



**James McGinlay - Head of Sustainable Communities**  
London Borough of Merton  
Merton Civic Centre  
London Road  
Morden, Surrey, SM4 5DX  
DX 41650 Morden

Date: 4 October, 2023  
Ref: 23/P0518  
Please ask for: Awot Tesfai

Mr Joe Haines  
Savills Planning  
33 Margaret Street  
London W1G 0JD

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Dear Mr Haines,

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

**Re:** APPLICATION FOR NON-MATERIAL AMENDMENTS TO OUTLINE PLANNING PERMISSION (REF: 21/P4078) RELATING TO: APPLICATION FOR VARIATION OF CONDITION 3 (LIST OF APPROVED DRAWINGS), 7 (ENERGY & SUSTAINABILITY STRATEGY), 23 (ENERGY CENTRE), 38 (COMBINED HEAT & POWER), 39 (DISTRICT HEAT NETWORKS) & 40 (DISTRICT HEAT NETWORKS) ATTACHED TO LBM PLANNING APPLICATION 17/P1717 OUTLINE PLANNING APPLICATION (WITH ALL MATTERS RESERVED, EXCEPT IN RELATION TO PARAMETER PLANS) FOR THE COMPREHENSIVE REGENERATION OF THE EASTFIELDS ESTATE COMPRISING THE DEMOLITION OF ALL EXISTING BUILDINGS AND STRUCTURES; ERECTION OF NEW BUILDINGS PROVIDING UP TO 800 RESIDENTIAL UNITS (C3 USE CLASS); PROVISION OF UP TO 275 SQM OF NON-RESIDENTIAL FLOORSPACE (FLEXIBLE USE CLASSES A1 AND/OR A2 AND/OR A3 AND/OR A4 AND/OR B1 AND/OR D1 AND/OR D2); PROVISION OF NEW PUBLIC OPEN SPACE AND COMMUNAL AMENITY SPACES INCLUDING CHILDREN'S PLAY SPACE; NEW PUBLIC REALM, LANDSCAPING WORKS AND NEW LIGHTING; CYCLE PARKING SPACES (INCLUDING NEW VISITOR CYCLE PARKING) AND CAR PARKING SPACES (INCLUDING WITHIN GROUND LEVEL PODIUMS), TOGETHER WITH ASSOCIATED HIGHWAYS AND UTILITIES WORKS. THE AMENDMENT APPLICATION SEEKS TO VARY THE PLANNING CONDITIONS, IN ORDER TO ALLOW FOR THE DELIVERY OF PLOT(S) WITHIN EACH OF THE PHASES.

LOCATION: Eastfields Estate, Mitcham, Surrey

Section 96A of the Town and Country Planning Act 1990 states that a Local Planning Authority (LPA) may grant permission for a change to a planning permission if they are satisfied that the change is nonmaterial. There is no statutory definition of 'non-material' as it will be dependent on the context of the overall scheme. In deciding whether a change is material, the LPA must have regard to the effect of the change. Pursuant to s96A, new conditions can be added, or existing conditions can be removed or altered.

1. **Commencement** (no change)

The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of the outline planning permission ref; 17/P1717, or two years from the final approval of the last Reserved Matters application, whichever is the later.

2. **Approved of Reserved Matters** (no change)

a. Detail of the reserved matters set out below ('the reserved matters') for each phase of the development shall be submitted to the Local Planning Authority for approval within 3 years from the date of this permission or within 3 years from the date of the last reserved matters for the previous phase of development:

(i) layout; (ii) scale; (iii) appearance; (iv) access and (v) landscaping

b. The reserved matters shall be carried out as approved.

c. Approval of all reserved matters shall be obtained for the relevant phase of development from the Local Planning Authority in writing before any phase of development is commenced.

