

## PLANNING APPLICATIONS COMMITTEE 25<sup>th</sup> May 2017

### APPLICATION NO.                      DATE VALID

16/P4418

11/11/2016

**Address/Site:**            23 Streatham Road, Mitcham, CR4 2AD

**Ward**                              Figges Marsh

**Proposal**                      Demolition of existing building and erection of a single storey Lidl foodstore with associated car parking, cycle parking and landscaping.

**Drawing No's**                Site location plan and drawings; 010041 Rev 11, 010042 Rev 3, 010043 Rev 2, 010044 Rev 5, 020041 Rev 6, 020051 Rev A, 020052 Rev A, 1214 Rev C, 900300 Rev 1, 17/0301/SK04 Rev C & 17/0301/TK07    Air quality assessment by Syntegra Consulting ref 16-2728 February 2017, Noise Impact assessment report by Acoustic Consultants Ltd ref 6527/BL/cg February 2017

**Contact Officer**            Leigh Harrington (020 8545 3836)

### **RECOMMENDATION**

**GRANT PLANNING PERMISSION subject to conditions.**

### **CHECKLIST INFORMATION**

- Head of agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted - No
- Number of neighbours consulted - 137
- Press notice - Yes
- Site notice - Yes
- External consultations – Transport for London, Metropolitan Police
- Density - N/A
- Number of jobs created 10 Full time, 30 Part time

## **1. INTRODUCTION**

- 1.1 This application is brought before the Planning Applications Committee due to scope and level of objection.

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site (0.65 hectares) is situated on the south east side of Streatham Road to the east of the junction with Graham Avenue which runs along one side of the site. Part of the site is currently occupied by a vacant Halfords store and associated parking area. The site also includes a vacant area of open land with mature trees to the rear adjacent to Tudor House and an area of vacant hard standing to the east behind a garage and adjacent to Coast House and Beaulieu Close. Neither of these parcels of land is afforded any protection from development by way of planning policy or specific designation in the Merton Sites and Policies plan. The front of the site opens onto Streatham Road with Figges Marsh open space beyond that. A number of mature trees are located on the corner of Streatham Road and Graham Avenue including three which are the subject of a Tree Preservation Order. Three trees to the rear of the site on the Graham Avenue elevation are also subject of the same TPO.
- 2.2 The site is not within either an Archaeological Priority Zone (APZ), Controlled Parking Zone (CPZ) or Conservation Area and is not shown to be at risk of flooding. Streatham Road is a London Distributor Road carrying heavy traffic loads. The site enjoys above average access to public transport with a PTAL level of 4.

## **3. CURRENT PROPOSAL**

- 3.1 The proposal involves the demolition of the vacant Halfords unit (1394 sq.m). Once cleared there would be an expanded area of parking located in front of the new supermarket building (2152 sq.m GIA – plot ratio of 0.33 to 1) which would extend back 76.5m to incorporate the vacant area of open land to the rear of the site whilst the existing vacant hardstanding area would be utilised to provide an additional parking area.
- 3.2 The 33m wide glazed frontage of the supermarket would face Streatham Road with a corner entrance in the north east corner of the building. The building would feature a sloping roof with a height of 7.56m along the eastern elevation sloping down to 5.26m along most of the Graham Avenue elevation. The building would feature exposed brickwork to a height of around 4m along each of the other three elevations with a light coloured cladding finished area up to the roof slope. Servicing and deliveries would take place at the rear of the store within a flat roofed enclosed section with a 4.41m roof height. The store will include a bakery area as well as chiller and freezer sections and have a total GIA of 2,236m<sup>2</sup> with a sales area of 1352m<sup>2</sup>. Plant and machinery for the freezers and chillers will be located on a mezzanine level above that equipment.

3.3 Externally the store will provide 93 parking space, two trolley bays, cycle parking and boundary landscaping. To improve access to the store and not to impact on traffic movement there will be alterations to the road layout through new road marking and traffic island placement on Streatham Road with details to be agreed between the Council and the applicant under the Highways Act. An advertising totem would be situated on the Streatham Road elevation by the entrance and would be subject to a separate consent under the Advertisement Regulations.

#### **4. PLANNING HISTORY**

4.1 05/P0035 Planning permission granted for the change of use from retail store for the sale of cycle and vehicle parts, accessories and associated products together with mot and service bay facilities to use as a non-food retail warehouse within class A1.

