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London Borough of Merton
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Date: 4 October, 2023
Ref: 23/P0515
Please ask for: Awot Tesfai

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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: 22/P1740)

LOCATION: High Path Estate South Wimbledon SW19 2TG

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 non-material. 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 hereby permitted shall be commenced before the expiration of 3 years from the date of the original outline permission (ref: 17/P1721) or 2 years from the approval of the last of the reserved matters as defined in the condition below, whichever is the later

2. Approval 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 the original outline permission (ref: 17/P1721) 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**

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

2001 REV A, Site Location Plan
2002 REV A, Site Topographical Survey
2003 REV A, Existing Elevations 1
2004 REV A, Existing Elevations 2
2005 REV A, Existing Elevations 3
2007 REV A, Proposed Demolition Plan
Proposed Block Plan - Drawing no. 2008 Rev B;
Proposed Land Use Plan - Drawing no. 2009 Rev B
Proposed Layout Parameters Plan - Drawing no. 2010 Rev C
Proposed Maximum Building Heights - Drawing no. 2011 Rev E
Illustrative Masterplan - Drawing no. 2012 Rev B
Proposed Indicative Phasing Plan - Drawing no. 2013 Rev B
Proposed Vehicular Access and Movement - Drawing no. 2014 Rev B
Proposed Open Place and Landscape - Drawing no. 2015 Rev B
Pedestrian and Cycle Movement - Drawing no. 2016 Rev B; and
Proposed Indicative Site Cross Sections - Drawing no. 2017 Rev F, 2018 REV E,
Proposed Indicative Site Cross Sections DWG 2019-PL,
Surface Water Flood Risk Extents [no plan number]
Proposed Vehicular Access and movement Option 2 [no plan number]
Proposed Vehicular Access and movement Option 3 [no plan number]

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. **Delivery Of Non-Residential Floorspace**

Prior to commencement of the relevant **Phase Plot** of development hereby permitted, a plan linking the delivery of the replacement non-residential floor space to the completion of the residential units within the relevant **Phase Plot** of development shall be submitted to and approved in writing by the Local Planning Authority.

6. **Development to be carried out in accordance with Permission (no change)**

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.

7. **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.

8. **Energy And Sustainability Strategy**

An updated detailed Energy and Sustainability Strategy for each **Phase Plot** of development shall be submitted to the Local Planning Authority for approval prior to commencement of Below Ground works in that **Phase Plot**. The Strategies shall be prepared in accordance with the Overarching Energy Strategy prepared by Etude (May 2022), and 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; including the incorporation of enhanced building fabric, efficiency of energy supply and low and zero carbon technologies;
- How the reduction in carbon emissions achieved through these building design and energy efficiency measures, 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;
- How the buildings relate to any site-wide strategy for district heating; and how the development has been designed to secure and encourage the delivery of District Heating;
- How the development has been designed to reduce the impact of the urban heat island in accordance with Mayors cooling hierarchy; and
- How the development incorporates an overheating mitigation strategy.

The approved measures in each **Phase Plot** shall be fully implemented in accordance with the approved details.

9. **Sustainable Design & Construction**

Prior to occupation of each relevant **Phase Plot** of the development, verification that the energy strategy as per condition 8 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.

10. London Heat Networks Manual

Prior to commencement, other than Enabling Works, of each **of the** relevant **Phase Plot** of development hereby approved, evidence demonstrating that the development has been designed to enable connection of the development to an existing or future district heating network, shall be submitted to and approved in writing by the Local Planning Authority.

11. DHN - London Heat Map

On completion of the relevant **Phase Plot** of development, details pertaining to the site's Decentralised Energy Network (DEN) system should be submitted to the Greater London Authority (GLA, environment@london.gov.uk), to allow the site to be added to the London Heat Map (<https://www.london.gov.uk/what-wedo/environment/energy/london-heat-map>).

12. Ecology & Biodiversity

Prior to the commencement of Above Ground works for each relevant **Phase Plot** of development a detailed Ecology and Biodiversity Strategy shall be submitted and approved 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 'Preliminary Ecological Appraisal' by Landscape Planning 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.