3. **Approved Drawings** (no change)

The development hereby permitted shall be carried out in accordance with the following approved plans:

- 001 REV A, Estate Location Plan
- 002 REV A, Existing Site Layout and Levels
- 003 REV B, Indicative Phased Demolition Plan
- 004 REV E, Development Zones and Key Dimensions
- 005 REV F, Development Zones and Building Heights
- 006 REV C, Principal Public Realms Areas
- 007 REV D, Location of Semi-Private, Communal Courtyards and Private Gardens
- 008 REV D, Parking Plan
- 009 REV E, Predominant Land Use at Ground Level
- 010 REV D, Predominant Land Use at Upper Level
- 011 REV D, Ground Level Road/ Route Network
- 012 REV A, Illustrative Masterplan
- 013 REV C, Indicative Construction Phasing Plan
- 014 REV A, Existing Sections and Elevations 1
- 015 REV A, Existing Sections and Elevations 2
- 016 REV E, Proposed Sections

4. **Phasing Strategy**

A. Upon submission of the first Reserved Matters application, a Phasing Strategy setting out the delivery of the phases across the whole site shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Strategy shall confirm the order and timing of delivery of each of the phases. Updated phasing plans should be submitted with subsequent Reserved Matters applications.

B. Prior to commencement of works in each phase, a plan identifying the Plots to be delivered in the phase, and sequence of delivery within the phase, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall identify the public realm and open space to be delivered with each plot.

**5. Development to be carried out in accordance with permission (no change)**

Development: to be carried out in accordance with permission Reserved Matters applications should accord with the submitted Development Parameters (Plans and Schedule) and Design Code, or such updated / replacement Development Parameters (Plans and Schedule) and / or Design Code approved in writing by the Local Planning Authority.

**6. Urban Design Strategy (no change)**

Applications for approval of Reserved Matters for each relevant phase of development submitted pursuant to this permission relating to layout, scale, access, appearance and landscaping (other than those relating to Enabling Works) shall be accompanied by an Urban Design Report, which explains the approach to the design and how it takes into account the Design Code. This document should also include measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of that phase of development.

**7. Energy and Sustainability Strategy**

Energy and Sustainability Strategy: The first application for approval of Reserved Matters submitted pursuant to this permission relating to layout, scale and appearance (other than those relating to Enabling Works) shall be accompanied by an overarching Energy Strategy for all phases of the development.

For each **Phase Plot** of development, an updated detailed Energy and Sustainability Strategy shall be submitted to the Local Planning Authority for approval prior to commencement of Below Ground works in that **Phase Plot**. The Energy Strategies shall explain but not be limited to the following:

- How the proposed design realises opportunities to reduce carbon emissions in accordance with the Mayors energy hierarchy; through the incorporation of enhanced building fabric, efficiency of energy supply and low and zero carbon technologies;
- The reduction in carbon emissions achieved through these building design and technology energy efficiency measures, to minimise carbon dioxide emissions that contribute towards the London Plan emissions reductions targets;
- How the development has incorporated the principals of sustainable design and construction, and demonstrated compliance with any required sustainable design and construction standards;
- In the case of each detailed energy strategy, whether it is feasible to connect to an existing or planned district heat network where this provides the lowest carbon solution to heating for that **Phase Plot**. If feasible, the detailed energy strategy should demonstrate how the development has been designed to connect to the existing district heat network or how provision has been made for the future heat network connection;
- How the development has been designed to reduce the impact of the urban heat island in accordance with Mayors cooling hierarchy;
- The approved measures in each **Phase Plot** shall be fully implemented in accordance with the approved details;

- Overheating mitigation strategy to be submitted prior to commencement of the relevant **Phase Plot** of the development hereby permitted, details for the provision of an Overheating mitigation Strategy for the relevant **Phase Plot** shall be submitted to and approved in writing by the Local Planning Authority.

## 8. **Ecology and Biodiversity Strategy**

Prior to the commencement of Above Ground works for each relevant **Phase Plot** of development, a detailed Ecology and Biodiversity Strategy shall be submitted for approval by the Local Planning Authority. The Ecology and Biodiversity Strategy shall explain:

- The location and details of bird boxes, bat boxes and other wildlife features on site in accordance with the recommendations made in the Greengage Phase 1 Habitat and Protected Species Survey Report dated November 2017;
- The creation of wildlife habitats within the public realm, integrated into the detailed SUDS designs; and
- The management and arrangements for these features.

