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TOWN & COUNTRY PLANNING ACT 1990

Planning Permission Decision Notice 12/P0418

The London Borough of Merton, as Local Planning Authority, hereby **GRANTS Planning Permission** for the works specified in the First Schedule below subject to the conditions specified in the Second Schedule below.

First Schedule - Particulars of application

Application Number: 12/P0418

Location: THE NELSON HOSPITAL
220 KINGSTON ROAD
LONDON
SW20 8DB

Proposal: PROPOSED REDEVELOPMENT OF THE NELSON HOSPITAL SITE, INCLUDING FORMER NURSES HOME AND ASSOCIATED CAR PARKING AREA COMPRISING:-
SITE 1) CONSTRUCTION OF A NEW TWO/THREE STOREY (5600M²) LOCAL CARE CENTRE, (INCORPORATING RETENTION OF THREE PAVILION BUILDINGS) AND ALTERATIONS TO ACCESS ROUTE WITH 68 CARPARKING SPACES TO THE REAR, ("LCC").
SITE 2) CONSTRUCTION OF A NEW TWO/THREE STOREY ASSISTED LIVING EXTRA CARE DEVELOPMENT (51 RESIDENTIAL UNITS) WITH ASSOCIATED COMMUNAL FACILITIES, DEDICATED VEHICLE ACCESS AND 21 CAR PARKING SPACES, INVOLVING DEMOLITION OF ALL EXISTING BUILDINGS ON THIS PART OF THE SITE, ("ALEC").
SITE 3A) ALTERATIONS, INCLUDING NEW LANDSCAPING TO THE RUSH AND KINGSTON ROAD AND SITE 3B) ALTERATIONS, INCLUDING NEW LANDSCAPING TO BLAKESLEY WALK AND KINGSTON ROAD.

Approved Plans: See Condition 3 (Approved plans).

Second Schedule - Conditions

1 The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2 No development shall take place until full details, including plans, of the phasing of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details of phasing, unless any variation or amendments have first been agreed in writing with the Local Planning Authority.

Reason: To ensure the development progresses in an orderly manner without undue loss of amenity to the surrounding area and that satisfactory facilities are provided to service all stages of the development.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan, ALP/644/01B, 02C, 03A, 04B, 05C, 06A, 07A, 08A, 09A, 010A, 011A, 012A, 013B; 2537/00_003B, 020 O, 021 C, 023B, 101 I, 102 I, 103 I, 104 C, 201 D, 202 D, 203 D, 204 C, 301 D; 10/1823/100B, 101E, 106C, 107B, 108; 10/1823/102-1A, 2A, 3A; Planning Statement; Ecological Statement; Landscape Statement; Archaeological Assessment; Energy Strategy; Utilities Statement; Flood Risk Assessment; Refuse and Waste Plan; Acoustic Report; Transport Assessment.]

Reason: For the avoidance of doubt and in the interests of proper planning

- 4 For the relevant phase: Notwithstanding any materials specified in the application form and/or the approved drawings, particulars and samples of the materials to be used on all external faces of the relevant phase of the development hereby permitted, including window frames and doors, shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced. The relevant phase of 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 policy BE.23 of the Adopted Merton Unitary Development Plan 2003.

- 5 For the relevant phase: Details of the 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 shall be submitted to and approved in writing by the Local Planning Authority before the relevant phase of the development hereby permitted commences. These works shall be carried out in accordance with the approved details before the relevant phase of the development is first brought into use.

Reason: To ensure a satisfactory standard of development in accordance with policy BE.16 of the Adopted Merton Unitary Development Plan 2003.

- 6 For the relevant phase: Details of all boundary walls or fences shall be submitted to and approved in writing by the Local Planning Authority including 2.5m high "Jakoustic" fencing to the rear of properties in Manor Gardens, prior to the commencement of the relevant phase of the development and shall be in place prior to the first occupation of the relevant phase of the development hereby approved/commencement of the use, and permanently retained thereafter.

Reason: To ensure a satisfactory and safe development in accordance with policies BE.16 and BE.22 of the Adopted Merton Unitary Development Plan.

