

## Rebecca Martin-Fraser

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**From:** Dhanjal, Randeep [mailto:randeep.dhanjal@gloucestershire.gov.uk]  
**Sent:** 29 October 2019 16:41  
**To:** Tim Lipscomb  
**Cc:** Daniel Cook; Planning Representations  
**Subject:** RE: post stage 1 comments - 265 Burlington Road  
**Attachments:** SL119432 -02 - TESCO SITE 265 BURLINGTON ROAD NEW MALDEN SURREY KT3 4NE.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Tim

Please see our revised response which includes comments regarding flood risk.

Kind regards

**Randeep Singh Dhanjal**  
Planning Advisor

[mailto:randeep.dhanjal@gloucestershire.gov.uk]  
Tel 0208 4748929



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**From:** Tim Lipscomb [mailto:tim.lipscomb@gloucestershire.gov.uk]  
**Sent:** 28 October 2019 15:20  
**To:** Dhanjal, Randeep [mailto:randeep.dhanjal@gloucestershire.gov.uk]  
**Subject:** FW: post stage 1 comments - 265 Burlington Road  
**Importance:** High

Hi Randeep,

We are awaiting flood comments on this application.

I attach this additional document which the applicant has just submitted, which relates to flooding. It is a response to an issue raised by the GLA – it may be useful to you in your assessment.

Are you able to indicate when we can expect comments back as the committee report needs to be drafted by tomorrow?

Many thanks  
Tim

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**From:** Jonathan Murch [mailto:jmurch@gloucestershire.gov.uk]  
**Sent:** 28 October 2019 14:38  
**To:** Tim Lipscomb [mailto:tim.lipscomb@gloucestershire.gov.uk]  
**Cc:** Jonathan Lewis [mailto:jlewis@gloucestershire.gov.uk]  
**Subject:** Re: post stage 1 comments - 265 Burlington Road

Hi again Tim,

Our flood engineers have provided the attached additional clarification on the flood point raised by the GLA. In summary, the EA's flood maps conflict with the associated tables, the latter of which show a higher level of flood water.

Previous advice from the EA has confirmed that the maps should be relied upon rather than the tables and, in this case, the maps are also consistent with Ambiental's own modelling. They are therefore confident that our position is correct.

They are seeking confirmation on this from the EA and we will send this onto you (and Justine) in due course.

Best,

Jon Murch  
DaviesMurch  
07900 491 490

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**From:** Jonathan Murch [mailto:jmurch@daviesmurch.co.uk]  
**Date:** Monday, 28 October 2019 at 09:37  
**To:** Tim Lipscomb [mailto:tim.lipscomb@ambiental.co.uk]  
**Cc:** Jonathan Lewis [mailto:jlewis@daviesmurch.co.uk]  
**Subject:** Re: post stage 1 comments - 265 Burlington Road

Hi Tim,

Yes of course.

The flood comments are dealt with in the letter from Ambiental (attached) – second half of the first page. We just need the flood comments from the EA to confirm this, which I believe are being chased. We do already have the comments from Tom Sly, which confirms all is in order.

In relation to the sustainability and energy comments – these are covered in the responses provided to Dominique, which I have attached. Justine will not have seen these so you may want to get specific comment from Dominique on these points.

I hope this helps but let me know if you need anything else.

Jon Murch  
DaviesMurch  
07900 491 490

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**From:** Tim Lipscomb <[REDACTED]>  
**Date:** Monday, 28 October 2019 at 09:23  
**To:** Jonathan Murch <[REDACTED]>  
**Cc:** Jonathan Lewis <[REDACTED]>  
**Subject:** RE: post stage 1 comments - 265 Burlington Road

Morning Jon,

Thank you I did.

Are you able to itemise where these issues are addressed? Surely Justine would have been aware of the information in the submission? It is a bit difficult for me to consider that everything has been addressed if she is specifically raising it at this stage? Are you able to direct me a bit more?

Many thanks  
Tim.

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**From:** Jonathan Murch <[REDACTED]>  
**Sent:** 28 October 2019 09:09  
**To:** Tim Lipscomb <[REDACTED]>  
**Subject:** Re: post stage 1 comments - 265 Burlington Road

Morning Tim,

I hope you had a good weekend. In relation to Justine's email below, I have spoken with the relevant specialists who have confirmed the points below have been dealt with as part of the most recent submissions on the matter.

