

PLANNING APPLICATIONS COMMITTEE

21 March 2019

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
18/P3354	13/08/2018
Address/Site	Wimbledon Stadium, Plough Lane, Tooting, SW17 0BL
Ward	Wimbledon Park
Proposal:	<p>Application under Section 73 to vary conditions 3 (approved plans) and 20 (opening hours) and omit conditions 22, 23, 44 and 46 (all relating to café and crèche) attached to LBM planning permission 14/P4361 (football stadium, commercial and residential development).</p> <p><u>Minor material amendments</u></p> <p><u>Commercial</u> - removal of crèche & café, 20 new retail car parking spaces</p> <p><u>Stadium</u> - internal & external alterations, removal of semi-basement, reduction in car parking, altered cycle parking, condition 20 (opening hours of stadium/shop) reworded to include provision for extra hour opening (until 23.00) as required by the football authorities (matches requiring extra time & penalties)</p> <p><u>Residential</u> - additional floor on building A.J & infill block between building A.J & A.N (creating 18 new units). increased refuse & cycle facilities, re-positioning building B, alterations to elevations, internal layout & housing mix brings number of units from 604 to 632. Shared ownership increase (60 to 181 - 29%)</p>
Drawing Nos	<p>SITE_999_000_1001_P3, 098_P3, 099_P3, 100_P3, 101_P3, 102_P3, 103_P3, 104_P3, 105_P3, 106_P3, 107_P3, 108_P3, 109_P3 and 110_P3.</p> <p>SITE_999_000_1011_P3, 1012_P3, 1013_P3, 1014_P3, 1015_P3, 1016_P3, 1017_P3, 1018_P3,</p>

1019_P3, 1020_P3, 1021_P3, 1022_P3 and 1023_P3.

542-01-010 Rev J, 011 Rev G, 012 Rev E, 013 Rev E, 051 Rev D, 052 Rev C, 053 Rev C, 054 Rev C, 055 Rev C, 056 Rev C, 110 Rev F, 111 Rev F, 151 Rev E, 152 Rev D, 153 Rev D, 154 Rev D and 155 Rev D.

Contact Officer: Stuart Adams (0208 545 3147)

RECOMMENDATION

GRANT Variation of conditions, subject to conditions and deed of variation to the S106 agreement.

CHECKLIST INFORMATION.

- Heads of Agreement: See section 12.2 for full heads of terms.
 - Is a screening opinion required: No
 - Is an Environmental Statement required: Yes
 - Has an Environmental Statement been submitted: Yes
 - Press notice: Yes
 - Site notice: Yes
 - Design Review Panel consulted: No
 - Number of neighbours consulted: 22
 - External consultations: Greater London Authority (GLA), Transport for London (TfL), Environment Agency (EA), Sport England (SE), Department of Communities and Local Government (DCLG), London Borough of Wandsworth Council (LBW), Network Rail, Metropolitan Police, NHS England, Merton CCG, Historic England Greater London Archaeological Advisory Service, British Telecom, National Grid, Natural England, Thames Water, London Power Networks, The Football Association, Wimbledon Society, Wimbledon Park Residents Association, and Haydons Bridge Residents Association
 - Conservation Area: No, however adjoins the Coppermill Lane sub-area of the Wandle Valley Conservation Area (located southwest of the application site).
 - Public Transport Accessibility Level (PTAL): Level 3 (moderate)/2 (poor) on the TfL Information Database (On a scale of 1a, 1b, and 2-5,6a, 6b where zone 6b has the greatest accessibility).
 - Controlled Parking Zone: No
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1. **INTRODUCTION**

- 1.1 The application has been brought before the Planning Application Committee for consideration in light of the number of objections received against the application and officer recommendation of grant variation of conditions subject to conditions and deed of variation to the S106 agreement.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site is 5.1ha in size and is located within the north-east of the borough. The site is entirely within the London Borough of Merton (LBM) however parts of the site to the north and east adjoin the boundary with the London Borough of Wandsworth (LBW).

- 2.2 All former uses have ceased and the site is vacant and hoarded as demolition of the former Wimbledon Greyhound Stadium has taken place under planning permission LPA Ref. No. 14/P4361. The former uses included:

- Wimbledon Greyhound Stadium
- Christopher's Squash & Fitness Club
- 94 Summerstown was vacant on all three floors however a single storey part to the rear of the building operated as a café,
- A 1 – 2 storey building occupied by a motorcycle training company (website address is given as 46-76 Summerstown).