- 7 For the relevant phase: Details of the proposed finished floor levels of the relevant phase of the development, together with existing and proposed site levels, shall be submitted to and approved in writing by the Local Planning Authority before the development of the relevant phase commences, and each development shall be completed strictly in accordance with the approved levels and details.

Reason: To safeguard the visual amenities of the area and to comply with policies BE.22 & BE.23 of the Adopted Merton Unitary Development Plan.

- 8 For the relevant phase: No development of the relevant phase shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved in relation to the relevant phase shall be carried out in full prior to the first occupation of the relevant phase of the development and shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with policies BE.15 and PE.11 of the Adopted Merton Unitary Development Plan 2003.

- 9 For the relevant phase: No unit within the ALEC accommodation shall be occupied until detailed plans and specifications of a kitchen ventilation system, including details of sound attenuation for a kitchen ventilation extract system and odour control measures have been submitted to and approved in writing by the Local Planning Authority. The kitchen ventilation extract system shall be installed in accordance with the approved plans and specifications before the use commences and shall be permanently retained as such thereafter.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.

- 10** All deliveries, loading, unloading or other servicing activities shall take place between the hours of 8am - 8pm Monday to Friday, 9am - 1pm Saturday and not on Sundays or public holidays.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.

- 11** Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.

Reason: To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.

- 12** No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.

- 13** For the relevant phase: No development of the relevant phase shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme which shall include on a plan, full details of the size, species, spacing, quantities and location of plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of the relevant phase of the development.

Reason: To enhance the appearance of the development in the interest of the amenities of the area and to comply with policy NE.12 of the Adopted Merton Unitary development Plan 2003.

- 14** For the relevant phase: All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the relevant phase (as applicable) and any trees which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased or are dying shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard surfacing and means of enclosure shall be completed before occupation of the relevant phase.

Reason: To enhance the development in the interest of the amenities of the area and to comply with policy NE.12 of the Adopted Merton Unitary Development Plan 2003.

- 15** For the relevant phase: Before any site works commence in relation to the relevant phase, an Arboricultural Method Statement and Tree Protection Plan, drafted in accordance with the recommendations and guidance set out in BS 5837:2005 shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed before any site works commence in relation to the relevant phase and shall be retained and maintained until the completion of all site operations.

Reason: To protect and safeguard the existing retained trees in accordance with policy NE.12 of the Adopted Merton Unitary Development Plan 2003.

- 16** For the relevant phase: The Local Planning Authority's Tree Officer shall be informed of the proposed commencement of works on site by a minimum of two weeks' notice.

Reason: To allow for an inspection of the tree protection measures to ensure the trees are safeguarded in accordance with policy NE.12 of the Adopted Merton Unitary Development Plan 2003.

- 17** For the relevant phase: The hardstanding hereby permitted shall be made of porous materials, or provision made to direct surface water run-off to a permeable or porous area or surface within the application site before occupation of the relevant phase.

Reason: To reduce surface water run-off and to reduce pressure on the surrounding drainage system in accordance with policies PE.7 of the Adopted Merton Unitary Development Plan 2003.

