for the erection of 2no. second floor extensions to the existing restaurant.
1983 (ref. MER677/83). Erection of a DIY retail warehouse with ancillary offices car parking etc.

This was followed by a succession of applications to widen the sites permitted use, to allow a wider range of bulky goods to be sold (refs. 95/P0091 and 96/P0486).

2005 05/P0282 Lawful Development Certificate issued confirming the lawfulness of a veterinary facility being ancillary to the use of the site for the sale of pet products

May 2008 08/P0843 planning permission granted for the sub-division of the existing unit a (Pets at Home) to provide a new retail unit, with retention of existing Unit B (Topps Tiles) with alterations to the west elevation to provide a new entrance (contrary to a planning condition restricting sub-division. Permission not implemented but gave support for multiple retail units at this site.

4.4 There is no other history of relevance.

4.5 88 Bushey Road – Adjoining site to the west.

2014 13/P1802 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 floorspace 5,970 sq.m; net tradable area 3,705 sq.m. Car parking spaces - 167. The development is under construction.

In 2013 Axa Real Estate submitted a planning application for Next at Home, which was granted permission in 2014. The planning application was accompanied by a retail sequential test and impact assessment which demonstrated that there were no suitable, available or viable sites within or on the edge of town centres where Next at Home could locate. The Next at Home planning permission is also subject to planning conditions which help to protect the viability and vitality of nearby town centres in Merton and Kingston by ensuring that the retailer maintains the same quantum of sales floorspace

2015 15/P2355 - approval of non-material amendments to elevations for 2014 scheme.

2015 – 15/P3376 and 4017 – approval of various pre-commencement and other conditions.

May 2016 16/P1184 – prior approval not required for method of demolition for a small office building at 88 Bushey Road that lies in the path of the revised access (see below).

June 2016 – 16/P1366 – permission granted for revised access arrangement to provide a single access lane and two egress lanes with associated dropped kerb for pedestrian crossings. Works are currently underway on site.

The application the subject of the current application was the subject of pre-application discussions with both Merton Council and Greater London Authority officers.

5. CONSULTATION

5.1 Site and press notices and 543 letters to neighbouring addresses.

5.2 2 letters of objection.

- Concerns regarding demolition, hours of work, nuisance from dust and noise and security day and night.

- Similar concerns regarding construction.
- Concerns regarding more noise and fumes from increased traffic, night deliveries and noise day and night.

5.3 1 letter of objection from freeholders of Centre Court Shopping centre. Retail only development is in direct conflict with the Development plan policy as the site is designated as a Locally Significant Industrial Area in the Council's Plans. Proposals fail to substantially protect land which is designated to accommodate future business and industrial functions. Applicant does not demonstrate that release of LSIA satisfies provisions of London plan Industry and Transport SPG 2012.

A large part of the site is allocated for mixed use development (Site proposal 48b in the Sites and Policies Plan (2104)). Final site allocation identifies the land as suitable for an employment led mix of uses, comprising research and development, light industry and storage and distribution. Provision was made of the potential delivery of some bulky goods retail a car showroom and a school.

During the preparatory stages of Council's sites and Policies Plan there was confirmed interest from B2 and D1 occupiers.

Council policy supporting text states any retail development will be restricted to providing at least 70% of retail floorspace as bulky goods for sale on the premises in order to avoid harm to viability of Wimbledon Town centre and other surrounding centres. Retail component was envisaged as being small in scale relative to other B class uses on this site. Even a small quantum of retail use at this site should be tightly controlled.

5.4 2 individual letters of support:

- Will change the site from being an eyesore.
- Will be attractive to people both on foot and in cars but concerned as to how traffic will be managed.
- Encourages inclusion of a water feature/fountain as a landmark.

5.5 115 copies of a template letter in support of the proposals with each letter signed primarily by residents with addresses on the housing estate to the north of the proposed development have also been received.

The letter sets out the reasons for support as follows:

- The scheme will rejuvenate a tired and vacant site by creating new high quality shops;
- The development will bring 550 new jobs to the area, generating fantastic career and apprenticeship opportunities;
- The art deco building with clock tower will be re-built, preserving it as a local landmark;
- Junction improvements and a new surface level pedestrian crossing will be brought forward in conjunction with the new Next Home and Fashion store next door;
- New trees and landscaping will transform the site's appearance.

- 5.5 Raynes Park High School - In principle support for proposals. Proposals will improve amenity of a run-down site and enhance the environment of the area. Will provide job and work experience opportunities. Concerns about increased traffic. Urges Council and TfL to ensure safe phasing of lights at roundabout outside the school. 152 Bus stop should be re-sited adjacent to Topps Tiles. Suggests bus stop be located inside retail park.

Internal.

- 5.6 Transport planning. The application has been the subject of on-going discussion between TfL, Council officers and the applicant's specialist traffic/transport advisor. Notwithstanding various initial concerns regarding traffic modelling, impact on the surrounding highway network and accessibility to the site these matters have been resolved and no objections are raised subject to suitable conditions and S106 obligations.

- 5.7 Flood risk and drainage officer.

The Cundall FRA and Drainage Strategy are considered acceptable and in accordance with the NPPF, the London Plan policy 5.13 and Merton's policies DM F1 and F2. Condition recommended requiring a detailed scheme for the provision of surface water drainage to be implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Drainage scheme to be designed in accordance with the submitted Drainage Strategy (produced by Cundall dated 29/03/16 Ref: 1008016).

- 5.8 Climate change officer. Satisfied that the development has met the 35% improvement on Part L 2013 requirements, as well as the BREEAM standards. District heating is not a viable option for the site at present and the GLA appear satisfied with the proposed energy strategy approach. Officers are satisfied with the proposed approach and recommend attaching suitable conditions to any permission regarding the standard of sustainable design.

- 5.9 Trees officer. The proposals entail the removal of 5 mature silver birch in front of 84 Bushey Road. The trees provide a valuable source of amenity in a very hard industrialised landscape. The proposals also entail the removal of all the trees within the site including 4 with a Class B valuation. The landscape masterplan shows new trees will be of a semi mature size. More tree planting should be provided in the car parking area. No objections are raised to the proposed development provided suitably worded conditions are attached to ensure compliance with the arboricultural impact assessment and the provision of semi-mature trees as part of the details for the landscaping of the site.

- 5.10 Conservation officer. In Merton this building has great significance both architecturally and historically which is empathised by its rarity. Heritage assets are irreplaceable. The new development should respect the locally listed Art Deco building and incorporate it in situ into the design of the proposed layout. The proposal for further development should relate to the

scale and proportions of the existing building so that it enhances the historic asset's setting. The building undoubtedly has a positive visual impact on the area and has an unharnessed potential which restoration would bring. Demolition of a locally listed heritage asset would not only destroy the historic assets significance but would remove the last remnant of the areas industrial past. The applicant does not put forward a convincing justification for its demolition.

Observations on Supplemental heritage response.

The Conservation Officer considers that the applicant has not presented any new evidence or arguments to support their proposal to demolish Merton's rare Art Deco factory building.

- 5.11 Environmental Health. No objections subject to conditions regarding control of noise, regulation of waste collection times, control of light spillage, supplementary investigations to deal with any contamination, and a construction method statement to mitigate against any environmental impacts.
- 5.12 Waste services. Proposals are for commercial use only and no domestic waste collections are required. No objections to proposals.

External.

- 5.13 London Borough of Sutton The site is 3.5kms from Worcester Park district centre and 6kms from Sutton town centre, one of the "major" centres in the London Borough of Sutton. In light of the retail assessment to determine the sequential effect of the proposals on neighbouring town and district centres the Council raises no objection to the principle of the proposal.
- 5.14 London Borough of Wandsworth. Concerns raised regarding scope of initial retail assessment. Tooting town centre should be considered, particularly considering the indicative drive time, and that parking will be available which may be attractive to shoppers from Tooting. The applicant's report identifies a 3% trade diversion from Tooting Town centre. Given that the site is not allocated for comparison goods, the trade draw is a concern.
*Officers note that following receipt of an external consultant's independent review of the retail impact report LB Wandsworth was reconsulted. No objections were raised. Wandsworth officers acknowledge the findings of the report which concluded that Tooting town centre would not experience a significant adverse impact and that were Merton minded to approve that any permission would be subject to conditions as recommended in the independent consultant's report.
- 5.15 London Borough of Kingston upon Thames
Comments awaited.
- 5.16 Greater London Authority (Stage 1 referral).