- 2.3 Planning permission LPA Ref No. 14/P4561 was determined subject to Section 106 agreement (dated 13 December 2017) and 79 planning conditions. The approved development will be constructed over the following strategic phases as set out in the Section 106 agreement:

- Phase 1 – Demolition
- Phase 2 – Culvert Works
- Phase 3 – Construction of Stadium
- Phase 4 – Construction of Building B
- Phase 5 – Construction of Building C
- Phase 6 – Construction of Building A
- Phase 7 – Enlargement of Stadium

- 2.4 The site is currently undergoing construction work related to the early phases of the approved redevelopment. As currently programmed, the approved scheme will be built out over a 36 month construction period and would be completed in March 2021.

- 2.5 The site is accessed from Plough Lane (B325 in LBM) to the south and Summerstown (B235 in LBW) to the east.
- 2.6 Beyond the site, to the east and south are light industrial/commercial units, with residential dwellings beyond. To the north of the site is Riverside Road, a partially private road giving access to the Garratt Business Park (LBW) and Cappagh Recycling Centre (LBW). To the west of the site is a National Grid Sub-station (LBM) accessed from Coppermill Lane (LBM), a road in private ownership. In addition to the commercial units along Summerstown, there are also retail units along Plough Lane and adjacent to the junction between Plough Lane and Summerstown (LBM/LBW).
- 2.7 There is a Public House (The Corner Pin) located at the junction of Riverside Road and Summerstown and which includes habitable accommodation at first floor.
- 2.8 The River Wandle is located 130m west from the site and Lambeth Cemetery is to the south of the site.
- 2.9 There are 5 train / underground stations within a 1.5 mile radius of the site:
- Haydon's Road Station (Overground and approximately 0.5 miles south of the site),
 - Earlsfield Station (Overground and approximately 0.9 miles north of the site)
 - Tooting Broadway Station (1 mile east of the site, Northern Line),
 - Wimbledon Park Station (1.1 miles west of the site, District Line),
 - Wimbledon Station (Overground, District line, and Tramlink, and approximately 1.2 miles west the site).
- 2.10 Local bus number 493 passes the site and a variety of buses run from Garratt Lane (Earlsfield and Tooting Broadway stations) and Wimbledon town centre.

3. **DESIGNATIONS AND CONSTRAINTS**

- 3.1 LBM Sites and Policies Plan (SPP) was adopted at full Council on the 9th July 2014. The site is allocated within the LBM Sites and Policies Plan (2014) for:

'Intensification of sporting activity (D2 Use Class) with supporting enabling development'.

- 3.2 The SPP allocation states that *'Developments that facilitate more sporting activity may be enabled by more viable uses, subject to meeting planning policy, evidence and consultation.'*

- 3.3 Within Merton's Core Planning Strategy (2011), the site falls within the Colliers Wood and South Wimbledon Sub-Area (Policy CS1 and within the Wandle Valley sub- area (policy CS5).
- 3.4 The River Wandle is located approximately 130m west of the site and when the application was originally submitted in November 2014 the site was shown to lie entirely within the 1 in 100 year flood extent (Flood Zone 3a) and partially within the 1 in 20 year flood extent (Flood Zone 3b) of the River Wandle functional flood plain.
- 3.5 Re-modelled flood levels and extents, as provided and undertaken by the Environment Agency in August (2015) now show the site as still lying within the 1 in 100 year flood extent (flood zone 3a) however the extent, depth and duration of flooding is reduced compared to the previous River Wandle catchment model outputs. The site is now not within the 1 in 20 year flood extent (Flood Zone 3b) of the River Wandle functional flood plain.
- 3.6 A surface water sewer (culvert) of approximately 1370mm diameter is shown passing through east of the site from Plough Lane to Riverside Road. This culvert is owned and maintained as a Thames Water asset.
- 3.7 There are no recorded surface water abstractions within 500m of the site.
- 3.8 Land to the west of the River Wandle is designated as a Local Nature Reserve and is the only recorded designated environmentally sensitive site within 500m of the site (70m from the site).
- 3.9 Following surveys conducted by the applicant, the confirmed ecological receptors within the site are foraging bats, feral pigeon and two mature Willow trees. Of those, only the bat is a protected species.
- 3.10 The southern part of the site has a Public Transport Accessibility Level (PTAL) of 3 (moderate) and northern part of the site has a PTAL rating of 2 (poor).
- 3.11 The site is located adjacent to the Garratt Lane Business Park (LBW) and to the north west of the site within the Garratt Lane Business Park, is the Cappagh recycling site (LBW)
- 3.12 The site is located adjacent to the Copper Mill sub-area of the Wandle Valley Conservation Area, which lies to the north of Plough Lane and to the east of the River Wandle.
- 3.13 The entire site lies within an Archaeological Priority Zone.