4.2 92/P0565 Advertising consent granted for retention of three forecourt light-column

4.3 90/P0197 Advertising consent granted for display of internally illuminated signs to Streatham Road elevation.

4.4 89/P0532 Planning permission refused but allowed on appeal for erection a of retail store for the sale of cycle and vehicle parts and accessories with mot bay five vehicle service bays and associated car parking.

#### **5. CONSULTATION**

5.1 The application was advertised by means of neighbour notification letters, Major Application Press Notice and a site notice.

5.2 5 letters of objection have been received from local residents and supported by Councillor Stanford raising the following concerns:-

- The position of the building is too far back from Streatham Road impacting views from the houses opposite There should be a screen along the Graham Avenue elevation.
- The proximity of the new building impacts views and causes loss of light and outlook from Tudor House whilst the access to the service area will present problems of noise and pollution from HGV traffic. There should be no night time deliveries.
- Proposed level of parking is excessive and will cause issues of tailbacks along Streatham Road, increased noise and disturbance.
- There should be no access from Graham Avenue.
- No new low walls that will encourage Anti-social behaviour.

- No need for another Lidl so close to other stores.
- Will increase litter and anti-social behaviour.
- The car parks need to be properly secured to prevent unauthorised use.
- Loss of the ivy along Graham Avenue, no details of green walls.
- There was no meaningful response to neighbour comments from the public consultation.

5.3 Highways officers raised no objection subject to conditions.

5.4 Transport planning were satisfied that sufficient vehicle and cycle parking facilities were provided and that the revised road layout for site access was acceptable.

5.5 Transport for London were consulted on the proposals following concerns that the proposals might lead to traffic reaching the Figges Marsh roundabout. Following discussions with the applicant they are satisfied with the revised access design.

5.6 Future Merton Policy officers raised no objection to the proposals.

5.7 Metropolitan Police Designing out Crime Officer.

Detailed concerns raised regarding security measures including improving proximity of cycle stores to store, the need to widen a pedestrian route to the store, lighting levels to be to British Standard and vehicle gates to car park to prevent out of hours use.

5.8 Climate change officers were satisfied that the development should achieve BREEAM 'Very good' and that the proposals were policy compliant..

5.9 Environmental Health officers were consulted and as a result further information was provided relating to noise impacts and subject to conditions there were no objections to the proposals.

5.10 Flood Risk Management considered the submitted SUDS proposals and raised no objections subject to conditions.

5.11 Trees officer raised no objection following the submission of revised landscaping proposals.

## **6. POLICY CONTEXT**

6.1 London Plan (March 2015).

4.7 (Retail and town centre development), 5.2 (Minimising CO2 emissions), 5.3 (Sustainable design and construction), 5.7 (Renewable energy), 5.15 (Water use and supplies), 6.3 (Assessing effects of development on transport capacity), 6.9 (Cycling), 6.13 (Parking), 7.2 (Inclusive environment), 7.4 (Local character), 7.5 (Public realm), 7.6 (Architecture), 7.19 (Biodiversity and access to nature).

## 6.2 Merton LDF Core Planning Strategy (July 2011).

CS 2 (Mitcham Sub Area), CS 7 (Centres), CS 11 (Infrastructure), CS 12 (Economic Development), CS 14 (Design), CS 15 (Climate Change), CS 17 (Waste management), CS 18 (Active Transport), CS 19 (Public Transport) & CS 20 (Parking servicing and delivery)

## 6.3 Merton Sites and Policies Plan (2014)

DM D1 (Urban Design and the Public Realm), DM D2 (Design considerations in all developments), DM D3 Alterations and extensions to existing buildings, DM EP 2 (Reducing and mitigating against noise), DM EP4 (Pollutants), DM F2; Sustainable urban draining systems (SUDS), DM O2 (Nature conservation), DM R2 (Development of town centre type uses outside town centres), DM T1 (Support for sustainable transport and active travel), DM T2 (Transport impacts of development), DM T3 (Car parking and servicing standards).

## 6.4 National Planning Policy Framework (2012)

Key planning objectives for local planning authorities relevant to the application.  
Overarching objectives.

- To proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- To recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;

Retail impact.