- 18** For the relevant phase: Prior to the commencement of development of the relevant phase, details of the proposed vehicular access to serve the relevant phase of the development shall be submitted to and approved in writing by the Local Planning Authority, and the works as approved shall be completed prior to the first occupation of the development.
- Reason: In the interests of the safety of vehicles and pedestrians and to comply with policy RN.3 of the Adopted Merton Unitary Development Plan 2003.
- 19** For the relevant phase: The relevant phase of the development shall not be occupied until the existing redundant crossover/s have been removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority.
- Reason: In the interests of the safety of pedestrians and vehicles and to comply with policy RN.3 of the Adopted Merton Unitary Development Plan 2003.
- 20** For the relevant phase: The vehicle parking area shown on the approved plans shall be provided before occupation of the relevant phase hereby permitted and shall be retained for parking purposes for occupiers and users of the relevant phase of the development and for no other purpose.
- Reason: Reason: To ensure the provision of a satisfactory level of parking and to ensure compliance with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
- 21** For the relevant phase: Prior to the occupation of the development 2metre x 2 metre pedestrian visibility splays shall be provided either side of the vehicular access to the site. Any objects within the visibility splays shall not exceed a height of 0.6 metres.
- Reason: In the interests of the safety of pedestrians and vehicles and to comply with policy RN.3 of the Adopted Merton Unitary Development Plan 2003.
- 22** For the relevant phase: No development of the relevant phase shall commence until details of secure cycle parking facilities for the occupants of, and visitors to, the relevant phase of the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the relevant phase of the development and thereafter retained for use at all times.
- Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with policy CS18 of the Adopted Merton Core Planning Strategy 2011.
- 23** For the relevant phase: Prior to the commencement of the relevant phase of the development, details of the provision to accommodate all site workers', visitors' and construction vehicles and loading /unloading arrangements during the construction process shall be submitted to and approved in writing by the Local Planning Authority. The approved details must be implemented and complied with for the duration of the construction process for the relevant phase.
- Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
- 24** For the relevant phase: Prior to occupation of the relevant phase of the development hereby permitted, a Parking Management Strategy shall be submitted to and approved in writing by the Local Planning Authority and measures as approved shall be implemented and maintained for the duration of the use unless the prior written approval of the Local Planning Authority is obtained to any variation.
- Reason: To ensure the provision of an appropriate level of car parking and comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
- 25** For the relevant phase: Prior to first occupation of the relevant phase of the development hereby permitted, a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority and measures shall be implemented and maintained for the duration of the use, unless the prior written approval of the Local Planning Authority is obtained to any variation.
- Reason: In the interests of the safety of pedestrians and vehicles and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.

26 For the relevant phase: No development shall take place within the relevant phase of the development until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: In order to provide the opportunity to record the history of the site and to comply with policy BE.13 of the Adopted Merton Unitary Development Plan 2003.

27 Unless otherwise agreed in writing by the Local Planning Authority, within 4 months of the first occupation of any residential unit a Building Research Final Code Certificate shall be submitted confirming that the ALEC development has achieved not less than BREEAM Multi residential "Very Good" standard has been submitted to, and acknowledged in writing by the Local Planning Authority. Reason for condition: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies BE.25 of the Adopted Merton Unitary Development Plan 2003, and CS 15 of Merton's Core Strategy 2011.

28 No development shall commence until evidence that the LCC development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'standard' BREEAM or a 'bespoke' BREEAM) and a Design Stage Assessment Report showing that the LCC development will achieve a BREEAM rating of not less than 'Very Good' has been submitted to and approved in writing by the Local Planning Authority. The submission shall also include evidence to show how the LCC 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 with policies BE.25 of the Adopted Merton Unitary Development Plan 2003, 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.

29 Unless otherwise agreed in writing by the Local Planning Authority, within 4 months of occupation of the LCC site a Post-Construction Review Certificate issued by the Building Research Establishment confirming that the LCC development has achieved a BREEAM rating of not less than 'Very Good' shall be submitted to and acknowledged in writing by the Local Planning Authority. The submission shall also include confirmation that the LCC development has met 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 with policies BE.25 of the Adopted Merton Unitary Development Plan 2003, 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.

30 For the relevant phase: Prior to commencement of the relevant phase of the development a detailed site investigation shall be completed to survey and assess the extent of potential ground contamination on the site and from the surrounding environment (including any controlled waters), considering historic land use data and the proposed end use with the site investigation report (detailing all investigative works and sampling, together with the results of analysis, risk assessment to any receptors and proposed remediation strategy detailing proposals for remediation) submitted to and approved by the Local Planning Authority with the approved remediation measures/treatments implemented in full prior to first occupation of the relevant phase of the development hereby approved.

Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003.

31 For the relevant phase: If during construction works further contamination is encountered which has not previously been identified and considered the Council's Environmental Health Section shall be notified immediately and no further development of the relevant phase shall take place until remediation proposals (detailing all investigative works and sampling, together with the results of analysis, risk assessment to any receptors and proposed remediation strategy detailing proposals for remediation) have been submitted to and approved by the Local Planning Authority and the approved remediation measures/treatments implemented in full.

Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003.