Principle of development. The proposal is a departure from the development plan due to the allocation and designation of the site including as a locally significant industrial site and needs to be more fully justified in policy and

employment terms. Merton is required to consider the release of the industrial land in the context of its wider industrial land strategy.

Retail. Merton's independent retail review concludes that there is a need for further verification of the findings of the sequential test, impact on vitality and viability of town centres and investment in town centre report conclusions. Merton Council should hold further discussions with Kingston Council across the range of issues it has raised to date. *Officers note that no objections have been raised by LB Kingston.

Urban design, heritage and access. There remain concerns regarding the layout of the development and inward looking design which do not provide active frontages onto Bushey Road and a satisfactory interface with Bodnant gardens. The demolition and relocation of the locally listed building is not sufficiently justified and its retention and restoration into the scheme should be considered. The proposed pedestrian access to the rear of the site is indirect and convoluted. ** Officers note that in the months following receipt of the GLA report the applicant has continued to engage with GLA officers who now appear content to endorse the loss of the locally listed building subject to the quality of the replacement clock tower feature as part of this element of the redevelopment (which the applicant has agreed to). Officers also note that the detailed design of the pedestrian route in particular from Bodnant gardens has been the subject of discussion with officers at the GLA and Merton and adjustments to its design have been made so as to address earlier concerns.

Climate change. The carbon dioxide savings meet the London Plan targets. However, the applicant should provide the carbon emissions after each stage of the energy hierarchy, address overheating and provide some information on the heating system proposed. The proposals are acceptable in terms of London Plan policies 5.12 and 5.13. * Officers note that the applicant has provided supplementary information in accordance with the GLA's request.

Transport. Further work is needed on the trip generation and modelling in order to establish requirements for any mitigation towards the highway and public transport networks. Information regarding Blue Badge parking spaces, car park management strategy, cycle and pedestrian routes and facilities is required, together with conditions and planning obligations. *Officers note that the applicant has undertaken further work on trip generation to inform assessment of the impact of the proposals on the surrounding highways network addressing concerns as to the reliability of modelling.

- 5.17 Transport for London. Following initial concerns raised by TfL in May 2016 officers note that traffic data and associated analysis by the applicant has been the subject of ongoing review by TfL. TfL is now satisfied with trip generation data and modelling its impact on the highway network and this has informed their comments.

Recommended planning conditions (those starred to be discharged in consultation with TfL).

- Car park management plan. To include information on signage, measures to restrict use to only when units are open. Automatic number plate recognition measures to limit long stay users, enforcement measures for parent and child and disabled bays, and marshalling of traffic at peak times.*
- Provision of cycle parking (requirements – 100 spaces in total, 30 long stay in secure accessible and well-lit location). *
- Service and delivery plans. *
- Construction logistics plan. *
- Electric vehicle charging points and blue badge parking.
- Provision of shower facilities (applicant has now agreed this can be secured by condition).
- Service yard to include signalisation.

Recommended S106 clauses:

- £33,000 contribution towards bus stop improvements within vicinity of site – to be payable to TfL.
- £50,000 contribution for consultation, design and implementation of CPZ on Carters Estate (if required) – to be payable to Merton.
- £60-75,000 contribution towards improvements and upgrades of pedestrian access footpaths and steps from Burlington Rd to Bushey Rd – to be payable to Merton.
- Travel plan and monitoring fee contribution.

5.18 Historic England. This proposal includes the demolition of the Art Deco industrial building. Originally constructed between 1927 and 1935 the building has undergone some alterations; however it has retained some of the key features which were typical of the Art Deco movement. If the Borough is minded to grant consent then it is recommended that a programme of historic building recording is carried out in the form of a photographic survey prior to demolition. No objection to demolition but written scheme of historic building investigation recommended as a condition.

5.19 Environment Agency. The site is located in Flood Zone 2. The proposed use is considered “less vulnerable”. For the Council to assess surface water impacts. No further comments

5.20 Thames Water

Waste comments – recommended conditions to prevent petrol, oil and car washing products from entering local water courses.

Surface water – advice regarding the need for storm flow attenuation.

Sewerage infrastructure capacity – No objections.

Informatives recommended regarding: discharging water into a public sewer minimising groundwater discharge, diversion of a water main crossing the site.

5.21 Met Police (Designing out Crime officer).

Recommends that the developer seeks Secured by Design accreditation.

1. Layout and design. Observations regarding design so as to ensure a safe

- and secure environment for those visiting the site including by foot or cycling including appropriate forms of landscaping so as to avoid concealment, and safe and cycle parking areas.
2. Vehicle Parking. The design criteria for the car park should follow the principles in the ParkMark© initiative. Full registration should be considered as a planning condition to reduce crime and fear of crime in the car park. Continued registration would ensure the car park is maintained as a safe and secure environment.
 3. Retail Units. Elevations may present opportunities for graffiti or inappropriate loitering near to the proposed link to Bodnant Gardens. The elevations should have a buffer zone of a 'defensive' hedge, if there is insufficient room than a wall finish that makes graffiti removal easier such as an anti-graffiti glaze, or a sacrificial coating should be applied. Secured by design standards to be incorporate into detailed design of buildings.
 4. Roads. Concerns regarding increased traffic and recommends a traffic management report should be prepared and provided to the local Police Road Safety Engineering Officer.
 5. CCTV. Consideration should be given to fitting external cameras that adopt the existing Merton Borough Council town centre CCTV standards. Soft landscaping and lighting fixtures should not be in conflict with CCTV operation. Secured by design standards to be incorporated into detailed specification for CCTV.
 6. Lighting. Should be designed to complement effective operation of CCTV. All lighting across the entire development should be to the required British Standards, avoiding the various forms of light pollution (vertical and horizontal glare). The lighting should be as sustainable as possible with good uniformity. Lighting columns should avoid tree planting.
 7. Management. A security management policy should be formulated to include access control to the rear service yard, patrolling, traffic and parking control, crime reporting, maintenance and housekeeping with regular reviews.

5.22 Twentieth Century Society

The Society objects to what we consider to be the unjustified demolition of a locally listed heritage asset, and the proposed pastiche rebuild of the clock tower on top of a new structure. The applicants have not demonstrated that any effort has been made to retain the building in the new scheme, as would be reasonably expected of a locally designated heritage asset. We do not consider that this proposed reconstruction is a way of properly 'ensuring historic and architectural continuity.' (Heritage Statement, p.17)

We consider that the most appropriate way to do this would be to retain and re-use the building. Given that there is little left of interest internally, this represents an excellent opportunity for a sensitive conversion to retail space. This could be done through the retention of the original wings and tower, and the extension of the building to the north following the removal of later additions which are of no architectural merit –thereby ensuring that the significant elements of the locally listed heritage assets are conserved and enhanced, in line with the guidance of local policy.

In principle, the application represents an opportunity to restore and celebrate a locally listed heritage asset that has the potential to lend heritage value to a modern retail development. The Society considers that this harm could be reasonably avoided, and that the retention of the building does not represent an insurmountable barrier to the sites wider redevelopment – rather, that it would be to its overall benefit.

However, as it stands the Twentieth Century Society considers that the scheme would cause substantial harm to a locally listed heritage asset, and will detract from Merton's specific sense of place and identity. With the application in its current form we must recommend that the local authority refuse permission.

6. POLICY CONTEXT

6.1 NPPF - National Planning Policy Framework (2012)

The following principles are of particular relevance to the current proposals:

- Proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local place that the Country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in that area, taking account of the needs of residential and business communities.
- Encourage the effective use of land by reusing land that have been previously developed (brownfield land), provided that it is not of high environmental value;
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
- Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."
- 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. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 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

Others sections of NPPF of relevance:

- 2. Ensuring the vitality of town centres.
- 4. Promoting sustainable transport.
- 7. Requiring good design.
- 10. Meeting the challenge of climate change/flooding.
- 12. Conserving and enhancing the historic environment.

6.2 London Plan (2015)

Relevant policies include:

- 2.6 Outer London: Vision and strategy.
- 2.8 Outer London: Transport.
- 2.15 Town Centres.
- 4.7 Retail and town centre development.
- 5.1 Climate change mitigation.
- 5.2 Minimising carbon dioxide emissions.
- 5.3 Sustainable design and construction.
- 5.6 Decentralised energy in development proposals.
- 5.7 Renewable energy.
- 5.9 Overheating and cooling.
- 5.10 Urban greening
- 5.11 Green roofs.
- 5.13 Sustainable drainage
- 5.15 Water use and supplies.
- 5.17 Waste capacity
- 6.3 Assessing the effects of development on transport capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.11 Smoothing traffic flow and easing 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 and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
- 8.2 Planning obligations
- 8.3 CIL

6.3 Merton Local Development Framework Core Strategy – 2011 (Core Strategy)

Relevant policies include:

- CS 7 Centres.
- CS 12 Economic development.
- CS 14 Design
- CS 15 Climate change
- CS 17 Waste management
- CS 18 Transport
- CS 19 Public transport
- CS 20 Parking servicing and delivery.