## 9. **Housing Accommodation Schedule (no change)**

Applications for approval of Reserved Matters submitted pursuant to this permission relating to layout, scale and appearance for each relevant phase of development including if built out as a single phase (other than those relating to Enabling Works) shall be accompanied by a Housing Accommodation Schedule. These documents shall explain and include:

- The types and mix of units proposed;
- Whether the units are to be provided as affordable and what tenure;
- The gross internal floor areas of each dwelling; and
- A cumulative position statement on the provision of housing.

## 10. **Daylight and Sunlight Assessment (no change)**

Applications for approval of Reserved Matters for each relevant phase of development including if built out as a single phase submitted pursuant to this permission relating to layout and scale (other than those relating to Enabling Works) shall be accompanied by a detailed Daylight and Sunlight Assessment. This document shall explain how the development has been designed to provide appropriate levels of daylight and sunlight to the new homes within the development itself.

## 11. **Accessibility Strategy (no change)**

Applications for approval of Reserved Matters for each relevant phase of the development including if built out as a single phase submitted pursuant to this permission relating to layout and landscaping (other than those relating to Enabling Works) shall be accompanied by a detailed Accessibility Strategy for the relevant phase. This document shall explain:

- a) How the proposed public realm areas, within each relevant phase, would be accessible to all, including details of finished site levels, surface gradients and lighting;
- b) How each building would be accessible to all, including details of level access and internal accommodation arrangements and access to car parking; and

c) That 10% of dwellings hereby permitted would be 'wheelchair user dwellings' and all other dwellings are 'accessible and adaptable dwellings' in accordance with the London Plan (2021) Policy H10 and D5.

## 12. Lighting Strategy

The first application for approval of Reserved Matters submitted pursuant to this permission relating to layout, access, appearance and landscaping (other than those relating to Enabling Works) shall be accompanied by an overarching Lighting Strategy in line with the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Engineers for all phases.

For each relevant **Phase Plot** of development, an updated detailed Lighting Strategy shall be submitted to and approved in writing prior to commencement of Below Ground works in that relevant **Phase Plot**. These documents shall explain:

- a) The lighting proposed for amenity spaces and external communal areas, including relevant justification; and
- b) The proposed external building lighting.

## 13. Refuse Strategy

The first application for approval of Reserved Matters submitted pursuant to this permission relating to layout, access and landscaping (other than those relating to Enabling Works) shall be accompanied by an overarching Refuse Strategy for all phases including if built out as a single phase.

For each relevant **Phase Plot** of development thereafter, an updated detailed Refuse Strategy shall be submitted to and approved in writing prior to commencement of Below Ground works for that relevant **Phase Plot**. These documents shall explain:

- a) The storage and disposal arrangements for refuse and waste associated with the residential and commercial elements of the proposed development, including vehicular access thereto;
- b) The storage and disposal arrangements for refuse and waste associated with proposed public realm areas, including vehicular access thereto;
- c) The hours of proposed waste collection; ~~and~~
- d) A full waste management strategy with details of the location, size and the design of the residual waste and recycling container storage areas for each residential unit; **and**
- e) The operation and management of the Underground Refuse System (URS), including vehicular access thereto;

## 14. Noise and Vibration Mitigation Strategy (no change)

1. Prior to commencement of Above Ground works of each building, a detailed Noise and Vibration Mitigation Strategy shall be submitted to, and approved by, the Local Planning authority. The strategy shall explain noise attenuation measures for the proposed uses, including noise barriers, specified glazing and ventilation and orientation / layout of buildings and amenity areas.

2. Post completion Noise Assessments are to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of each building.

#### **15. Internal Noise Transmission**

Prior to commencement of Above Ground works in each relevant **Phase Plot** of the development a detailed Scheme of Sound Insulation for the relevant **Phase Plot** shall be submitted to and approved by the Local Planning Authority. Due to the potential impact of the proposed non-residential units on the residential development, a Scheme of Sound Insulation for protecting residents from noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme is to include acoustic data for the glazing system and ventilation system. The internal noise levels shall meet those within BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings as a minimum. The approved scheme shall be implemented in accordance with the agreed details.