13. 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. This document shall explain and include:

- The type 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.

14. Daylight And Sunlight Assessment (no change)

Daylight and sunlight assessment: Applications for approval of Reserved Matters for each relevant phase of development including if built out as a single phase (other than those relating to Enabling Works) submitted pursuant to this permission relating to layout and scale shall be accompanied by a detailed Daylight and Sunlight Assessment. This document shall explain how the proposed development

has been designed to provide appropriate levels of daylight and sunlight to the new homes within the development itself.

15. 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 (other than those relating to Enabling Works) submitted pursuant to this permission relating to layout and landscaping 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'.

16. 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.

17. 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, an updated detailed Refuse Strategy shall be submitted to and approved in writing prior to commencement of Below Ground works of 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;

- 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.

18. Noise & Vibration Mitigation Strategy (no change)

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

19. Sound Insulation

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 surrounding locality on the development the recommendations to protect noise intrusion into the dwellings as specified in the Sharps Redmore, Planning Noise Assessment Report Project No.1414499 shall be implemented as a minimum standard of mitigation from external noise unless otherwise agreed by the Council. The internal noise levels shall meet those within BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings as a minimum.

20. Arboricultural Method Statement / Tree Protection

The first applications 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 in the Arboricultural Statement. Any tree work shall accord with BS 3998:2010.

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

21. Transport Strategy (no change)

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

- a) A summary of how the approach relates to the Parking Management Strategy (to be provided as part of the s106) for that part of the development (including but not limited to Car Club provision and details of temporary access and parking arrangements, associated management and enforcement procedures for parking offences on un-adopted roads, as well as the details relating to the displacement of existing residents' parking, and allocation of new parking spaces);
- b) Details of vehicle and cycle parking provision for each of the proposed uses;
- c) Details of electric car charging points with 20% active and passive provision for all other remaining spaces;
- d) Details of 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.

22. Levels Plans (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.

23. Demolition and Construction Method Statements

- 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**.

The Statement(s) shall provide details for:

- hours of operation;
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials;
 - 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 **proposed works within the Plot**.

24. Non-Residential floor space carbon reduction

The non-residential floor space hereby permitted shall be constructed to achieve not less than BREEAM 'Very Good' (or the subsequent relevant standard in such measure of sustainability for non-residential building design which may replace that scheme). The non-residential floor space **in any relevant Plot** shall not be occupied until formal post-construction stage certification has been issued confirming that not less than 'Very Good' has been achieved and certification has been submitted to and approved in writing by the Local Planning Authority.

25. Water Conservation

Prior to the commencement of Above Ground works in each relevant **Phase Plot** of the development, a scheme detailing measures to reduce water use within that **Phase Plot** of 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.

26. Landscaping

Prior to the commencement of Above Ground works **in each Plot** a comprehensive design strategy and landscaping and planting scheme including details of street furniture, for the phased development of High Path Estate relating to the proposed 'Neighbourhood Park' and along Merton High Street and all other areas to be landscaped, has been submitted to and approved in writing by the LPA. The details shall include on a plan, full details of the size, species, quantities and location of the proposed plants.

The approved works shall be carried out in the first available planting season following the development of the relevant **Plot** or prior to the occupation of any part of the **relevant Plot development**, whichever is the sooner, and any trees which die within a period of 5 years from the completion of each **Phase Plot**, **or each phase**

of the development, or are removed or become seriously damaged or diseased or are dying, shall be replaced in the next planting season with others of the same approved 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.

27. Existing Trees (no change)

The existing Sycamore and London Plane trees located in the open landscaped areas adjacent to Merton High Street shall be retained and protected in accordance with the approved Arboricultural Method Statement and Tree Protection Plan. Should any tree become seriously damaged, diseased, dead or dying as a result of this development or within 5 years following the completion of this development, shall be replaced with a semimature London Plane tree of a minimum 30 - 35 cms girth in the same or similar position to be approved in writing by the LPA.

28. Site Supervision (Trees) (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 quarterly 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 Arboricultural Method Statement and Tree Protection Plan.