6.4 Merton Sites and Policies Plan – 2014 (SPP)

The site is allocated as a Locally Significant Industrial Site (LSIS).

Part of the site also benefits from a specific allocation: Site Proposal 48. This allocation excludes the existing retail units occupied Pets at Home and Topps Tiles which fall into the LSIS.

Site Proposal 48 is split into two parts: 48a which comprises 88 Bushey Road (the committed 'Next' retail development which is now under construction) and 48b which contains the vacant Thales building and warehouse to the rear of the Pets at Home unit. As mentioned, the Pets at Home/Topps Tiles unit is excluded from the allocation, but it does form part of the LSIS.

The Site and Policies Plan allocates the entire Site Proposal 48 for the following uses:

"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)."

In setting out the rationale for the allocation, the Plan states that the proposed retail use at the site should be restricted to at least 70% bulky goods retail floorspace, in order to avoid undue harm to the viability of town centres within the proximity of the site.

Officers note by way of back ground to the allocation; between 2012-2014 during the assessment of this site for allocation in Merton's Sites and Policies Plan, the site was in two separate land ownerships: the L-shaped former Thales site owned by Ignis Asset Management and the Pets at Home site to the east owned and managed by Axa Real Estate. At this time, the site allocation was also included the site to the far west, formerly the vacant office and safestore owned by Axa Real Estate, now the subject of planning permission for a Next at Home.

While Ignis Asset Management owned the Thales section of the site, they explored a wide variety of potential uses for the land in their ownership, the former Thales section only) in line with the site allocation, including a school, car showroom and part of a university campus. Axa Real Estates on behalf of Friends Life Limited subsequently acquired the site from Ignis Asset Management, but in November 2015 the site changed hands again, with the Friends Life Limited fund now owned and managed by Aviva Investors.

Relevant Sites and Policies Plan policies include:

DM D1 Urban Design
DM D2 Design considerations
DM O1 Open space
DM O2 Trees, hedges and landscape features
DM EP2 Reducing and mitigating noise
DM T1 Support for sustainable travel and active travel
DM T2 Transport impacts of development
DM T3 Car parking and servicing standards
DM T4 Transport infrastructure

- 6.5 Supplementary planning considerations
Merton Design SPG – 2004

7. PLANNING CONSIDERATIONS

- 7.1 The key planning considerations are; the principle of the development including the loss of industrial/employment land, the provision of a primarily retail development and its impact on other centres, urban design, heritage issues and access, transport including impact on surrounding highway network and parking provision and climate change issues.

Principle of development

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 retail and complementary food and drink/restaurant uses into a Locally Significant Industrial Area (LSIA) 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. Officers note that the former Thales Avionics office building on the western side of the application site and which includes the locally listed frontage building has been vacant since 2010.

- 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 informed policies within the Core Strategy. Officers acknowledge that while this represents a review of employment land in the borough as required by paragraph 22 the National Planning Policy Framework it is no longer an up to date review.
- 7.6 However, although designated as an LSIA concerns were identified regarding the quality of buildings. A number of poor quality former industrial buildings have now been demolished to make way for the Next development. LBM Core Strategy CS12 is supportive of the rationalisation of Locally Significant Industrial Sites where this would result in increased provision of the overall number and range of jobs, including retail jobs. Slavishly safeguarding land forming part of the LSIA site for solely B1/B8 employment uses has therefore not been pursued by the Council in recent years with the Council being supportive of the potential for employment generation from a retail use having been satisfied that no harmful retail impact on local centres would arise.
- 7.7 Following adoption of the Sites and Policies Plan in 2014 the application site now benefits from a more flexible site allocation allowing for a range of uses. The site allocation is as follows: 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). The adopted plan states that "As a 'locally significant industrial site' mixed use proposals must be employment led".
- 7.8 Only the easternmost part of the LSIA (1 hectare of the 2.4 hectares that comprise the application site) lies outside this site allocation on which there is already a large retail unit in the form of Pets at Home and Topps Tiles.
- 7.9 During the sites allocation process (2012-2014) the Council worked with previous landowners of part of the application site to examine the potential for bringing forward development proposals. Their proposals included car showroom and a school but did not include B2 or B8 uses.
- 7.10 The current application is supported by a statement of economic benefits which identifies the potential for a net increase of 550 head count jobs on site and a total of 620 people working on the site. A wide range of job opportunities would arise including jobs for school leavers and part time employment. The proposals have the potential to develop apprenticeships and work experience initiatives to benefit local young people. Aside from this the applicant estimates the proposals are likely to generate an uplift of £2.1m in business rates annually and around £1.19m in Community Infrastructure levy contributions.
- 7.11 In conclusion it is considered that against a backdrop of an earlier examination of the development opportunities for the site as part of the

development plan process, the Council having already supported a major employment generating retail development immediately adjacent to the site, the presence on the non-allocated part of the application site already containing major retail uses and the major employment generating potential of the proposed development, a departure from the development plan may reasonably be supported.

Provision of a primarily retail led development and departure.

- 7.12 The current application was submitted in April this year following pre-application discussions with Council and GLA officers. Notwithstanding the complementary food and drink/restaurant floorspace, this scheme is effectively 100% retail which does not comply with the site allocation. The application has therefore been advertised as a departure from the development plan. Neither the NPPF (paragraphs 25-27) nor the London Plan policy 4.7 nor local planning policy (CS.7 Centres and DM.R2 Development of town centre type uses outside town centres) supports out of centre retail development of this scale without the submission of a retail sequential test and impact assessment to ensure that there are no sites within designated town centres that the retail premises could be delivered and that the proposal will not have an impact on the vitality and viability of nearby town centres. Therefore the applicant submitted a sequential test and a retail impact assessment with this planning application. Due to the size and scale of the scheme, the Council recruited third party independent consultants to review the applicant's Retail Assessment.
- 7.13 In February 2016, as part of the pre-application discussions, the applicant provided a statement setting out the scope of the retail information they proposed to submit with the planning application. The independent consultants commented on this scope against national, regional and local planning policies. These comments were passed to the applicant recommending that this information be prepared and included within the forthcoming planning application
- 7.14 In April 2016 the applicant submitted the planning application accompanied by the retail sequential test and impact assessment to the Council. The council consulted planning officers in neighbouring boroughs of Kingston upon Thames, Sutton and Wandsworth on their views on the applicant's proposals, particularly from a retail planning policy perspective, sites in their borough included in the sequential test, town centres or other areas in neighbouring boroughs included in the retail impact assessment. The comments received from Kingston, Sutton and Wandsworth are summarised above.
- 7.15 In May 2016 the independent consultants provided a response to the applicant's retail impact assessment and sequential test, officers reviewed this response and asked the applicant to address the following points in a revised retail impact assessment:
- address planned investment in Colliers Wood in recognition of the council's aspirations to see its designation as a District Centre in the next London Plan

- testing another scenario as the “worst case” as to the impacts on vitality and viability of nearby town centres that could arise from the scheme by: using a comparison goods sales density of £6,000 per square metre as the previous figure of £5,000 per square metre is taken from the council’s 2010-11 Retail Study which is now old; using a gross:net floor area ratio of 85% for the two non-bulky goods units proposed in recognition that shops selling non-bulky goods can have a smaller storage area than those selling just bulky goods. The blanket application of the previous figure of 80% gross:net to all stores assumed that all stores would sell bulky goods, which is not what the applicant is proposing.

Assuming a higher level of trade could be diverted from Wimbledon town centre by adjusting the pattern of trade draw, in recognition that Wimbledon is close to the application site and that there is overlap in the type of goods between those sold in the town centre and with the stores being targeted for occupancy (e.g. Decathlon, Dunelm, TK Maxx).