#### **16. Arboricultural Method Statement / Tree Protection**

The first Application for approval of Reserved Matters submitted pursuant to this permission shall be accompanied by an overarching Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837:2012 for all phases.

For each **Phase Plot** of development, an updated and detailed Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that relevant **Phase Plot**. The approved measures for the protection of the existing retained trees shall be installed prior to the commencement of site works and shall be retained and maintained until the completion of all site operations in that **Phase Plot**. If any trees are proposed for removal or have any tree work, a full justification must be provided. Any tree work shall accord with BS 3998:2010.

The details shall also explain the total number of trees to be removed, together with details of the proposed replacement planting, to ensure the overall increase in the number of trees across the site.

#### **17. Site Supervision (no change)**

The details of the Arboricultural Method Statement and Tree Protection Plan shall include the retention of an arboricultural expert to monitor and report to the Local Planning Authority not less than monthly the status of all tree works and tree protection measures throughout the course of the demolition and site works. The works shall be carried out strictly in accordance with the approved Arboriculture Method Statement and Tree Protection Plan.

#### **18. Levels Plan (no change)**

Applications for approval of Reserved Matters for each relevant phase of the development submitted pursuant to this permission shall be accompanied by a detailed Levels Plan for the relevant phase. This document shall explain details of the levels of the buildings, roads and footpaths in relation to the adjoining land and highway(s), and any other changes proposed in the levels of the site.

#### **19. Land Contamination**

Prior to the commencement of each relevant **Phase Plot** of development (other than Enabling Works) approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination

of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A site investigation scheme, based on the Ground Conditions Assessment, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy 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.

3. Prior to occupation of each relevant **Phase Plot** of development, a verification report, providing details of the data collected in order to demonstrate completion and effectiveness of the works set out in the remediation strategy in (2) and identifying any requirements for longerterm monitoring of pollutant linkages, maintenance and arrangements for contingency action, must be submitted to and approved in writing by the Local Planning Authority.

Any changes to these components require the express consent of the Local Planning Authority.

The scheme shall be implemented as approved.

## 20. **Unexpected Contamination**

If, during development, contamination not previously identified is found to be present at the site then 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'. No further development **in that Plot** shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as reported to, verified, and approved, in writing by the Local Planning Authority.

## 21. **Demolition and Construction Method Statement**

a) No **phase-of** development within a **Plot** shall commence until a detailed Demolition Method Statement has been submitted and approved in writing by the local planning authority **for that Plot**.

b) No **phase-of** development **within a Plot** (other than Enabling Works) approved by this permission shall be commenced until a detailed Construction Method Statement has been submitted and approved in writing by the local planning authority **for that Plot**.

Where relevant, the statement(s) should take account of other major developments within the vicinity.

The approved Statement(s) shall be adhered to throughout the relevant **works on each Plot. phase-of-works**. The Statement(s) shall provide details for:

- Hours of operations;

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials;
- Public viewing, where appropriate;
- Wheel washing facilities;
- measures to control the emission of noise and vibration;
- measures to control the emission of dust and dirt;
- a scheme for recycling/disposing of waste;
- the measures proposed to reduce and remove risks to the water environment and reduce flood risk;
- a full Logistics Plan, which demonstrates how the impact of demolition / construction vehicles would be minimised; and
- an Air Quality & Dust Management Plan (AQDMP) to identify the steps and procedures that will be implemented to minimise the creation and impact of dust and other air emissions resulting from the ~~site preparation, demolition, groundwork and construction phases of the development~~ proposed works within the Plot.

## 22. Water Conservation

Prior to the commencement of works in of each relevant **Plot** of the development (other than Enabling Works), a scheme detailing measures to reduce water use within the development, to meet a target water use of 105 litres or less per person, per day for residential dwellings only shall be submitted to and approved in writing by the Local Planning Authority. Each **Phase Plot** of the development shall be constructed in accordance with the approved scheme and thereafter retained.