29. Noise Mitigation (no change)

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.

30. Odour (no change)

Details of the measures to control odour 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 the use commencing. The measures are subject to approval by the local authority. The system shall be designed so neighbouring premises are not affected by odour.

31. 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: 32120/2010 Revision DWG 2019-PL dated February 2018). 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.

32. Finished Floor Levels

Prior to commencement of each relevant **Phase Plot** of the development (with the exception of Enabling Works) hereby permitted, details to demonstrate that finished floor levels for all residential units shall be in accordance with the mitigation measures agreed as part of the approved Flood Risk Assessment (FRA) by Peter Brett Associates (ref: 32120/2010 Revision DWG 2019-PL dated February 2018), shall be submitted to and approved in writing 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 250mm 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.

33. Flood Warning & Evacuation

Prior to occupation of the first **Phase Plot** of development hereby permitted, the developer must submit an overarching Flood Warning and Evacuation plan which, covers all phases of the development, in accordance with Flood Risk Assessment Project Ref: 32120/2010 | Rev: J | Prepared by PBA Date: November 2017. 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.

34. 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 AECOM Drainage/SuDS Strategy ref: 60332278 dated January, 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 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 3643m³) and control the rate of surface water discharged from the entire site at a maximum rate of 101.2 l/s for a 1:100 year return period plus 40% climate change;
 - II. Appropriate measures must be taken to prevent pollution of the receiving groundwater and/or surface waters;
 - III. include a timetable for its implementation; and
 - IV. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.
- b) For each subsequent **Phase Plot** of development thereafter, a Surface and Foul Water Drainage Detailed Design for the relevant **Phase 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.

35. Green, Brown & Blue Roofs

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. The 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 revision J, dated November 2017).

36. 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.

37. Secure By Design

Prior to the commencement of the Above Ground works in each relevant **Phase Plot** of development, details of measures to minimise the risk of crime 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. Once approved the development shall be carried out in accordance with the approved details and thereafter maintained.

38. 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.

39. Boiler Emissions

Prior to occupation or use of the relevant **Phase Plot** of development the following details of the installed boiler shall be submitted to and approved in writing by the Local Planning Authority:

- NO_x mission rates in g/kWh for comparison against the ultra-low NO_x emission limits in the Borough's Air Quality Supplementary Planning Guidance; and
- Details of the servicing and maintenance of the boiler and any pollution control system.

40. External Air Pollution

Prior to Above Ground works on **each** relevant **Phase Plot** of development commencing on site a scheme for protecting future users from external air pollution (Where applicable) shall be submitted to and approved in writing by the Local Planning Authority. Any works which form part of such a scheme shall be completed before any part of the relevant **Phase Plot** of development is first occupied or used and measures put in place to ensure it is maintained for the life of the development.

41. 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 plan 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 longer-term 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.

42. Unexpected Contamination and Remediation

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. The Environment Agency should also be consulted should any contamination be identified, that could present an unacceptable risk to Controlled Waters. 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.

43. Drainage Scheme Infiltration (no change)

Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

44. Piling (no change)

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

45. 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/P1721**, 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 and it must take into account the revisions necessary, and omissions identified in the comments made by the Local Planning Authorities Urban Design Officer dated 26 February, 2018.

46. Junctions on TfL Roads (no change)

The applicant must consult Transport for London (TfL) on any proposed improvements to the Morden Road/ High Path junction or any other such planned highway works, in order to advise if the changes are acceptable from a design/signals perspective. The applicant must submit the following information for

approval unless otherwise agreed in writing by the Local Planning Authority and TfL:

- Full AutoCAD design files outlining the proposed improvements.
- The use of LinSig to assess the impact of the proposals and development trips at the junction is considered to be acceptable in principle; however, TfL requests that this is updated to reflect any design review comments. The 2014 baseline flows that inform the 2014 baseline and future year assessment are also considered to be old and should be updated as part of this process. The LinSig assessments should include a baseline year, an opening year baseline (base + growth + committed development) and an opening year with development (opening year baseline + development).
- The LinSig model files and any corresponding documents informing the assessment (signal data information, validation data, flow and queue length datasheets and a Technical Note with validation tables showing comparison between modelled and surveyed results and explaining any assumptions that have been made during model development) should be provided. This will enable TfL to undertake a review of the model against Model Audit Process (MAP) standards. TfL have a recent Transyt model for this junction which could be leased to the applicant for a fee and used for the assessment. It is based on 2017 data and considers on site collection of DoS and signal data and recent traffic flows.
- A Stage 1 Road Safety Audit should also be undertaken for the proposed junction design.