- 7.16 This independent report was passed to the neighbouring boroughs of Kingston, Sutton and Wandsworth for their views.
- 7.17 In June 2016 the applicant updated their Retail Assessment and the final version was reviewed by council officers and the independent retail consultants. This followed Wandsworth’s query as to why Tooting did not appear to have been considered in terms of the retail sequential approach and impact assessment. The applicant considered that due to the distance from the site Tooting would be outside the main area of site search for the sequential test and that the impact on the turnover of comparison goods would not be significant (at -0.2%) even when the planned Next at Home is included. This view is supported.
- 7.18 The conclusion reached by the independent retail consultant and council officers is that on balance, the proposed development complied with policy requirements of the sequential test (NPPF paragraph 24, London Plan 4.1 and CS7 and DM R3) and the retail impact assessment (NPPF paragraph 26, London Plan policy 4.1, CS7 and DMR2) and that based on these assessments, the proposal would not have a significant adverse effect on the vitality and viability of nearby town centres or in-centre investment.
- 7.19 However this conclusion is conditional upon the scheme being built and occupied under the same conditions as the applicant sets out in their Retail Assessment (i.e. the same conditions that have been robustly tested to ensure that there is no significant impact upon the viability and vitality of nearby town centres.
- 7.20 As mentioned above and in line with national and London-wide planning policies to support town centres, Merton’s policy DM.R2 *Development of town centre type uses outside town centres* section (d) states

(d) Vitality and viability of Merton’s existing town centres are not harmed. Planning conditions may be imposed on applications, to ensure that proposals

do not have an adverse impact on the vitality and viability of existing town centres. Such conditions may:

- i. Prevent the amalgamation of small units to create large out-of-centre units;*
- ii. Limit internal development to specify the maximum amount of floorspace permitted;*
- iii. Control the type of goods sold or type of activity.*

- 7.21 Therefore, in order to ensure that the vitality and viability of nearby town centres are not harmed by this proposal, should the proposal be recommended for approval, appropriate conditions on the ranges of goods which can be sold are applied to individual units as per the floorspace schedule set out in the Retail Assessment which defines which units are to be used for the sale of 'bulky goods' and which will be used for the sale of 'non-bulky' comparison goods (Table 6 of Document 5 and updated with the amended retail assessment matters identified in this report and in the final independent assessment).
- 7.22 If these units were to be operated as open A1 non-bulky comparison goods units, or wholly or partly as convenience goods floorspace, the patterns of trade draw and therefore conclusions in respect of impact would be expected to be different. Therefore any applications for future variations of conditions will need to be fully justified by an updated retail impact assessment.
- 7.23 In order to be satisfied that the proposal complies with retail planning policies, planning conditions are proposed to ensure that the scheme is built and occupied in accordance with the details set out by the applicant in their Retail Assessment.

Urban design, design and impact upon the character and appearance of the area.

- 7.24 London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policy DMD2 require well designed proposals that will respect the appearance, materials, scale, bulk, proportions and character of the original building and their surroundings. Policy 7.6 sets out a number of key objectives for the design of new buildings including that they should be of the highest architectural quality, they should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and buildings should have details that complement, but not necessarily replicate the local architectural character. 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.

Layout.

- 7.25 The proposals are laid in the form of an inward facing set of retail and restaurant/food and drink units enclosing a large customer car park. The layout is not uncommon for modern car based retail parks and similar layouts characterise The Tandem Centre at nearby Colliers Wood. However, the layout turns its back on the surrounding road network with an absence of

active frontages onto Bushey Road. While officers acknowledge the considerable changes in levels towards the northern boundary and the Carters housing estate make meaningful connectivity via building frontages challenging this is not the case with the Bushey Road frontage. The resulting layout gives rise to poor connectivity between the public realm and the development and arguably poor urban design.

- 7.26 The site currently has no connection with the housing estate to the north. A pedestrian link was promoted by Council officers at the pre-application stage and has been incorporated into the application submission. The design of the footpath link including detailed matters such as gradients and subsequent connectivity with the road and footpath layout within the development have been the subject of discussions between the applicant and GLA/Merton officers with the resulting design and layout being considered satisfactory. This aspect of the scheme promotes permeability for north/south pedestrian movement thereby promoting good urban design and would be secured by conditions.

Design and massing.

- 7.27 The proposed retail buildings incorporate a plain and simple design while the food and drink element of the proposals has echoes of the locally listed building incorporating a clock tower. The proposals entail the loss of a significant locally listed building and members may not consider the new buildings necessarily meet the test of being of the highest architectural quality or enhance local character. Further consideration of design and heritage issues is addressed below. However the scale and bulk of the buildings is compatible with the Next retail store currently under construction and not out of character with the existing retail units. The considerable changes in levels towards the northern boundary would ensure that the proposed buildings, while clearly visible, would not be unduly intrusive or dominant when seen from Bodnant Gardens.

Hard and soft landscaping.

- 7.28 The proposals employ a plain, simple but suitably robust palette of materials to provide a satisfactory urban setting for the new buildings. The site currently has a number of mature and semi mature trees that soften the Bushey Road frontage. The proposals result in the loss of these trees along with others that are scattered within existing parking areas that are located between existing buildings. Policy CS13 of the Core Strategy seeks to ensure that new developments incorporate and maintain landscape features such as trees which make a positive contribution to the wider network of open space. Adopted policy DM.O2 seeks to safeguard trees that contribute to visual amenity but acknowledges that their removal may be justified if the benefits of the development outweigh its amenity value. Tree replacement is a feasible option to mitigate for their loss and, subject to any conclusions that members may reach as to the merits of the design and layout of the proposals, it may be considered unreasonable to resist the proposals on the basis of the loss of the trees or to structure a layout simply so as to retain them. The Arboricultural officer has recommended semi mature specimens as replacements as part of any landscaping scheme.

- 7.29 Similar to the Next development, officers have not promoted tree planting within the parking area and have focused on perimeter planting so as to soften the edge of the development. No issues arise in terms of the wider streetscene given the absence of planting within the parking area and where advice from consultees (the Met Police) have sought to promote good levels of visibility, and thus surveillance, across the parking area in the interests of safety and security. Thus, while the introduction of tree planting within the car park may have the effect of softening its appearance the absence of planting would not be a basis to withhold permission.

Heritage issues.

- 7.30 The NPPF advises local authorities to take into account the following points when drawing up strategies for the conservation and enjoyment of the historic environment. The following considerations should be taken into account when determining planning applications.
- The desirability of sustaining and enhancing the significance of heritage assets and preserving them in a viable use consistent with their conservation; The wider social, cultural, economic and environmental benefits that the conservation of the historic environment can bring;
 - The desirability of new development in making a positive contribution to local character and distinctiveness;
 - Opportunities to draw on the contribution made by the historic environment to the character of a place.
- According to Paragraph 129, LPAs should also identify and assess the significance of a heritage asset that may be affected by a proposal and should take this assessment into account when considering the impact upon the heritage asset.
- 7.31 Sites and policies plan policy DM.D4 requires:
- b) All development proposals associated with the borough's heritage assets or their setting will be expected to demonstrate, within a Heritage Statement, how the proposal conserves and where appropriate enhances the significance of the asset in terms of its individual architectural or historic interest and its setting.
- c) Proposals that will lead to substantial harm to the significance of, or the total loss of heritage assets will only be granted in exceptional circumstances where substantial public benefits outweigh the harm or loss in accordance with the NPPF or that all of the following apply:
- i. the nature of the heritage asset prevents all reasonable uses of the site; and,
 - ii. no viable use of the heritage asset itself can be found that will enable its conservation; and,
 - iii. conservation by grant funding or some form of charitable or public ownership is not possible; and,
 - iv. the harm or loss is substantially outweighed by the benefit of bringing the site back into use.

- 7.32 Officers note that the Locally Listed building has no statutory protection and could be demolished without the need for planning permission. The applicant has not done this and has submitted both a Heritage Statement and Supplemental Heritage response that provides their rationale for demolition.
- 7.33 The Council's Conservation officer advises that 84/86 Bushey Road is an Art Deco industrial building which is significant as a good example of an industrial building of its time and now unique in Merton. It represents and is symbolic of the industrial history of this part of the Borough, which included adjacent Decca records and radar and historic British Salmson Aero Engines which developed into the distinctive Salmson cars built on this development site. The building is described as a highly valued historic building and was assessed and added to the Local List in December 1992. Buildings of this era are now considered more historically significant than at that time which increases the desirability to sustain and enhance this locally significant Art Deco heritage asset.
- 7.34 The building is readily seen from the A3 and may be considered a historic landmark building. Officers consider that in a restored condition the building would enhance the Borough's built heritage. The Art Deco building is arguably an iconic building which can be clearly seen from the fly-over that connects the Kingston Bye-Pass with Bushey Road and the slip road which, in turn, connects it with Shannon Corner, an important intersection and hub of a number of shopping warehouses. The clock tower can be clearly seen from Kingston Bye-Pass, both travelling north and south. Officers consider the building has a positive visual impact on the area.
- 7.35 The GLA in their stage 1 response also indicated that the building is of significant heritage value and while not designated, the application should explore options for its re-use or through a façade retention scheme.
- 7.34 Officers consider the building could be incorporated as part of the whole development as perhaps a gateway building. The new development could be configured so as to respect the locally listed Art Deco building and incorporate it in situ into the design of the proposed layout with the new development relating better to the scale and proportions of the existing building so that it enhances historic asset's setting.
- 7.35 The applicant however is of the view that this approach would not work. The evolution and rationale of the layout of the development into the present layout with all buildings facing inwards towards the proposed single parking area is explained in the applicant's Design and Access statement and, given the condition of the building as described in the applicant's Heritage Statement, the applicant does not consider the locally listed building warrants retention when weighed against the benefits of the proposals. The applicant has stated that commercially it does not work to orientate the scheme in any other way and the retention of the building in an attempt to achieve this has not been pursued for this reason.