- 3.14 The applicant has confirmed that the ownership of Riverside Road (to the north) beyond circa 40m from its junction with Summerstown is privately owned, however, the site has established rights of way over this private road.
- 3.15 The applicant has confirmed that Coppermill Lane is owned by National Grid but that the applicant has rights of access over it to their site. The parking bays are within the site boundary on the road.
- 3.16 In 2003 the Council declared the borough an Air Quality Management Area (AQMA). Emissions from road traffic have been identified as the major source of pollution in the borough. Air quality in the borough is also affected by pollution generated in neighbouring authorities and across London.

4. **CURRENT PROPOSAL**

- 4.1 Section 73 application for minor material amendments to full planning permission LPA Reference No. 14/P4361. This permission was granted on 13 December 2017 and gives full approval for the:

“Proposed demolition of existing buildings and erection of a 20,000 seat football stadium (initially 11,000 seat) with hospitality, crèche, café and coach parking, pedestrian street, 1,273 sq. m retail unit, 1,730 sq. m squash and fitness club, 602 residential units with basement parking, refuse storage, 200 car parking spaces, 992 cycle parking spaces and associated landscaping/open space and servicing.”

- 4.2 Following the grant of planning permission LPA Ref. No. 14/P4361, Galliard Homes formed the current joint venture partnership with Catalyst Housing Association and undertook a full review of all design, construction and operational aspects of the residential element of the scheme. The same exercise was undertaken by AFC Wimbledon in respect of the approved football stadium. These detailed reviews resulted in a suite of proposed minor amendments to the consented development.
- 4.3 The application under Section 73 seeks to vary conditions 3 (approved plans) and 20 (opening hours) and omit conditions 22, 23, 44 and 46 (all relating to café and crèche) attached to LBM planning permission 14/P4361 (football stadium, commercial and residential development).
- 4.4 In brief, the amendments involve the provision of an additional 28 residential units (now 632 units overall), revised residential internal layouts and associated elevation detailing changes, amended residential mix, minor repositioning of Building B, an amended residential basement floor

layout, increased residential refuse and cycle parking facilities, removal of the crèche and café from the stadium, removal of the stadium semi-basement level, reduction in stadium car parking provision, changes to the detailed arrangements for match-day cycle parking serving the stadium, localised changes to the stadium north and east elevations, amended detailed floodlight design and a revised wording to Planning Condition 20 controlling the hours of use of the stadium.

Number of Units

- 4.5 Officers can provide clarification of the consented number of residential units from 602 to 604. During determination of the consented scheme, the now approved Masterplan drawings for the sixth and seventh floors were amended to add approved units A.A.06.03 and A.A.07.03. The accommodation schedule and description of development were not however amended to reflect this, and the approved scheme actually contains 604 units not 602;

4.6 Stadium

- 4.6.1 The proposed amendments to the stadium are set out below.

4.6.2 East elevation changes

- Under the approved stadium plans, the corners of the east elevation of the stadium (fronting the new North-South Street) are curved. It is proposed that these are squared off to simplify construction, create additional useable space and facilitate the phased enlargement of the stadium to 20,000 seats. The public areas and roads adjoining this elevation will be designed and landscaped in detail pursuant to relevant planning conditions and requirements of the Section 106 agreement.
- The east elevation has also undergone design development, including addressing the proposed removal of the café and crèche and satisfying operational issues associated with the green “living” wall panels which are now located at first floor level. Visual interest and animation of this elevation will be achieved through the proposed elevational treatment and lighting.