## 23. Landscaping

Prior to the commencement of Above Ground works in each relevant **Phase Plot**, full details of a comprehensive design strategy for hard and soft landscaping for each **Phase Plot**, including a planting scheme and details of street furniture, shall be submitted to and approved in writing by the Local Planning Authority.

The details shall include on a plan, full details of the size, species, quantities and location of the proposed plants, and a timetable for the implementation of the landscaping scheme. The approved works shall be carried out in accordance with the approved timetable. Within a period of 5 years from the completion of each **Phase Plot** of the development, any trees which die, are removed, or become seriously damaged or diseased, or are dying, shall be replaced in the next planting season with others of the same original specification, unless the Local Planning Authority gives written consent to any variation. The landscaping plan should indicate the planting of appropriate native species throughout the site.

## 24. Noise Mitigation (no change)

Noise Mitigation Noise Levels (expressed as the equivalent continuous sound level) LAeq (10 minutes) from any new plant/machinery associated with each separate commercial unit shall not exceed LA90-10dB at the boundary with the closest residential or noise sensitive property.

## 25. Odour

Details of the measures to control odour arising from all mechanical systems serving an individual non-residential food premises shall be submitted and approved in writing to the local planning authority and implemented **prior to occupation of the relevant non-residential unit**. The measures are subject to approval by the local authority. The system shall be designed so neighbouring premises are not affected by odour.



## 26. Flood Risk Assessment

The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) by Peter Brett Associates (ref: 32120/2012 Revision G dated Nov 2017). The flood risk and drainage mitigation measures shall be fully implemented prior to occupation of **each Plot and subsequently** in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

## 27. Finished Floor Levels

Prior to commencement of each relevant **Phase Plot** of the development (other than Enabling Works) hereby permitted by this planning permission, details shall be submitted for the approval of the local planning authority to demonstrate that finished floor levels for all residential units shall be assessed in detail and details regarding flood risk mitigation shall be submitted and approved by the Local Planning Authority. The mitigation strategy for each block shall follow this hierarchy and demonstrate that floor levels will be either (i) raised above the corresponding surface water flood depth for the given block location, or (ii) set no lower than 300mm above existing ground levels, or (iii) include flood risk resistance or resilience measures up to the corresponding surface water flood depth. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

## 28. Flood Warning and Evacuation Plan

Prior to occupation of the first **Phase Plot** of development hereby permitted, the applicant must submit an overarching Flood Warning and Evacuation Plan, which covers all phases of the development, in accordance with the FRA report prepared by Peter Brett Associates ref: 32120/2012 Revision G dated November 2017), to be approved in writing by the Local Planning Authority. The approved Flood Warning and Evacuation Plan shall be implemented thereafter.

Prior to occupation of each subsequent **Phase Plot** of the development a revised Flood Warning and Evacuation Plan (including in the case of null changes) shall be submitted and approved in writing by the Local Planning Authority. The procedures, information and advice contained within the plan shall be reviewed annually for the lifetime of the development.

## 29. Surface and Foul Water Drainage Strategy

The first application for approval of Reserved Matters submitted pursuant to this permission relating to layout or landscaping (other than those relating to Enabling Works) shall be accompanied by a scheme for the provision of an Overarching Surface and Foul Water Drainage Strategy for the whole site, and by a Surface and Foul Water Drainage Detailed Design for the relevant **Phase Plot (s)**.

The site wide strategy and detailed drainage design for each **Phase Plot** shall be prepared in consultation with Thames Water, and shall be designed in accordance with the outline details submitted in the MLM Drainage/SuDS Strategy (Document ref: BF/666828/AN Revision 11 dated 20th February 2018). The development will dispose of surface water by means of a sustainable drainage system (SuDS) at the agreed restricted rate in accordance with drainage hierarchy contained within the London Plan (2021) Policy (S112 and S113) and it should have regard to the guidance contained within the National SuDS Standards and Mayor of London SPG 'Sustainable design and construction' and Merton's SuDS Design and Evaluation Guide.