The applicant has however acknowledged the significance of the clock tower as a landmark and, along with detailing the frontage building in a style reminiscent of art deco industrial buildings, and has amended the design to incorporate a replica clock tower in its current location. Officers note that the GLA is amenable to this approach being taken subject to re-use of clock face materials in any re-construction. Officers advise that conditions may reasonably be attached to any decision to secure this outcome in the event that members are supportive of the proposals.

- 7.36 Under NPPF Paragraph 129 the LPA has identified and assessed the significance of the Art Deco building by virtue of its local listing. Due to its listing and prominent location the LPA has sought to resist demolition and encourage alternative approaches to layout. The applicant has chosen not pursue this approach. The proposal to demolish a locally listed heritage asset would not only destroy the historic assets significance but would remove the last remnant of the areas industrial past which is disappointing and as a matter of judgement it is considered that the alternative proposal to erect a building with art deco influences and incorporating a clock tower would not compensate for the loss.
- 7.37 Heritage assets are an irreplaceable resource and effective conservation delivers wider social, cultural, economic and environmental benefits. Conservation of heritage assets requires a flexible and thoughtful approach to get the best use of a locally listed building such as this. NPPF states at paragraph 131 that the LPA should uphold the desirability of sustaining and enhancing the significance of heritage assets and putting them to variable uses consistent with their conservation. The LPA must consider the positive contribution that conservation of heritage assets can make to sustain a community including the economic vitality. Retention of a landmark Art Deco building with enhancement could be an asset to the development as a whole.
- 7.36 NPPF paragraph 132 states that great weight should be given to the historic asset's conservation. New development of this large site which includes the heritage asset is an ideal opportunity to restore and enhance the Art Deco building. In Merton this building had great significance both architecturally and historically which is emphasised by its rarity. Heritage assets are irreplaceable. Notwithstanding that the GLA are now amenable to the demolition of the locally listed building, officers consider that the applicant has not put forward a convincing justification for its demolition and that the building could be incorporated within a proposal.
- 7.37 Merton's Sites and Policies Plan policies are set in accordance to the NPPF, the London Plan and Historic England Advice. DM.D4 is Merton's policy to Manage Heritage Assets. The aim of this Policy is to conserve and where appropriate enhance Merton's heritage assets and distinctive character.
- 7.38 D4 b requires that a Heritage Statement is submitted to demonstrate how a heritage asset will be conserved or enhanced through any development proposal. The Heritage Statement submitted with this proposal does not demonstrate conservation but proposes demolition. Its content identifies the

unsympathetic steps that have taken place and that have harmed its character over time. NPPF 130 states that deliberate neglect and damage or the deteriorated state of a heritage asset should not be taken into account in any decision. Officers consider that the façade has been altered but not extensively compromised and that damage and lack of maintenance is not grounds for demolition. The condition of this Art Deco building does not support the loss of this building. In accordance with adopted policy officers suggest that development proposals should be used to the advantage to restore features and generally enhance the heritage asset and bring it back to an appropriate use.

- 7.39 D4 c states that the loss of a heritage asset is only granted if there is no reasonable use of the building which is not the case. This Art Deco industrial building can be incorporated in a beneficial way in a new development. It is an opportunity for the Art Deco building to be conserved and enhanced. Officers consider its loss may be treated as substantial harm.
- 7.40 D4 f. states that proposals affecting a heritage asset or its setting should conserve and enhance the significance of the asset. This proposal involves the loss of a heritage asset and is not conserving it. It also proposes the demolition and replication of the heritage asset in a new position. Apart from the fact a replica is no longer the original asset and would not be listable, it would not have the landmark status it presently presents, the clock tower no longer being a central feature on a road frontage but on the elevation facing a car park.
- 7.41 An alternative to the current proposals would be to embrace the conservation and enhancement of this heritage asset and the reinstatement of features that would contribute to the asset and bring enhancement. It is a heritage asset, which in turn could complement the new development on the rest of the site. The Conservation officer has provided further commentary on initiatives that might be taken to restore the quality and character of the building as a good local example of Art Deco industrial architecture. Officers have sought albeit unsuccessfully to encourage the applicant to give retention of the locally listed building further consideration and remain to be persuaded that the approach of incorporating an Art Deco style building with a replica clock tower incorporating salvaged elements from the existing tower and facing inwards towards the car park adequately mitigates against the loss of the locally listed building.

Impact upon neighbouring amenity including visual impact, noise, light and air quality

- 7.42 London plan policies 7.14 and 7.15 seek to improve air quality or be at least air quality neutral and reduce and manage the noise environment. SPP policy DM D2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise. Officers consider the northern boundary of the site to be sensitive in this respect being the edge of a housing estate, albeit with the carriageway of Bodnant Gardens running alongside this boundary. To the east is West

Wimbledon Primary School with part of its play adjoining the site and also sensitive to impact from redevelopment.

- 7.43 The matter of bulk, massing and siting of the proposed buildings has been addressed above and officers consider the proposals would not have a harmful impact on light and outlook from neighbouring dwellings. The design of the units is such that retail unit windows face inwards towards the parking area and not northwards towards houses in Bodnant Gardens or towards the play space for the school. The proposals give rise to no issues regarding loss of privacy.

Noise.

- 7.44 The operation and use of the servicing and areas and parking as currently configured has the potential to be the source of noise. Officers can find no controls over hours of servicing attached to planning permissions for the existing buildings. The proposals however would introduce a more intensive form of development with numerous retail units with servicing areas located around these more sensitive boundaries. It is recommended that conditions be attached regarding hours of servicing/waste collection and the operation of plant and machinery associated with the use of the units. The applicant has challenged the Environmental Health officers recommendation to restrict servicing/waste collection to no later than 20.00 hours citing relevant British Standards and quantifying predicted noise levels during daytime periods (daytime being 07.00 to 23.00 having regard to the relevant British Standard) being below background noise levels for neighbouring receptors, these being the school and houses. Conditions have been drafted accordingly.

Lighting.

- 7.45 The applicant has provided details of on-site lighting as part of their submissions along with analysis of the likely impact of the lighting on neighbouring occupiers and identifies some limited impact on property to the north of the site. Lighting however has been designed so as to meet the Institute of Lighting Engineers Guidance and the relevant British standard and objections are not raised. To ensure the parking and servicing areas are safe and secure conditions are recommended so as to ensure the design and operation of the lighting accords with submitted plans, minimises light spillage and does not give rise to a harmful impact on neighbouring occupiers.

Air quality.

- 7.46 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.
- 7.47 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.

- 7.48 In support of the application an Air Quality Assessment has been submitted. The AQA identifies that only temporary, local impacts on local air quality will arise during the construction phase of the development. During construction it will therefore be necessary to apply a package of mitigation measures to minimise dust emission. With these measures in place, it is expected that any residual effects will be 'not significant'.
- 7.49 The assessment has demonstrated that there will be no significant increase in concentrations of nitrogen dioxide arising from the operation of the development. The report concludes that the building and transport related emissions associated with the proposed development are both below the relevant benchmarks. The proposed development therefore complies with the requirement that all new developments in London should be at least air quality neutral and Merton's Environmental health officers have not challenged the conclusions.
- 7.50 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, with the proposals being based on the recommendations in Appendix A7 of the applicant's Air Quality report, has been submitted to and approved in writing to the Local Planning Authority for approval and the submission of a Travel Plan.

Transport and highways issues.

- 7.51 London Plan policy 6.3 requires that development proposals ensure that impacts on transport capacity and the transport network at both corridor and local level are fully assessed. Development should not adversely affect safety on the transport network. Similarly Core Strategy policy CS20 requires that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management.
- 7.52 London Plan policies 6.9 and 6.10 seek to secure to ensure that developments provide integrated and accessible cycle facilities and high quality pedestrian environments while policy 6.13 sets out maximum parking standards. The policies provide an overarching framework for decision making.