32 Prior to first occupation of any residential unit hereby approved a validation report shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that remediation works have been carried out in accordance with the agreed remediation strategy. The validation report shall provide a full record of all remediation activities carried out on the site including post remedial sampling and analysis, waste management documentation and evidence that the agreed site remediation criteria have been met (including waste materials removed from the site; an audit trail demonstrating that all imported or reused soil material conforms to current soil quality requirements as approved by the Council) and any post-remediation sampling that has been carried out.

Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003.

33 For the relevant phase: Prior to use of the relevant phase of the development, sound insulation/attenuation measures are to be installed to ensure that noise from new plant/machinery does not increase the background noise level by more than 2dBa L90 (5 min) with no increase in any one-third octave band between 50Hertz and 160Hertz when measured at the boundary of the nearest noise-sensitive property; the approved measures shall be installed before the plant and machinery is first used and shall be permanently retained thereafter unless otherwise agreed in writing by the Local Planning Authority. Reason for condition: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.

34 For the relevant phase: Prior to the commencement of the relevant phase of the development a noise report shall be submitted to and approved in writing by the Local Planning Authority detailing: (i) The existing noise environment and the potential sources of noise likely to impact on the relevant phase of the proposed development and occupiers of adjacent properties including road traffic noise. (ii) The likely noise impact of the existing noise environment on the relevant phase of the proposed development. (iii) Attenuation and noise management methods proposed to mitigate against the likely impact of the existing noise environment on the relevant phase of the proposed development and occupiers of adjacent properties, utilising appropriate standards, guidance and Government policy, for approval by the local planning authority.

35 Condition 34 cont'd: The approved attenuation and noise management methods detailed in section (iii) shall be implemented in strict accordance with the approved details prior to the first occupation of the relevant phase of the development and shall thereafter be retained. Reason for condition: To safeguard the occupiers of existing and proposed properties and ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan.

36 The ALEC development hereby approved shall only be used for the purposes specified in the application and for no other purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order). Reason for condition: To ensure control over any future change of use of the building and to provide an appropriate living standard for future occupiers in compliance with policy C.2 of the Adopted Unitary Development Plan 2003.

37 None of the individual units of accommodation in the ALEC development shall be used other than as a private place of residence for a person or persons of whom at least one must be a "qualified person" at the date of his or her first occupation of the unit. A "qualified person" means a person who has attained a minimum of 70 years, in need of personal care by reason of age or disablement, whether or not such person suffers from a registered disability under the terms of the Chronically Sick and Disabled Persons Act 1970. Reason for condition: To ensure control over any future change of use of the building and to provide an appropriate living standard for future occupiers in compliance with policy C.2 of the Adopted Unitary Development Plan 2003.

- 38 An occupier of one of the individual units of accommodation in the ALEC development who is not a "qualified person" but who shares or previously shared the accommodation with a "qualified person" (eg spouse or surviving spouse) must have attained at least 60 years. Reason for condition: To ensure control over any future change of use of the building and to provide an appropriate living standard for future occupiers in compliance with policy C.2 of the Adopted Unitary Development Plan 2003.
- 39 Prior to commencement of works to the substation on the LCC site, a noise and vibration assessment for the proposed Substation shall be undertaken and submitted to and approved by the Council. The report shall consider how noise and vibration from the proposed substation will affect nearby noise sensitive receptors and should recommend suitable measures to prevent noise and vibration affecting nearby noise sensitive receptors as a result of the development. The development shall then be undertaken in accordance with the approved assessment and all approved mitigation measures shall be permanently retained thereafter. The noise and vibration report shall have regard to BS 6472:1992, "Guide to Evaluation of Human Exposure to Vibration in Buildings", [1Hz to 80Hz] and the amelioration measures proposed shall ensure that in accordance with BS6472 vibration dose values do not exceed 0.3m/s^{1.75} between 07.00 and 23.00 hours, and 0.13m/s^{1.75} between 23.00 and 07.00 hours at the nearest noise sensitive receptor.
- 40 Condition cont'd: Reason for condition: To safeguard the occupiers of existing and proposed properties and ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan.
- 41 The proposed mitigation measures required under Condition 39 shall ensure that the operation of the new substation on the LCC site does not exceed the existing background noise level by more than 2 dB(A)L90 (dB(A)L90 (dB(A)) (5 minute measurement period) when measured at the boundary of the nearest noise sensitive receptor and there shall be no increase in one third octave band dB between 50 Hz and 1600 Hz. Reason for condition: To safeguard the occupiers of existing and proposed properties and ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan.
- 42 Before occupation of the ALEC development adjacent to the proposed electricity sub-station on the LCC site, the applicant shall have provided written evidence to the local planning authority that electro-magnetic radiation emissions from the sub station do not exceed ICNIRP (international commission on non-ionizing radiation protection) guidance levels of 100 microteslas and 5 kilovolts per metre. Reason for condition: To safeguard the occupiers of the proposed residential units.
- 43 For the relevant phase: The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated November 2011 reference 18740 prepared by Price & Myers and the following mitigation measure detailed within the FRA: Reason for condition: To safeguard the occupiers of the proposed residential units.
- 44 For the relevant phase: Development for the relevant phase shall not begin until a sustainable surface water drainage scheme for the relevant phase of the site has been submitted to and approved in writing by the local planning authority. The surface water drainage scheme should utilise infiltration where possible, as detailed in paragraph 3 of the FRA. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm plus climate change will not exceed 5.0 l/s as detailed in paragraph 3 of the FRA, and so not increase the risk of flooding both on- or off-site. The scheme shall include details of maintenance and management after completion. The scheme shall subsequently be implemented in accordance with the approved details before the relevant phase of the development is completed.