- When assessing applications for retail, leisure and office 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 if the development is over a proportionate, locally set floorspace threshold

Transport impact and accessibility.

- All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment.
- Safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to: accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones; incorporate facilities for charging plug-in and other ultra-low emission vehicles; and consider the needs of people with disabilities by all modes of transport.

#### Design.

- It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

#### Sustainability.

- To support the move to a low carbon future, local planning authorities should: plan for new development in locations and ways which reduce greenhouse gas emissions; actively support energy efficiency improvements to existing buildings; and when setting any local requirement for a building's sustainability, do so in a way consistent with the Government's zero carbon buildings policy and adopt nationally described standards.

#### Environmental impacts.

- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established

#### Proactive negotiation and decision making.

- Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

## **7.0 PLANNING CONSIDERATIONS**

7.1 The main planning considerations include the principle and impact of re-developing the site for a discount retailer, neighbour amenity, traffic highways and parking, design and appearance, biodiversity and sustainability.

### **7.2 The retail impact of the supermarket use.**

The existing lawful use of the site falls within Use Class A1, the same Use Class as this proposal, albeit the former use was a non-food retail use. The store will be operated by Lidl whose business model is that of an identified group of retailers known as Limited Assortment Discounters (LAD) who typically stock less than 1000 items compared to 5-10,000 items in a comparable mainstream supermarket. The shops do not offer concessions such as pharmacies, opticians, cold meat counters etc and so offer less competition to smaller local businesses. The consequence of this is that this form of retail is acknowledged to have a different impact on other retailers and the wider area than mainstream operators. The applicants have submitted a Retail Impact Assessment and Sequential test information which has been considered by the Council's retail policy officers who were of the opinion that provided the operator remained an LAD then there would not be an unacceptable impact on local retail services and that the proposals would therefore accord with relevant out of centre retail policies. A condition to this effect is recommended.

### **7.3 Neighbour amenity**

The application was extensively consulted on by letter, press notice and site notice and there were concerns raised relating to the impact on neighbour amenity and in particular for the occupiers of Tudor House. As the area of open land to the rear of the current site will be developed as part of the application it will result in the delivery bay being located 6m from Tudor House. However the height of the works are such that the proposal would meet the 25 degree eye line test and therefore visual intrusion and loss of outlook would not be such as to justify a refusal of planning permission.

7.4 With regards to light, the application was supported by a Daylight, Sunlight and Overshadowing report which assessed the impact of the proposals on the closest residential properties at 8 Harbour Close (Coast House), 3 Graham Avenue. (Tudor House) and 6-28 Graham Avenue. In relation to daylight the report concluded that the impact as defined by the BRE was negligible. For sunlight, only relevant windows in two premises received direct sunlight and the impact on them was also within the negligible category. In terms of overshadowing the impact on all three sites was also negligible. Consequently the impact of the proposals on neighbour amenity in relation to light is considered to be acceptable in terms of BRE guidance.

7.5 Noise impact and Air quality assessments accompanied the application. The Council's Environmental Health officers have considered the documents and

were of the opinion that if the recommendations were incorporated into the development there would be no harmful impact on the amenity of neighbours. Therefore in order to protect neighbour amenity from noise and air pollution, relevant planning conditions are recommended that the report findings be implemented. Additionally a 2.4m high acoustic fence along the boundary would further assist in mitigating the impact and the delivery loading bay is now to be enclosed. Stores of this size typically receive two deliveries a day and conditions regulating their hours should further mitigate the impact on neighbour amenity.

#### 7.6 Traffic, highways and parking

When the application was originally submitted officers raised concerns regarding access to and from the site and the impact of cars queuing to enter the site on the smooth operation of the highway. Following discussions with officers from LBM and TfL a scheme to reposition the traffic island and create a waiting zone for 5 cars waiting to turn right into the site is considered adequate to prevent tailbacks having a clogging effect on the Figges Marsh roundabout and further impact traffic in Mitcham. A yellow box junction across the entrance will prevent the entrance becoming blocked. A condition requiring these works to be carried out before the store becomes operational is recommended.