Walking

- 7.53 A fundamental requirement from the outset of discussions was to secure enhanced walking links to the site, including a new fully accessible connection to Bodnant Garden through the site so that residents to the north choosing to visiting the store on foot/cycle or potential employees had a practical step free alternative to the current stepped route accessed via West Barnes Lane. The gate will be open 1hr before opening and 1 hour after closing. The route will have street lights and be covered by CCTV. A commitment to fund local improvements has also been secured.

7.54 In opening the Bodnant Garden pedestrian entrance it was also necessary to guard nearby residents from potential additional parking attracted to the area by this convenient link. This will be monitored during the early years of operation and if issues arise then residents will be given the opportunity of parking controls.

7.55 Continuing on the pedestrian theme, defined pedestrian routes are included across the car park, include a link to the adjacent Next site.

Public Transport

7.56 Despite a low to moderate PTAL range of 1b -3 and proximity to the strategic road network/A3 it was important that opportunities for trips by public transport were not overlooked, especially when retail parks remain car dominated. This would be tackled through a travel plan encouraging staff to travel by sustainable choices and improving nearby bus stops. Similar to other major retail schemes, such as the ASDA store in Mitcham, the development would also be conditioned so as to ensure the provision of shower facilities for staff so as to make cycling a more attractive alternative mode of travel to work.

Junction Arrangements

7.57 The A3, Bushey Road and the adjoining slips roads are already busy at peak periods and whilst capacity improvements are currently being completed in conjunction with the adjacent Next store it was recognised that further detailed modelling should be undertaken to ensure the final junction configuration would be capable of coping with the increased demands placed upon them from this development. This involved collecting new traffic data and reviewing trip rates from developed sites of a similar size and characteristics from a nationally recognised database and simulating the impacts. The model methodology adopted conformed with guidelines set down by Transport for London and was subsequently validated by TfL. The junction designs were amended as appropriate to ensure that they would operate at peak times within their practical capacity. Works to implement the junction changes and to implement the pedestrian link and any associated off site works would be dealt with via a combination of S106 requirements and conditions.

Parking and parking Management

7.58 The application proposes a total of 334 car parking spaces and is in line with the London Plan of which 6% would be accessible bays. The GLA have flagged up a need to provide a further 4% of enlarged standard bays for future provision. TfL have commented in detail that the first 22 Blue Badge bays for visiting disabled motorists should be enlarged with a further 13 enlarged spaces provided for the application in order to be in accordance with London Plan policy 6.13. TfL recommends that at least one of the staff parking spaces be a Blue Badge space. The extent of car parking provides for flexibility in terms of its detailed design and meeting the above requirements may reasonably be addressed by condition.

7.59 The scheme would deliver 34 (10%) active electric vehicle charging points and a further 34 (10%) providing passive provision in accordance with the London Plan.

7.60 With any retail park it is recognised that appropriate processes need to be established early on to ensure that the car park operates in a safe manner, caters for the needs of customers including those with limited mobility and that capacity is not utilised by non-shoppers. There is also a need to ensure that the impacts of seasonal and other peaks are considered to reduce the likelihood of the highway being negatively impacted including vehicles potentially queueing on the highway. These issues are also identified by TfL in their detailed response which acknowledges that the car park will operate close to capacity at regular Saturday peak periods.

7.61 To manage demand the applicant will be expected to provide a detailed Car Parking Management Plan prior to commencement of operations on site. This will be expected to tackle the following topics:-

Enforcement to deter long stay and staff parking.

Signage/markings.

Safety/speed limits.

Gate/Access arrangements.

Management during exceptional periods e.g. Christmas.

Emergency/contingency planning.

Road Safety

7.62 The Council was conscious of the proximity of Raynes Park High School as well as the complexity of the signal arrangements when assessing the development. As part of the Next improvement works surface level crossing facilities are already being provided (including the Next Junction). The pedestrian route would be extended across the site frontage towards the Bushey Road Bus Stop a short walk away. This includes a pedestrian refuge island at the new uncontrolled junction in the centre of the development.

7.63 From accident data most of the existing collisions occur at the new at grade crossing points so potential concerns are already being treated. The possibility of relocating the eastbound Bushey Road bus stop/provide an extra crossing was also explored, but rejected due to alignment and level issues

Delivery and Servicing

7.64 There were some early concerns as to how the A3 uses would be serviced and potential conflicts with car park users. This will now be handled through a combination of on-site management of selected parking bays, timing deliveries outside peak times and limited on-street serving from the access road.

Cycle storage

7.65 Cycle storage is required for new development in accordance with London Plan policy 6.9 and table 6.3 and Core Strategy policy CS 18. Cycle storage should be secure, sheltered and adequately lit.

7.66 TfL recommend 100 spaces in total for the development with 30 long stay in a secure, well-lit and accessible location with 70 short stay spaces distributed around the site. Such provision would be secured via a condition.

Sustainability

- 7.67 Policy 5.2 Minimising Carbon Dioxide Emissions of London Plan requires that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the Mayor's energy hierarchy. Merton's Core Planning Strategy Policy CS15 Climate Change (parts a-d) requires new developments to make effective use of resources and materials, minimise water use and CO2 emissions.
- 7.68 The BREEAM design stage assessment provided by the applicant indicates that the development should achieve an overall score of 56.61%, which meets the minimum requirements to achieve BREEAM 'Very Good' in accordance with Merton's Core Planning Strategy Policy CS15, and is projected to achieve a 35% improvement on Part L 2013, in accordance with the requirements for major development proposals under Policy 5.2 of the London Plan (2015). The applicant's figures have been further examined by officers at the GLA who have indicated that the applicant's figures for energy savings have now been confirmed.
- 7.69 The proposal is a shell and core design and hence some of the aspects of sustainability may vary according to the final fit out of the scheme. I therefore note and welcome the intention to utilise a Green Lease and Green Tenant Guide to help advise and influence the future fit-out and operation of the development.
- 7.70 Officers welcome and commend the intention to limit the environmental impact of the development through the use of sustainable materials.
- 7.71 The opportunity for district heating connection has been explored for the development but ruled out on the basis that there are no existing network connection opportunities – as detailed by the London Heat Map. It is the council's intention to undertake a review of the heat opportunity areas in the borough and complete energy masterplanning to highlight and improve the granularity of local heat network opportunities going forward, however officers are content that there is not sufficient opportunity at present that would allow the development proposal to connect into any existing or future planned network opportunities. District heating is not a viable option for the site at present. Furthermore, the applicant has indicated that the demand profile of the site (being primarily retail in nature) may not offer sufficient opportunity to utilise a site-wide CHP system. As such officers are content that the applicant has taken appropriate steps in following the London Plan Energy Hierarchy approach in selecting solar PV as the primary low/zero carbon technology for the site.

Flooding and site drainage

- 7.72 Policies DM F1 and DM F2 of Merton's Sites and Policies Plan and policy CS.16 of the Core Strategy seeks to ensure that development will not have an adverse impact on flooding and that there would be no adverse impacts on essential community infrastructure. The site is located within Flood Zone 1 and is therefore at low risk of flooding from fluvial flooding.

- 7.73 The primary risk of flooding to the site and other areas would be from the proposed drainage network. To mitigate this, the allowable surface water discharge from the site into the public sewer will be limited to equivalent greenfield run-off rates prior to discharge into the Bushey Road surface water sewer. Attenuation in the form of geocells is provided to accommodate excess surface water flows up to and including a 1 in 100 year event with an 20% allowance for climate change. For a total hard-standing area of 2.58 Ha and an allowable runoff of 20.8 l/s (based on 8 l/s/Ha), the total required attenuation storage volume of the proposed geocells will be 1530m³.
- 7.74 Silt traps and filter drains will be provided to meet the necessary requirements for water treatment and quality. An existing connection will be reused for surface water discharge. A CCTV Survey is required to confirm the state of the drains in Bushey Road which presently serve the site.
- 7.75 The maximum modelled flood levels for nodes near the site are 14.56 m AOD (Node 4) for the 1% AEP plus climate change. The proposed FFL of the restaurants ranges from 14.600 -14.900 m AOD. Restaurant Units 08-10 finished floor levels have a clearance of 40 mm above the 1 in 100 year fluvial event plus climate change.
- 7.76 The Council's Flood Risk Management Engineer has reviewed the applicant's technical reports and raises no objection subject to appropriate conditions.