The exception is Urban Greening and you will have seen that I have asked for further clarification from the GLA.

Jon Murch  
DaviesMurch  
07900 491 490  
[jonmurch@daviesmurch.co.uk](mailto:jonmurch@daviesmurch.co.uk)

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**From:** Justine Mahanga <[REDACTED]>  
**Date:** Friday, 25 October 2019 at 16:59  
**To:** Tim Lipscomb <[REDACTED]>, Jonathan Murch <[REDACTED]>  
**Subject:** post stage 1 comments - 265 Burlington Road

Dear both

Please see below post stage 1 drainage, urban greening and energy comments:

### **Drainage and Flood Risk:**

- Sustainable drainage – the Applicant has provided additional information to explain the constraints on further reducing the discharge rate. Our drainage comments have now been satisfactorily addressed.
- Flooding – the Applicant states that the ground floor dwelling will be 300 mm above the 1% AEP plus 35% climate change flood levels. This is based on flood levels at a point towards the southern end of the site; the EAs stated flood levels at the north of the site suggest that the flood levels (14.830 mAOD) would be above the proposed dwelling FFL (104.700 mAOD). I've provided excerpts from the FRA below for clarity. The Applicant should clarify this discrepancy and provide evidence of the EA's concurrence with their updated flood modelling.

### **Urban Greening:**

The applicant has provided a calculation of the Urban Greening Factor (UGF), as requested. The Proposed Development is found to achieve a score of 0.27 and therefore falls short of the 0.4 target. The planning response outlines that an additional 2,500 sqm of green space would be required to meet the target score. This is not necessarily the case since the better the quality of urban greening proposed, the lower the quantity required. Furthermore, Policy G5 of the draft New London Plan sets out the urban greening should be included as a fundamental element of site and building design and as such sufficient space should have been allocated early in the design process. The applicant response also states that *"we also understand that 0.4 is an aspiration target and that most projects will not be able to meet that level."* This is incorrect. 0.4 is the target score within Policy G5 and the applicant has not provided robust justification as to why this cannot be achieved. The applicant should therefore review the design, seeking opportunities to increase the quality or quantity of urban greening. A summary of the review should be provided at Stage 2 to demonstrate an increase and provide justification if the target score of 0.4 cannot be met on this occasion.

### **Energy:**

2. The applicant is encouraged to use the GLA's Carbon Emission Reporting spreadsheet, which has been developed to allow the use of the updated SAP 10 emission factors alongside the SAP 2012 emission factors. The link to the spreadsheet can be found here: <https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/pre-planning-application-meeting-service-0>. This is encouraged to be submitted for review.

The applicant has submitted a snapshot of the results tab from the GLA carbon emission reporting spreadsheet. This is welcomed. They are encouraged to submit the completed excel file for review.

14. The results show that the design proposals are not anticipated to meet the CIBSE recommendations for comfort. Furthermore, the results produced for the development assume that up to 21.5 nights across the year, windows are required to remain open for longer than the base case assumption of outside of sleeping hours to mitigate overheating when external temperatures are high. The applicant should demonstrate that both noise and air quality studies indicate this is an acceptable strategy or they are required to investigate and adopt further passive measures (in line with the Cooling Hierarchy) to avoid the risk of overheating now and in future climate.

The applicant is required to confirm if the openable window strategy is in line with the acoustic report. **This item is outstanding.**

16. The applicant has carried out an investigation and there are no existing or planned district heating networks within the vicinity of the proposed development. Correspondence from the borough should be submitted confirming that there are no plans to develop a network in the vicinity of the development.

The applicant has referenced a feasibility study commissioned by the borough; however, correspondence to ensure that there are no further opportunities that may have arisen since the study was undertaken should be provided. **This item is still outstanding.**

17. The applicant should provide a commitment to ensure that the development is designed to allow future connection to a district heating network. Drawings demonstrating how the site is to be future-proofed for a connection to a district heating network should be provided; these should include space provision for heat exchangers in the plant room, isolation valves, safe-guarded pipe route to the site boundary etc. The applicant should note that the current drawing provided indicates the safeguarded area as being occupied by gas boiler plant. This would act a barrier should a future connection be established as the gas boilers would have to be removed prior to the connection being established and is expected to cause issues with continuity of supply for the development.