- 7.7 The proposal will provide 93 parking spaces in two areas of the site. The 28 space area in front of the site includes 10 accessible spaces and 5 parent and child spaces. In the larger 65 space car park 2 rapid charging bays will be provided with 8 spaces ready for future connection. 24 cycle spaces will be provided for customers at the front of the store and 12 to the rear for staff. The council's transport officer has confirmed that this meets London Plan standards. Vehicle tracking diagrams demonstrate that the delivery bay can be accessed by HGVs. Pedestrian access would be to the east of the site with a walkway leading to a marked crossing leading to the store entrance. A knee high fence along the Graham Avenue and Streatham Road elevations will channel pedestrians in through the main Streatham Road entrance.

#### Design/Appearance and Impact on the streetscene

- 7.8 London Plan policies 7.4 to 7.6, Core strategy policy CS14 and SPP policies DMD1 and D2 provide an overarching framework for delivering a high quality public realm, high quality design and ensuring that development proposals respect the appearance, materials, scale bulk, proportions and character of the surroundings. The proposed building will be of a functional design.
- 7.9 The layout, which develops the site at a plot ratio of only 0.33 to 1, reproduces that of the Halfords store to be removed insofar as it places a large area of car parking to the front rather than enabling the building to be drawn closer towards Streatham Road and extends the blank elevation along Graham Avenue rather than introducing other uses that might be suitable to a residential street such as housing.



- 7.11 The placing of a large retail “shed” set behind forecourt parking on Streatham Road with an elevation that does not address Graham Avenue, has previously been deemed acceptable on the site following an appeal decision.
- 7.12 With regards to the impact on the Streatham Road frontage arising from the redevelopment, the light coloured cladding reduces the visual impact of the roof and the front elevation is predominantly glass to create the effect of light and space and will be set behind and enclosed within improved landscaping so as not to jar with views from Figges Marsh. The proposals, while incorporating green walls features, would extend a similar “blank” elevation onto Graham Avenue further southwards.
- 7.13 While alternative forms of development of the site might offer greater opportunity for enhancing the public realm along both Streatham Road and Graham Avenue and creating a greater level of interaction with the street, with uses, in the case of Graham Avenue, suitable to a residential street, planning decision making is based not on whether alternative development options might be pursued but very much on whether the merits of the current proposals outweigh harm that might arise.
- 7.14 The proposals would not improve the public realm by placing a building in a location that enhances the level of more immediate interaction between pedestrians and the building. However, the net effect of the proposals on Streatham Road is somewhat neutral in this respect while the impact on Graham Avenue would consolidate and expand a design approach which has previously been deemed acceptable on appeal. On balance it may be considered that the delivery of an employment generating use appropriate to its location and not likely to have harmful impact in other respects may be supported.
- 7.13 Concerns have been raised regarding the impact of the loss of the ivy clad walls of the existing building on the views from the houses opposite the site. The proposals were to replace this wall with 2x purpose built green wall sections. The use of natural climbing ivy walls was suggested by officers however the applicant states that there is insufficient space on the Graham Avenue elevation to provide space for the ivy planting beds other than at the rear of the site by Tudor House. Consequently this elevation would feature a green wall, the three existing trees towards the centre of the site and ivy planting behind planting beds near Tudor House. The maintenance of these features is recommended to be secured by condition.
- 7.14 Biodiversity and Trees

The application was submitted with an ecology habitat report that stated ‘The nature of the proposed development, its location and the relatively small size of the site are all factors which will combine to result in no adverse impacts upon

surrounding habitats, protected species and wildlife in general'. The report did however recommend types of nesting spaces that should be provided on the new development and that restrictions should be placed on demolition times in order to minimise any impact on the fauna that does inhabit the site. There is a low risk of Bats roosting on site but the wording of the condition requiring a demolition and construction method statement requires a soft strip of the roof under the supervision of a suitably qualified ecologist.

The existing mature ivy supports nesting sites for a number of birds and in addition to the re-provision of ivy planting to the rear of the site, the wall along the elevation will be built incorporating a number of purpose built nesting spaces designed for bird species that nest in that manner. It is recommended that a condition be attached to the permission that requires the design and positioning of these bird nesting spaces to be approved prior to the opening of the new store.

7.15 The site features four trees subject of Tree Preservations Orders which will not be affected by the proposals. Two trees of lower quality would be removed from the junction of Streatham Road and Graham Avenue including one that is protected (T1 of TPO-700 – a small oak tree) whilst a new specimen will be planted at the rear to replace the removal of a further protected tree (T6 of TPO-700- a horse chestnut). 4 further trees will be planted as part of the proposals along the boundary with Beaulieu Close resulting in a net increase in trees on the site.