Other matters- Crossrail 2.

- 7.77 In their Stage 1 response the GLA flagged up the need for there to be a clear and demonstrable plan in place before 2019 for delivering 200,000 homes along the route of Crossrail 2. The site is in proximity to 3 stations; Raynes Park, Motspur Park and New Malden and initial work to date has identified the site as a potential location for housing in the future. Merton Council officers have raised the issue of delivering housing as part of a mixed use development of the site with the applicant. While officers acknowledge the potential of the site for other uses including housing, given the timing of the application and in the absence of any comprehensive plan led solution for the site and other sites in the locality the application must be considered on its merits.

8. ENVIRONMENTAL IMPACT ASSESSMENT

- 8.1 The application site is 2.7 hectares 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 Levy

- 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 should address policy objectives in terms of being accessible other by car. To make the location more attractive to those using buses improvements to bus stops is considered necessary, and for those accessing the site by foot improvements to those footpaths in close proximity to the site. While the pedestrian link is welcomed in terms of pedestrian permeability it could precipitate parking pressure on roads on the Carters estate. To safeguard residents of the estate from potential parking pressure

the Council may wish to review the need for and if necessary implement a controlled parking zone. It would be appropriate for the development to contribute towards the costs of work the Council would need to undertake in this respect. The effectiveness of a travel would need monitoring and again costs for such monitoring would need to be recouped.

The following heads of terms are recommended:

- £33,000 contribution towards bus stop improvements within vicinity of site – to be payable to TfL.
- £50,000 contribution for consultation, design and implementation of CPZ on Carters Estate (if required) – to be payable to Merton.
- £60-75,000 contribution towards improvements and upgrades of pedestrian access footpaths and steps from Burlington Rd to Bushey Rd – to be payable to Merton.
- Travel plan and monitoring fee contribution.

10. CONCLUSION

- 10.1 Against a backdrop of recent decisions by the Council that have supported major retail development immediately adjacent to the site, the presence already of retail uses on the locally significant industrial and the employment opportunities presented by the proposals officers consider that there are grounds that warrant supporting a departure and releasing the land from more conventional employment uses.
- 10.2 Independent analysis of the retail impact of the proposals leads officers to conclude that a retail led redevelopment of the site can be supported and that suitably conditioned harm would not arise to the vitality and viability of neighbouring town centres.
- 10.3 Subject to S106 obligations and suitably conditioned the proposals would not detract from the operation of the surrounding highway network and would provide improved access to those using modes of transport other than cars. Suitably conditioned the proposals would not give rise to a harmful impact on neighbour amenity, or give risk to increase risk from flooding.
- 10.4 Officers consider that the proposed development has both attributes, in the form of delivering significant employment generation, improving, to some degree, the appearance of the site with modern retail buildings of a design typical of out-of-centre retail parks, and providing highways and associated transport improvements and shortcomings, in so far as the layout would be at the expense of a prominent locally listed building and would deliver a development that is both inward facing and would not secure the quality of design and connectivity with the surrounding street network that redevelopment of the site might otherwise deliver.
- 10.5 However, planning decision making is based not on whether alternative development options might be pursued (for example, there was more formal plan based guidance such as for the redevelopment of the Rainbow Industrial Estate) but very much on whether the merits of the current proposals

outweigh harm that might arise. Members may reasonably conclude in this case that on balance the proposals may be approved, subject to any direction from the Mayor of London, the Secretary of State and subject to appropriate S106 obligations including relating to highways and transport improvements, and conditions.

RECOMMENDATION

Grant planning permission subject to any direction from the Mayor of London, any direction from the Secretary of State, the completion of a S106 agreement covering the following heads of terms.

- Off-site highways works, including any associated S278 agreement, in connection with footway and highway access arrangements onto both Bushey Road and Bodnant Gardens.
- £33,000 contribution towards bus stop improvements within vicinity of site – to be payable to TfL.
- £50,000 contribution for consultation, design and implementation of CPZ on Carters Estate – to be payable to Merton.
- Financial contribution (not less than £60,000 and not more than £75,000) towards improvements and upgrades of pedestrian access footpaths and steps from Burlington Rd to Bushey Rd – to be payable to Merton.
- Travel plan and monitoring fee contribution.
- The developer agreeing to meet the Council's costs of drafting the Section 106 Obligations [£ to be agreed].
- The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [£ to be agreed].

and subject to the following conditions:

Pre-commencement/construction stage/environmental impacts.

1. A.1 Full permission. The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission
2. A.7 In accordance with approved plans (insert schedule of plans and documents appended to report).
3. Bat Survey. In the event that evidence of bats is found on the site, prior to the commencement of development details of the provisions to be made for appropriate mitigation measures including potential for artificial bat roosting sites/boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented in full before first occupation of any part of the development, unless otherwise agreed in writing by the LPA. Reason for condition To ensure that bat species are protected and their habitat enhanced, in accordance with the Wildlife and Countryside Act 1981 as amended, the Conservation (Natural Habitats, &c.) Regulations 1994 and policy CS 13 within the Adopted Core Strategy [July 2011].

4. A supplementary intrusive investigation should be undertaken for contaminated land in accordance with the recommendations of Paragraph 7.1 of the report compiled by Cundalls on behalf of the applicant. If necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
5. Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, excluding works of demolition, unless otherwise agreed in writing by the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.
7. Demolition and Construction Method Statement . No development shall take place until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period and shall follow the recommendations in Appendix A7 of the applicant's air quality report.
The Statement shall provide for:
 - hours of operation
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding including decorative - displays and facilities for public viewing, where appropriate
 - wheel washing facilities
 - measures to control the emission of noise and vibration during construction.
 - measures to control the emission of dust and dirt during construction/demolition

-a scheme for recycling/disposing of waste resulting from demolition and construction works. Reason: To protect the amenities of future occupiers and those in the local vicinity.

8. D.11 Construction times. 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.
9. All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: To protect local amenity and air quality in accordance with [local policy] and London Plan policies 5.3 and 7.14

10. Before development commences the applicant shall have submitted to and had approved by the local planning authority a construction logistics plan (see Construction Logistics Plan Guidance published by the Mayor of London/TfL). The development shall be implemented in accordance with the approved details. Reason. To minimise environmental impact of the implementation of the development on the local environment including the surrounding highways network and the amenities of surrounding occupiers and to accord with relevant London plan policies including 7.14 and 7.15.
11. No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved by the local planning authority in writing. No demolition shall take place other than in accordance with the approved scheme which shall include a statement of significance and research objectives and:
 - a) the programme and methodology of site investigation and recording and nomination of a competent person or organisation to undertake the agreed works;
 - b) the programme for post investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
12. [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 in connection with the operation of the approved uses. Reason for condition: To improve local employment opportunities in accordance with policy DM.E4 of the Sites and Policies Plan.

Design details.

13. B.1 External materials. Notwithstanding any generic details identified on the approved plan, no works which are the subject of this condition shall take place until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, including window frames and doors, have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved. The development shall be carried out in full accordance with the approved details. Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.
14. Site and surface treatment. Surfacing of all those parts of the site not covered by buildings or soft landscaping, including any parking, service areas or roads, footpaths, hard and soft have been shall be carried out in accordance with the approved Landscape Strategy drawings submitted by Davies Landscape Architects. The development shall not be occupied / the use of the development hereby approved shall not commence until the works to which this condition relates have been carried out in accordance with the approved details. Reason: To ensure a satisfactory standard of development in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.
15. Boundary treatment. The development shall not be occupied/the use shall not commence until all boundary walls or fences described on the approved Landscape Strategy drawings submitted by Davies Landscape Architects have been carried out in accordance with the approved details. The walls and fencing shall be permanently retained thereafter. Reason: To ensure a satisfactory and safe development in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.
16. Landscaping. Based on the applicant's amended landscaping plan, 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 first occupation of the development or the first planting season following the completion of the development whichever is the sooner. The scheme shall include details of the size (to be not less than 20-25cms girth – semi-mature), 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 Merton Core Planning Strategy 2011.

17. F.2 (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. Notwithstanding what is shown on the approved plans full details of security shutters to the customer entrance to the store shall be submitted to and approved by the local planning authority before installation.
19. Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any new plant/machinery from the commercial use shall not exceed LA90-10dB at the boundary with the closest residential property.
20. Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary. Reason. To safeguard neighbour amenity.
21. The applicant shall have submitted to and had approved a detailed scheme of works for the demolition of the clock tower and associated measures for salvaging and storing materials and details of their re-use in the development before demolition of the locally listed building. The development shall be implemented in accordance with such details as are approved and the clock tower element of the food and drink units completed in conjunction with the programme of works for the retail development. Reason. To ensure the development adequately safeguards heritage assets and ensures their re-use in the approved development in the interests of the visual amenities of the area.