- 45 Condition cont'd : Reason for condition: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage scheme, in compliance with policy 5.13 of the Adopted London Plan 2011.
- 46 Prior to the commencement of the LCC development, details of the proposed access to serve the hospital car parking from Kingston Road, including arrangements for right turning vehicles, and "entry only" signage for service vehicles from The Rush, shall be submitted to and approved in writing by the Local Planning Authority, and the works as approved shall be completed prior to the first occupation of the LCC development. Reason for condition: In the interests of the safety of pedestrians and vehicles and to comply with CS20 of the Core Strategy 2011.
- 47 For the relevant phase: Prior to the occupation of the relevant phase of the development hereby permitted, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan, as submitted, shall follow the current 'Travel Plan Development Control Guidance' issued by TfL and will include: (i) Targets for sustainable travel arrangements; (ii) Effective measures for the ongoing monitoring of the travel plan; (iii) A commitment to delivering the travel plan objectives for a period of at least five years from the occupation of the relevant phase of the development; (iv) Effective mechanisms to achieve the objectives of the travel plan by both present and future occupiers of the relevant phase of the development. The relevant phase of the development shall be implemented only in accordance with the approved travel plan. Reason for condition: In the interests of the safety of pedestrians and vehicles and to comply with CS20 of the Core Strategy 2011.
- 48 Details of the proposed passing bay in Watery Lane shall be submitted to and approved in writing by the Local Planning Authority, prior to commencement of the LCC development, implemented prior to first occupation of the LCC and retained for its designated use, unless otherwise agreed with the Local Planning Authority. Reason for condition: In the interests of the safety of pedestrians and vehicles and to comply with CS20 of the Core Strategy 2011.
- 49 Prior to commencement of the LCC development, details of the proposed public realm improvements to The Rush shall be submitted to and approved in writing by the local planning authority. Such works as approved shall be completed prior to the first occupation of the LCC development. Reason for condition: To ensure a satisfactory appearance and to comply with CS14 of the Core Strategy 2011.
- 50 Prior to commencement of the ALEC development, details of the proposed footway improvement / widening works to Blakesley Walk, including footway reconstruction, drainage works, bollard redesign, pedestrian guardrail redesign and amendments to facilitate cycle access shall be submitted to and approved in writing by the local planning authority. Such works as approved shall be completed prior to first occupation of the ALEC development. Reason for condition: To ensure a satisfactory appearance and to comply with CS14 of the Core Strategy 2011
- 51 INFORMATIVE
You are advised of the necessity to consult the Council's Highways team prior to the commencement of construction in order to obtain the necessary approvals and licences, prior to undertaking any works within the Public Highway.
- 52 INFORMATIVE: Demolition of buildings should avoid bird nesting and bat roosting seasons. The applicant is reminded that all works must be carried out to avoid contravention of the Wildlife and Countryside Act 1981. For further guidance please contact Natural England.