7.16 The design has also been amended to provide more openness on the Graham Avenue elevation and the level of planting has been increased around the site in response to the concerns of officers. Notwithstanding the loss of protected trees it is considered that the proposed planting would mitigate for the impact of their loss and overall the proposals would not conflict with the objectives of adopted policy DM.O2 which while seeking to safeguard trees of amenity value acknowledges that a degree of flexibility should be applied to their protection which the benefits of a development outweigh amenity considerations. Suitable conditions are recommended to ensure the protection of the retained trees on site during the construction process and to delivering the proposed landscaping.

#### 7.17 Sustainability and construction

Merton Core strategy policy CS15 sets minimum sustainability requirements for major developments and the Council's climate change officer has confirmed that the proposals are compliant with the relevant policy requirements. A condition to ensure the development achieves a Breeam "Very Good" rating is recommended.

## **8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

- 8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of an Environmental Impact Assessment (EIA).

## **9 CONCLUSION**

- 9.1 The proposal will introduce a new Limited Assortment Discount retailer which will occupy the site with a new supermarket, ancillary car parking and landscaping. In order to facilitate the anticipated increased level of customer traffic the proposals will also involve alterations to the highway layout of Streatham Road.
- 9.2 Officers have considered the accompanying information that was submitted with the application and consider that subject to the imposition of suitable conditions the new store could operate without having an adverse impact on the retail hierarchy in the area, the amenity of neighbouring occupiers, the effective operation of the highway or local biodiversity.
- 9.3 The plain and simple shop design would not appear unattractive when viewed from Figges Marsh and from the north. The placing of a large retail “shed” with a large area of forecourt parking and an elevation, that does not address Graham Avenue, has previously been deemed acceptable on the site following an appeal. While alternative forms of development of the site might offer greater opportunity for enhancing the public realm along both Streatham Road and Graham Avenue and creating a greater level of interaction with the street, planning decision making is based not on whether alternative development options might be pursued but very much on whether the merits of the current proposals outweigh harm that might arise. Members may reasonably conclude in this case, notwithstanding the shortcomings of the design, and having regard to the earlier appeal decision, that on balance the proposals may be approved.

## **RECOMMENDATION**

Grant planning permission subject to conditions

1. A.1 Commencement of development for full application
2. A.7 In accordance with the approved plans Site location plan and drawings; 010041 Rev 11, 010042 Rev 3, 010043 Rev 2, 010044 Rev 5, 020041 Rev 6, 020051 rev A, 020052 Rev A, 1214 Rev C, 900300 Rev 1, 17/0301/SK04 Rev C, 17/0301/TK07 Air quality assessment by Syntegra Consulting ref 16-2728 February 2017, Noise Impact assessment report by Acoustic Consultants Ltd ref 6527/BL/cg February 2017

3. B.3 External materials as specified.
4. B.4 Details of site/surface treatment to be approved.
5. B.5 Details of walls/ fences and security gates to be approved.
6. C.6 Details of refuse storage to be approved.
7. Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be used or occupied until a Post-Construction Review Certificate issued by the Building Research Establishment or other equivalent assessors confirming that the non-residential development has achieved a BREEAM rating of not less than 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 deliver the carbon savings outlined with the approved energy strategy (ACL-4101-03-02 – Energy Statement rev1.pdf, 07-02-2017). Reason; To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: policy 5.2 of the London Plan 2015 and policy CS15 of Merton's Core Planning Strategy 2011.
8. 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. The Statement shall provide for:
  - hours of operation;
  - confirmation that works will be undertaken outside of the bird nesting season unless in the supervision of a qualified ecologist and that the demolition of the roof shall be undertaken as a soft strip demolition under the supervision of a suitably qualified ecologist.
  - 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 safeguard the amenities of the area, the occupiers of neighbouring properties and the protection of wildlife and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Polices Plan 2014.