Sustainable design and construction.

23. Excluding works of demolition, the development approved by this permission shall not commence until a detailed scheme for the provision of surface water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The final drainage scheme shall be designed in accordance with the submitted Drainage Strategy (produced by Cundall dated 29/03/16 Ref: 1008016) and will dispose of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and

the advice contained within the National SuDS Standards. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site at an agreed maximum rate of no more than 20.8l/s with no less than 1530m³ of storage. Appropriate measures must be taken to prevent pollution of surface waters (such measures should include petrol/oil interceptors to avoid petrol/oil polluted discharge entering local watercourses);
 - ii. undertake a CCTV of the drainage onsite and within Bushey Road connections and undertake any remedial repairs to any defects found to the drainage system.
 - iii. include a timetable for its implementation; and
 - iv. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.
24. Within 6 months of each unit being occupied 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 the standards equivalent to '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 London Plan C02 reduction targets (equivalent to minimum emissions reductions required to achieve BREEAM excellent). Reason. To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply the following Development Plan policies for Merton: policy 5.2 of the London Plan 2011 and policy CS15 of Merton's Core Planning Strategy 2011.
25. [Refuse and recycling facilities] Prior to the commencement of the use recycling facilities shall be provided, that are in accordance with details that shall 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 adopted policy.
26. Prior to commencement of occupation of any unit hereby approved details of staff showers and locker facilities shall be submitted to and approved by the local planning authority and shall be provided prior to first use of the premises. The facilities shall thereafter be retained to serve each unit and shall be re-provided in the event of refurbishment of the unit. Reason: To ensure that facilities are provided to encourage staff travel to the development other than by car and to comply with the objectives of adopted planning policies.

Parking, servicing and accessibility pre-occupation.

27. H.12 [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.

28. [Car parking spaces] Prior to the commencement of the use the car parking spaces, including 10% of the spaces for persons with disabilities to serve the development together with 10% of the spaces provided with facilities to charge electric vehicles plus a further 10% providing passive provision 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.
29. 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.
30. No part of the development hereby approved shall be occupied until the vehicle and pedestrian access/egress arrangements as shown on the approved plans including provision on both Bodnant Gardens and Bushey Road have been completed and details for their management and operation to enable access to and through the development have been approved. The use shall be operated in accordance with such details as are approved. Reason. To ensure adequate access arrangements to the development in accordance with adopted policy.
31. Prior to the occupation of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall follow the current 'Travel Plan Development Control Guidance' issued by TfL and shall include:
- (i) Targets for sustainable travel arrangements;
 - (ii) Effective measures for the ongoing monitoring of the Plan;
 - (iii) A commitment to delivering the Plan objectives for a period of at least 5 years from the first occupation of the development;
 - (iv) Effective mechanisms to achieve the objectives of the Plan by both present and future occupiers of the development.
- The development shall be implemented only on accordance with the approved Travel Plan.

32. [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. On site provision shall be not less than 100 spaces in total, 30 long stay in secure accessible and well-lit location. Reason: 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].
33. Notwithstanding any details shown on the approved plans the applicant shall have secured approval from the local planning authority and implemented signalisation measures for the service yard before use of the service yard commences. Reason. To ensure the operation of the service yard does not conflict or give rise to conditions that would detract from pedestrian or vehicle safety and to comply with adopted planning policies.
34. Waste collections and deliveries using the perimeter service road shall only be conducted between 7am and 11pm. Reason. To safeguard neighbour amenity.
35. Road safety audits. The applicant shall conduct Road Safety Audits in accordance with HD 19/15 "Road Safety Audits" as part of the design stage, at the end of construction and post-construction for the carriageway and footway to identify any road safety problems. Measures to eliminate or mitigate any concerns arising from such audits shall be agreed in writing with the Local Planning Authority and implemented within a timescale to have been agreed with the Local Planning Authority. Reason. To ensure the safe operation of the carriageway and footway and to comply with policy CS.20 of Merton LDF Core Planning Strategy (2011).

Other on-going restrictions.

36. Café/Restaurant floorspace. The total gross internal area of all parts of the development to be used for restaurant / café purposes shall not exceed 1,193sqm, within a maximum of 4 units, and shall only be used for the purposes of restaurant/café uses (A3 Use Class) and for no other purpose. The total part of the development to be used for restaurant / café purposes shall be divided into four units and shall not be amalgamated or further subdivided.
- Reason: The Local Planning Authority would wish to retain control over any further change of use of these premises in the interests of safeguarding the vitality and viability of nearby town centres in accordance with the applicant's retail impact assessment to ensure compliance with the following Development Plan policies for Merton: policy 4.7 of the London Plan 2015, policy CS 7 of Merton's Core Planning Strategy 2011 and policy DM R2 Merton's Sites and Policies Plan 2014.

37. Retail Units (uses and scale). The total retail floor space shall not exceed 13,738sqm gross internal area. The total retail floorspace shall be divided into seven units as per the floorspace requirements set out in the table below. Units shall not be subdivided, amalgamated or the net sales area increased. Each unit shall only be used for the purposes set out in the “type of goods sold” column below and for no other purpose, (including any other purpose within Class A1 of the Schedule to the Town and Country Planning (Use Classes Order) 1997), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. Each “bulky goods retail” unit (units 1, 4, 5, 6, 7 in the table below and in the applicant’s Retail Assessment) shall be used for the sale of building and home improvement materials, gardens and associated products, furniture, , hard and soft furnishings, homewares and household goods, decorative products, carpets and floor coverings, bulky electrical goods, and pets and pet supplies and for no other purpose (including any other purpose in class A1 of the schedule of the Town and Country (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

The net sales area of each unit hereby approved, to include all showroom areas and areas where customers have access shall not exceed the “net sales area” column attributed to each unit in the table below.

<i>(all measurements in square metres)</i>	Type of good sold (all non-food and non service retail)	Total floorspace (gross internal area)	Net sales area
Unit 1	Bulky goods retail	1932	1546
Unit 2	Non bulky goods comparison retail	2786	2229
Unit 3	Non bulky goods comparison retail	1912	1530
Unit 4	Bulky goods retail	3530	2824
Unit 5	Bulky goods retail	1807	1446
Unit 6	Bulky goods retail	1138	910
Unit 7	Bulky goods retail	633	506

(The above table is data drawn from the applicant’s Retail Assessment submitted with the planning application, particularly Table 6 of the Retail Assessment and as updated in the applicant’s June 2016 submission)

Reason: The Local Planning Authority would wish to retain control over any further change of use of these premises in the interests of safeguarding the vitality and viability of nearby town centres in accordance with the applicant’s retail impact assessment to ensure compliance with the following Development Plan policies for Merton: policy 4.7 of the London Plan 2015, policy CS 7 of Merton’s Core Planning Strategy 2011 and policy DM R2 Merton’s Sites and Policies Plan 2014.

Informatives.

- a) The applicant is advised that the demolition works should avoid the bird nesting and bat roosting season. This avoids disturbing birds and bats during a critical period and will assist in preventing possible contravention of the Wildlife and Countryside Act 1981, which seeks to protect nesting birds/bats and their nests/roosts. Buildings should be also be inspected for bird nests and bat roosts prior to demolition. All species of bat in Britain and their roosts are afforded special protection under the Wildlife and Countryside act 1981. If bats are found, Natural England should be contacted for advice (telephone: 020 7831 6922).
- b) The developer is recommended to seek Secured by Design accreditation. For further information contact the Design out crime Officer at the Metropolitan Police (pat.simcox@met.police.uk)
- c) The Written Scheme of Investigation will need to be prepared and implemented by a suitably professionally accredited heritage practice in accordance with Historic England's Guidelines for Archaeological projects in London.
- d) A groundwater risk management permit from Thames Water will be required for discharging groundwater into a public sewer. Permit enquiries should be made to Thames Water (wwriskmanagement@thameswater.co.uk or by phone 0235779483).
- e) There is a Thames Water main crossing the development site which may need to be diverted at the developer's cost or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be made available at all times for maintenance and repair. Please contact Thames Water Developer Services (0800 009 3921).
- f) 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 applicant was given the opportunity to amend the proposals. Planning Committee considered the application where the applicant/agent had the opportunity to speak to the committee and promote the application.

[Click here](#) for full plans and documents related to this application.

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