- a) The site wide drainage Scheme (overarching) shall:
- I. provide information about the design storm period and intensity, the method employed to delay (the provision of attenuation volume is to be no less than 2560m<sup>3</sup>) and control the rate of surface water discharged from the entire site at a maximum rate of 165l/s for a 1:100 year return period plus 30% climate change.
  - II. Appropriate measures must be taken to prevent pollution of the receiving groundwater and/or surface waters
  - III. 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.
- b) For each subsequent **Phase Plot** of development thereafter a Surface and Foul Water Drainage Detailed Design for the relevant **Plot** shall be submitted to the Local Planning Authority for approval prior to commencement of the development (other than Enabling Works) in that **Phase Plot**. The Detailed Design shall be prepared in accordance with the approved scheme for the Overarching Surface and Foul Water Drainage Strategy.

### 30. **Green, Blue and Brown Roof**

Prior to the commencement of each relevant **Phase Plot** of the development (other than Enabling Works) the detailed design, specification and planting scheme for the green, blue and / or brown roofs shall be submitted to and approved in writing by the Local Planning Authority. The design and planting shall be carried out as approved, retained and maintained in perpetuity thereafter. Where proposed green, blue and/or brown roofs shall be designed in accordance with the drainage and attenuation measures set out in the Flood Risk Assessment produced by Peter Brett Associates (ref: 32120/2012 Revision G November 2017).

### 31. **Ecology and Demolition**

No demolition of buildings or removal of trees or shrubs shall take place in any **Phase Plot** of development hereby permitted until up to date bat surveys are submitted to and approved in writing by the Local Planning Authority for that **Phase Plot** of development. If evidence of bats are found prior to demolition, specific mitigation measures should be included in any submission for the written approval of the Local Planning Authority. Development shall proceed in accordance with any approved mitigation measures.

### 32. **Permitted Development Restricted (no change)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development which would otherwise fall within Classes A, B, C, D, E and F in Part 1 of Schedule 2 to that Order shall be carried out to the proposed houses without the prior written permission of the Local Planning Authority.

### 33. **Secured by Design**

Prior to the commencement of Above Ground works in each relevant **Phase Plot** of development, details of measures to minimise the risk of crime in a visually acceptable manner and to meet the specific security needs of the application site/development (as informed by the principles of Secured by Design), shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully implemented and thereafter maintained.

#### **34. Air Pollution Mitigation Measures Scheme**

Prior to commencement of Above Ground works **in each relevant Plot**, a scheme for air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation scheme **for each relevant Plot** shall be implemented in its entirety in accordance with details approved under this condition **before the Plot** ~~any of the development~~ is first occupied or the use commences and retained as such thereafter.

#### **35. Control of Dust and Emissions during Construction and Demolition (no change)**

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/>

#### **36. Non-Road Mobile Machinery (NRMM) (no change)**

An inventory of all NRMM must be kept on-site during the course of the demolition, site preparation and construction phases. All machinery should be regularly serviced, and service logs kept onsite for inspection. Records should be kept on-site, which details proof of emission limits for all equipment. This documentation should be made available to Local Authority officers as required until completion of development.

#### **37. Electric Vehicle Charging Infrastructure Strategy**

Applications for approval of Reserved matters for each relevant phase of the development submitted pursuant to this permission (other than those relating to Enabling Works) shall be accompanied by an electric vehicle charging infrastructure strategy and implementation plan for each phase of development. This shall include details of the number, location, installation and management of the electric vehicle charging points. The electric vehicle charging points **in each Plot** shall be implemented prior to first occupation of each **Phase Plot** and maintained in accordance with the approved strategy / plan and details.

#### **38. Sustainable Design and Construction**

Prior to occupation of each relevant **Phase Plot** of the development, verification that the Energy and Sustainability Strategy as per condition 7 above, has been implemented in accordance with the approved details, must be submitted and approved by the Local Planning Authority, in accordance with National, Regional or Local Policies. This shall include verification of carbon dioxide emissions reductions and water efficiency measures.