Should any improvements be proposed to the Merton High Street / Pincott Road priority T-junction TfL must be consulted to enable any impacts on the segregated cycle path which crosses the junction to be reviewed and the details as above must be provided by the developer for approval in writing by the local Planning Authority.

47. Bus stop relocation

Where it is proposed to relocate bus stops, prior to the commencement of the relevant **Phase Plot** of development, the developer must enter into discussion with TfL concerning the details of the proposed relocation options and assessments study to be undertaken in application for any bus stops to be relocated as a result of the development. The developer must submit for approval in writing to the Council the relocation strategy and evidence of approval from TfL of the relocation of the bus stops.

48. WSI Archaeology

No demolition or development shall take place in each relevant **Phase Plot** until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be

submitted to and approved by the local planning authority in writing. For **any Plot of** land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

B. Prior to occupation of each relevant **Phase Plot**, the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material shall be completed in accordance with the programme set out in the stage 2 WSI.

49. Foundation Design - Archaeology

No ~~phase-of~~ development shall be commenced (other than Enabling Works) **in a relevant Plot** until details of the foundation design and construction method to protect archaeological remains have been submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

50. Archaeology Protective Fencing

No development **in a relevant Plot** shall commence until details of fencing, signage and other control measures to protect archaeological remains insitu have been submitted and approved 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.

51. Bats (no change)

Prior to the first reserved matters application, a new bat survey is to be carried out by an appropriately qualified person in accordance with Natural England's standing advice and the bat survey guidance published by the Bat Conservation Trust and a bat survey report is to be submitted for approval in writing by the local planning authority. If evidence of bats are found, specific mitigation and biodiversity enhancement features are to be identified for the site in the bat survey report. The report, including the mitigation strategy, should be prepared by an appropriately qualified person and submitted to the local planning authority for written approval, including details of any proposed replacement purpose-built bat roost, ecological enhancement and other biodiversity features as recommended by the appointed person.

Any lighting strategy for the entire site should be provided and reviewed by an appropriately qualified person to ensure that there are no undue effects of lighting on any protected species.

52. Play Space

The first application for the approval of reserved matters pertaining to landscaping, appearance and layout of the development hereby approved (other than those relating to Enabling Works), the developer must submit an overarching

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.

For each **Phase Plot** of development, an updated detailed Play Space Strategy shall be submitted to the Local Planning Authority for approval prior to commencement of Above Ground works in that **Phase Plot**. The development shall be carried out in accordance with the approved details and maintained for the duration of operational works.

53. Tram Future-Proofing (no change)

The applicant must enter into discussions with TfL concerning future-proofing the tram link extension terminus at South Wimbledon, Morden Road.

Unless otherwise agreed by TfL and the Council the applicant must ensure a sufficient height from the rail level (6.5 metres minimum) and must satisfy the following:

" Provide a clearance from the underside of the structure to the rail level, which complies with ORR Guidance on Tramways of not less than 5.2m above the ground, or above a place where a person may reasonably stand, with a further requirement for electrical clearance above the wire.

" The clearance between the overhead wire and the building / overhead structure should be 400mm and a further allowance needs to be made for fixings / brackets to fix the overhead wire equipment to the building.

54. Electric Vehicle Charging Points

Applications for approval of reserved matters for each relevant phase of development pertaining to access and layout (other than those relating to Enabling Works), shall be accompanied by an electric vehicle charging infrastructure strategy and implementation plan, to be submitted to and approved in writing by the local planning authority. This shall accord with the London Plan in place at the time and 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.

55. 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.

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

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