An updated energy centre layout has been provided and demonstrates that there is sufficient space for a future DH connection to be established. Nothing further required.

19. The information provided indicates that the proposed flow and return temperatures are 70oC and 40oC respectively and that detailed information on the anticipated distribution heat losses have been provided. It is noted that the Be Green DER worksheets provided assume the DLF of 1.05 which is not consistent with the 20% losses anticipated. The Be Green emissions should be recalculated to represent the anticipated distribution losses.

The applicant has confirmed that the additional heat loss associated with the 20% distribution losses amounts to 85tonnes of CO2. Nothing further required.

23. Centralised heat pumps are being proposed in the form of ASHP. Further information on the heat pumps should be provided including:

- a. The heat pump's total capacity (kWth). This is confirmed as 730kW.
- b. An estimate of the heating and/or cooling energy (MWh/annum) the heat pumps would provide to the development and the percentage of contribution to the site's heat loads. This is confirmed as 85% of the heat load.
- c. Details of how the Seasonal Coefficient of Performance (SCOP) and Seasonal Energy Efficiency ratio (SEER) has been calculated for the energy modelling. This should be based on a dynamic calculation of the system boundaries over the course of a year i.e. incorporating variations in source temperatures and the design sink temperatures (for space heat and hot water). SCOP of 2.00 has been assumed.
- d. Manufacturer datasheets showing performance under test conditions for the specific source and sink temperatures of the proposed development and assumptions for hours spent under changing source temperatures. Whether any additional technology is required for hot water top up and how this has been incorporated into the energy modelling assumptions. This should be provided.
- e. An estimate of the expected heating costs to occupants, demonstrating that the costs have been minimised through energy efficient design. – It is noted that information on the expected annual fuel costs have been provided; however, the applicant should also include the anticipated service costs (operation, maintenance and replacement costs) for the proposed system. Annual estimated cost is £34 per dwelling. The costs for maintenance should be included in this figure.
- f. The expected heat source temperature and the heat distribution system temperature with an explanation of how the difference will be minimised to ensure the system runs efficiently. This should be provided.
- g. A commitment to monitor the performance of the heat pump system post-construction to ensure it is achieving the expected performance approved during planning. (It is recommended that boroughs condition this). A commitment to monitor the performance of the system should be given.

**This item is outstanding.**

24. The applicant has not proposed PVs on the development roof areas due to many areas being used for green roofs or due to access issues. It should be noted that cases of PV being deployed on green roofs are being delivered without negative impacts on the green roof; as such, it is not accepted that green roofs are a reason for not

proposing PV. The applicant is required to maximise the on-site savings from renewable energy technologies, regardless of the London Plan targets having been met, and therefore the PV proposals should be reviewed. A detailed roof layout indicating all uses of roof space should be submitted.

A detailed and annotated roof plan has been provided. The applicant is now proposing to install 27.5kWp of PV across the development with an annual generation of 19,945kWh expected. This is welcomed. Nothing further required.

28. The applicant has confirmed that £659,236 will be paid into the borough's offset fund. The applicant should provide evidence of correspondence with the borough confirming that the shortfall in carbon emissions will be met off-site and has provided details of the carbon reduction project proposed.

A revised figure of £651,060 has been provided. Draft S106 wording confirming this contribution has been included should be provided. **This item is outstanding.**

Many thanks,

**Justine Mahanga**

**Principal Strategic Planner, Planning**  
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020 7084 2715

[www.london.gov.uk](http://www.london.gov.uk)

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London Borough of Merton  
Development Control  
Merton Civic Centre London Road  
Morden  
Surrey  
SM4 5DX

**Our ref:** SL/2019/119432/02-L01  
**Your ref:** 19/P2387  
**Date:** 23 October 2019

Dear Sir/Madam

**DEMOLITION OF THE EXISTING BUILDINGS AND ERECTION OF TWO BLOCKS OF DEVELOPMENT RANGING IN HEIGHT BETWEEN SEVEN AND 15 STOREYS AND COMPRISING 456 NEW HOMES, OF WHICH 114 WILL BE ONE BEDS, 290 WILL BE TWO BEDS AND 52 WILL BE THREE BEDS. 499SQM OF B1(A) OFFICE SPACE WILL BE ACCOMMODATED AT GROUND FLOOR LEVEL ALONG WITH 220 CAR PARKING SPACES, 830 CYCLE PARKING SPACES, A REALIGNED JUNCTION ONTO BURLINGTON ROAD, HARD AND SOFT LANDSCAPING AND ASSOCIATED RESIDENTIAL FACILITIES. THE APPLICATION ALSO INCLUDES MINOR CHANGES TO THE LAYOUT AND CONFIGURATION OF THE RETAINED TESCO CAR PARK**