#### **39. Play Space**

Prior to commencement of any **Phase Plot** of the development (other than Enabling Works), submit a comprehensive play space strategy showing details of the areas and features of the dedicated children's play space to be provided on site meeting the

minimum play space requirements for all age groups in accordance with the Mayor's Supplementary Planning Guidance "Shaping Neighbourhoods: Play and Informal Recreation" (or any subsequent guidance) for approval in writing by the local planning authority. The development shall be carried out in accordance with the approved details and maintained for the duration of operational works.

#### 40. **Design Code**

Prior to the submission of any reserved matters application and within 3 months of the date ~~of this decision of the outline planning permission ref; 17/P1717~~, a revised Design Code must be submitted for approval in writing by the Local Planning Authority. The developer must enter into discussions with the Local Planning Authority about the content of this Design Code.

#### 41. **Transport Strategy (no change)**

Transport Strategy: Applications for approval of Reserved Matters submitted pursuant to this permission shall be accompanied by a detailed Transport Strategy for the relevant phase. This document shall explain:

- a) Details of temporary access, parking arrangements and associated management;
- b) Details of vehicle and cycle parking provisions for each of the proposed uses;
- c) Details of electric car charging points with 20% active and 100% passive provision;
- d) Details of any motorcycle and scooter parking;
- e) Details of pedestrian and cycle routes throughout that part of the scheme;
- f) Details of pedestrian and vehicle signage and way-finding within the development;
- g) A summary of how the approach relates to the original Transport Assessment; and
- h) A summary of how the proposed Strategy relates to the Travel Plan to be submitted under the s106 Agreement.

#### 42. **Temporary Accesses**

Details of any temporary access arrangements to be put in place during the phased development of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the temporary access arrangements in the **Phase Plot** to which the access relates. Any temporary access arrangements shall, once becoming redundant be removed and the approved road/pedestrian/landscaping details shall be installed/erected.

Given the nature of the proposed amendments and taking into account the original proposal, it is considered that the amendments would not constitute a material change and therefore a planning application would not be required for the proposals.

The Non-material amendment application is therefore GRANTED.

I have placed a copy of the letter on the file for record purposes. Should you require any further assistance, please do not hesitate to contact Awot Tesfai on 020 8545 3571.

**Date of Decision: 04 October 2023**



**Signed**.....

Jonathan Berry – Development Control Manager  
For and behalf of the Executive Director of Housing and Sustainable Development.

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.

## Note regarding rights of Appeal

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

## **Community Infrastructure Levy**

If permission is granted for the development of any new dwelling(s) or at least 100 square metres of new-build gross internal area (GIA) (including replacement of existing GIA), into which people normally go, it will usually become liable for a Community Infrastructure Levy (CIL) payment under Merton and Mayor of London CIL charging schedules.

If your development is liable, you will be sent a liability notice that will provide details of the charge. This will be recorded to the register of Local Land Charges as a legal charge upon your property and will become payable upon commencement of development. Information on the payment process (including penalties) will be provided with the liability notice or upon request.

If your development is likely to be CIL liable and you have not already done so, please complete and return to us an additional information form, available at [http://www.planningportal.gov.uk/uploads/1app/forms/cil\\_questions.pdf](http://www.planningportal.gov.uk/uploads/1app/forms/cil_questions.pdf). Failure to do so will mean we will perform the calculation of the charge solely on the basis of the information already provided with the planning application which might result in you being overcharged.

This will affect planning applications which receive planning permission on or after the date the CIL charge comes into effect. For more information please visit <http://www.merton.gov.uk/cil> or email [CILevy@merton.gov.uk](mailto:CILevy@merton.gov.uk)

**The Mayor of London has adopted an updated CIL charge of £60/sqm for developments in Merton, which is effective to developments granted planning permission from 1 April 2019. This is an increase from the £35/sqm charge on developments effective prior to 1 April 2019. For more information visit: [www.london.gov.uk/what-we-do/planning/implementing-london-plan/mayoral-community-infrastructure-levy](http://www.london.gov.uk/what-we-do/planning/implementing-london-plan/mayoral-community-infrastructure-levy)**