9. The noise mitigation measures as recommended in the Noise Impact Assessment report by Acoustic Consultants Ltd ref 6527/BL/cg February 2017 shall be implemented before commencement of the use hereby approved. Reason To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Polices Plan 2014.
10. D.5 Soundproofing of Plant and Machinery. Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any new plant/machinery associated with the development shall not exceed LA90-10dB at the boundary with the closest residential or noise sensitive property.
11. D.8 Deliveries No servicing of (including waste service collections) or deliveries to the retail premises shall take place other than between the hours of 07:00 and 23:00.
12. D. 11 Hours of construction
13. The air quality mitigation measures as proposed in the air quality assessment by Syntegra Consulting ref 16-2728 February 2017 shall be incorporated into the development. Details of these measures shall be submitted to the local planning authority for approval before the development is implemented and such details as are approved shall be implemented before commencement of the use hereby approved. Reason. To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Polices Plan 2014.
14. D.10 External lighting
15. F2 Landscaping implementation All hard and soft landscape works shall be carried out in accordance with the approved details as shown in drawings-- 020052 Rev A, 020052 Rev A & 1214 Rev C. The works shall be carried out in the first available planting season following the completion of the development or prior to the occupation of any part of the development, whichever is the sooner, and any trees which die within a period of 5 years from the completion of the development, are removed or become seriously damaged or diseased or are dying, shall be replaced in the next planting season with others of same approved specification, unless the Local Planning Authority gives written consent to any variation. All hard surfacing and means of enclosure shall be completed before the development is first occupied. Reason To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policies 5.1, 7.5 and 7.21 of the London Plan 2015, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, F2 and O2 of Merton's Sites and Polices Plan 2014.

16. F5 Tree protection
17. Prior to first occupation of the development hereby approved the applicant shall have entered into and completed an agreement under s278 of the Highways Act with the Local Highways Authority to secure the repositioning of highway furniture and the remarking of the highway and the provision of access to the site as may be required and as shown on the drawings 17/0301/SK04 Rev C & 17/0301/TK07 Reason. To ensure the safe and efficient operation of the public highway in accordance with policies CS 20 of the Core Strategy 2011 and DM T2 of the Adopted Merton Sites and Policies Plan 2014.
18. 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.
19. H.6 Cycle Parking design of secure cycle stores
20. H.7 Cycle storage provision
21. H.12 Delivery and Servicing Plan (including details of the size of service vehicles and timing of deliveries)
22. H 13 Construction logistics plan
23. M.1 Contaminated Land – Site investigation. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11 and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.
24. M.2 Contaminated Land – Remedial measures Subject to the site investigation for contaminated land, 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.

25. M.3 Contaminated Land – Validation report. 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.
26. 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. Reason: In order to protect the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Policies Plan 2014.
27. Non-standard condition [Details of drainage]: Prior to the commencement of the development hereby permitted, a detailed scheme for the provision of surface and foul water drainage shall be submitted to and approved in writing by the local planning authority. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS), the scheme shall:
  - i. Provide information about the design storm period and intensity, attenuation (attenuation volume to be provided is no less than 317m<sup>3</sup>) and control the rate of surface water discharged from the site to no more than 7.9l/s;
  - ii. Include a timetable for its implementation;
  - iii. Provide a management and maintenance plan for the lifetime of the development, including arrangements for adoption to ensure the schemes' operation throughout its lifetime.

No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be occupied until the scheme is carried out in full. Those facilities and measures shall be retained for use at all times thereafter.

Reason: To reduce the risk of surface and foul water flooding and to ensure the scheme is in accordance with the drainage hierarchy of London Plan 2015 policies 5.12 & 5.13 and the National SuDS standards and in accordance with policies CS16 of the Core Strategy and DMF2 of the Sites and Policies Plan.

28. Non standard condition No more than 1,352 sq.m of the total retail floor space hereby approved shall be used for the sale of convenience goods and no more than 423 sq.m shall be used for the sale of comparison goods and the retail unit hereby approved shall offer for sale no more than 2,500 individual product lines. 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 Polices Plan 2014.
29. Commencement of the use shall not take place until full details of the method of design and construction of the living wall including a long term planting strategy and plant specification of the size, species and density of the proposed plants, including an irrigation rig & system, and a long term maintenance regime for the whole of the living wall has been submitted to and approved in writing by the Local Planning Authority. Such details shall include management responsibilities for the maintenance of the living wall. The living wall shall be installed in accordance with the approved details and shall be maintained thereafter in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority. Reason: To enhance the appearance of the development and to ensure the development is maintained in the interest of the amenities of the area and to comply with the following Development Plan policies for Merton.
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