**TESCO SITE 265 BURLINGTON ROAD NEW MALDEN SURREY KT3 4NE**

Thank you for consulting us on the above application.

We have no objection and consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed (see Section 1).

### **Flood Risk**

The site is situated mainly within Flood Zone 3/2, the high/medium risk zone, at risk of flooding from the River (insert). Residential development is classified as more vulnerable in terms of flood risk according to the National Planning Policy Framework (NPPF). The Submitted FRA from Ambiental (ref: N. 4003/Phase 1 Flood Risk Assessment v1.0/ Ambiental Environmental Assessment) has been adequately assessed flood risk.

As requested we have reviewed the letter, from Ambiental (Ref: #4003, GLA REF: post stage 1 comments - 265 Burlington Road- email dated 25/10/2019 - 28/10/2019)

The applicant has used our base model to calculate the latest climate change levels for the area. As part of this, modelling runs have been undertaken using an existing topographic survey which have shown that the northern part of the redline application boundary would not experience flooding for the 1% and 1% 35% for climate change. The FRA has identified that the maximum flood level within the site is 14.35mAOD, the FRA states that and additional 300mm freeboard to the FFL (14.65mAOD).

We can confirm that we are satisfied with the approach taken by Ambiental and agree that the set finished floor levels (FFL) are appropriate.

### **Environmental permit - advice to applicant**

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- \*on or within 8 metres of a main river (16 metres if tidal)
- \*on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- \*on or within 16 metres of a sea defence
- \*involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- \*in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

### **Contaminated Land**

We have reviewed the document 'Desk Study/Preliminary Risk Assessment Report' (PRA) by Jomas (reference P1446J1410/AJH V1.0 dated 07 August 2018). The document indicates the potential for ground contamination to be present and recommends an intrusive investigation to assess this. We consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed.

**INFORMATIVE/ advice to applicant: Waste** The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.



Under the Code of Practice: excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution; treated materials can be transferred between sites as part of a hub and cluster project; some naturally occurring clean material can be transferred directly between sites. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. The Environment Agency recommends that developers should refer to the Position statement on the Definition of Waste: Development Industry Code of Practice and The Environmental regulations page on GOV.UK.

**Decision notice request**

The Environment Agency requires decision notice details for this application in order to report on our effectiveness in influencing the planning process. Please email [kslplanning@environment-agency.gov.uk](mailto:kslplanning@environment-agency.gov.uk) with any decision notice details.

Please do not hesitate to contact me if needed.

Yours faithfully

**Mr Randeep Dhanjal**  
**Planning Advisor**

Direct e-mail [kslplanning@environment-agency.gov.uk](mailto:kslplanning@environment-agency.gov.uk)

## Section 1

### Flood Risk Condition

The development shall be carried out in accordance with the submitted flood risk assessment (ref: N. 4003/Phase 1 Flood Risk Assessment v1.0/ Ambiental Environmental Assessment) and the following mitigation measures it details:

- Finished ground floor levels shall be set no lower than 14.65m above Ordnance Datum (AOD).
- Compensatory storage shall be provided with the provision of an additional 25 cubic metres through level-for-level compensation.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

### Contaminated Land

**CONDITION:** Prior to the commencement of development 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 PRA, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 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. 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

**Reason:** For the protection of Controlled Waters. The site is located over a Secondary Aquifer & adjacent to the Pyl Brook and it is understood that the site may be affected by historic contamination.

**CONDITION:** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) 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 approved, verified and reported to the satisfaction of the Local Planning Authority.

**Reason:** There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.

**CONDITION:** Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

**Reason:** Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.

**CONDITION:** 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.

**Reason:** To protect the underlying groundwater from the risk of pollution. Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

**CONDITION:** 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.

**Reason:** The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

Environment Agency  
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