53 INFORMATIVE: It is the responsibility of the developer to make proper provision for drainage to ground, watercourses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

54 Reason for Approval:

The proposals involve well designed new buildings providing enhanced health care and specialist residential accommodation for elderly persons, in keeping with the scale and character of nearby buildings in the local conservation areas. The scheme raises no undue impacts for neighbour amenity or highway safety, but proposes enhancements to the public realm and biodiversity with new landscaping and tree planting and accords with policies contained in the London Plan (2011), Core Strategy (2011) and the Council's Adopted Unitary Development Plan (October 2003). The policies listed below were relevant to the determination of this proposal.

55 cont'd:

London Plan (July 2011): 3.2 Improving health and addressing health inequalities, 3.3 Increasing housing supply, 3.5 Quality and design of housing developments, 3.8 Housing choice, 3.17 Health and social care facilities, 5.1 Climate change mitigation, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.13 Sustainable drainage, 7.2 An inclusive environment, 7.3 Designing out crime, 7.4 Local character, 7.5 Public realm, 7.6 Architecture, 7.8 Heritage assets and archaeology.

Core Strategy (July 2011): CS8 Housing choice, CS9 Housing provision, CS11 Infrastructure, CS13 Open space, nature conservation, leisure and culture, CS14 Design, CS15 Climate Change, CS18 Active transport, CS19 Public transport, CS20 Parking, servicing and delivery.

56 cont'd:

Adopted Unitary Development Plan (October 2003):

NE.11 Trees; Protection, BE.1 Conservation Areas, New Development, Change of use, Alterations and Extensions, BE.2 Conservation Areas, Demolition, BE.3 Development adjacent to a Conservation Area, BE.15 New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise, BE.16 Urban Design, BE.22 Design of New Development, BE.23 Alterations and Extensions to Buildings, BE.25 Sustainable Development, BE.33 Street Furniture and Materials, HS1 Housing Layout and Amenity, C.1 Location and Access of Facilities, C.2 Older People, C.8 Health Facility Sites, C.9 Provision of Health Facilities, RN3 Vehicular Access.

57 Note 1: In this Decision Notice, where a condition is marked for the relevant phase the condition is capable of being discharged separately and independently in relation to the relevant phases and, discharge of a condition received from the Local Planning Authority which is expressed to relate to a relevant phase shall be effective in discharging or satisfying that condition in relation to the relevant phase only as appropriate.

Note 2: For the purposes of this Decision Notice only, any demolition works authorised by this Decision Notice together with the substation works to be undertaken in accordance with conditions [39, 40 and 41] will not constitute commencement of development in respect of those conditions expressed to require compliance or discharge pre-commencement.

Date of Decision:

18 December 2012

Signed 

For and on behalf of the Head of Public Protection & Development (Planning).

Note: This approval confers permission under the Town and Country Planning Acts only. It does not confer consent or approval under any other statutory enactment; including the Building Regulations. Failure to obtain all necessary consents may result in enforcement action. It is emphasised that no variation from the deposited plans or particulars will be permitted unless previously authorised in writing by the London Borough of Merton
Please read attached notes.

NOTES REGARDING RIGHTS OF APPEAL

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission of approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78 or the Town and Country Planning Act 1990 within six months from the date of this notice; **unless the application is for householder development, in which case the time limit is 12 weeks.** Appeals must be made on a form which is obtainable from The Planning Inspectorate, Room 3/24 HawkWing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. A copy of the appeals forms should also be forwarded simultaneously to the Chief Executive's Department, London Borough of Merton, 8th Floor, Civic Centre, London Road, Morden, Surrey SM4 5DX.

2. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or imposed by them, having regard to the statutory requirement (see note below), to the provisions of the development order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given to him.

3. If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Local Planning Authority in which the land is situated a purchase notice requiring the authority to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

4. In certain circumstances a claim may be made against the Local Planning Authority for compensation where permission is refused or granted, subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

NOTE:

The statutory requirements are those set out in Section 79(6) of the Town and County Planning Act 1990, namely Sections 700(I) & 72(I) of the Act.