4.6.3 Semi Basement

- It is proposed to remove the consented semi-basement/undercroft floor (approved Level 00) under the south and west stands of the stadium. These areas were approved as providing car parking (under the south stand) and back of house accommodation for the stadium use (under

the west stand). In order to simplify the design and build of the stadium, these areas have been removed, resulting in a reduction in car parking (see below), minor reduction in back of house facilities and realignment of the internal stadium vehicular route/exit.

4.6.4 Car Parking

- As referenced above, the removal of part of the consented basement has resulted in a reduction of car parking serving the stadium use. Under the approved plans, Level 00 (the basement/undercroft) provided 74 car parking spaces, including 6 disabled bays and 2 ambulance bays. It is proposed that these are removed and the only car parking to serve the stadium now be located under the south stand concourse at ground level (new Level 00). The proposed provision comprises 44 car parking spaces, including 4 accessible bays. This will serve the stadium use through both approved stadium phases/seat capacity scenarios and seeks to comply with operational and accessibility requirements. The overall implication is a net reduction of 30 stadium car parking spaces.

4.6.5 Wall

- Under the approved plans, the north elevation of the stadium is formed by a wall some 17m in height and an overall length of 70m. It was always planned to allow for access to construct the remainder of the stadium, this wall would have to be sacrificial. Therefore, it is now proposed that an interim wall of 7m be built, to be demolished and replaced by the full height 17m wall when the final stadium enlargement phase (to 20,000 seats) is completed.

4.6.6 Cycle Parking

- The approved plans show 100 surface cycle parking spaces to serve the stadium being provided along North-South Street. However, under regulatory guidance governing safe and clear crowd access to and from the stadium (Guide to Safety at Sports Grounds Edition 5 – which is given force where Safety Certificates are issued under prevailing legislation), the Football Club is unable to store bicycles in this location on match days. It is proposed to maintain the consented level of stadium cycle parking through:
 - a) Provision of 22 staff cycle parking spaces within the stadium for use on match and non-match days; and
 - b) The use of a mobile cycle storage facility on match days. This mobile facility will be located immediately opposite the stadium on

Council-owned land on the south side of Plough Lane. It will provide at least the balance of approved cycle parking spaces (some 78 cycle parking spaces) to ensure that there is no net loss of cycle parking provision for visitors to the stadium on match days. This arrangement will be secured in the deed of variation to the Section 106 agreement.

4.6.7 Floodlights

- It is proposed that the floodlight lamp layouts change from three vertical rows of lamps to two vertical rows.

4.6.8 Creche and Café

- The approved redevelopment included a crèche and a café within the stadium building. The crèche was approved over two levels (ground and first floors) within the stadium building and would have been accessed from an entrance on North-South Street. The approved café is a small kiosk area [circa 30 sq. m] located at ground floor level within the stadium east elevation (in front of the stadium food and drink concession stands) and accessed from North-South Street. Both uses are proposed to be omitted from the scheme. The spaces would revert back to general use for the stadium.

4.6.9 Condition 20 (Opening Hours)

- Existing planning condition 20 attached to planning permission ref. No.14/P4361 states that:

“Opening Hours (Stadium and Stadium Shop): The stadium and stadium shop use hereby permitted shall not be open to customers except between the hours of 08:00 and 22:00 on any day and no staff shall be present at the relevant premises 1 hours after closing time”

- AFC Wimbledon has identified an operational issue which would conflict with the current wording of Condition 20 and require this to be addressed in a modified wording. In the event of a cup competition match which is replayed and went into extra time or penalties, the stipulated time of 22:00 would not be sufficient to allow the match to finish. A further hour would be required so as not to breach the condition. Historically, this is a very rare event and over the last ten seasons in the competitions currently played by AFC Wimbledon, only two games have gone into extra time and none have gone to penalties. Notwithstanding this, the flexibility is required on the rare occasions

that this may happen. Therefore, the following amended wording of Condition 20 is proposed:

Proposed Amended Wording

"Opening Hours (Stadium and Stadium Shop): The stadium and stadium shop use hereby shall not be open to customers except between the hours of 08:00 and 22:00 on any day (save where extended hours of opening to 23:00 are necessary to meet the requirements of the football authorities) and no staff shall be present at the relevant premises 1 hour after the closing time."

4.7 Residential

4.7.1 The proposed amendments to the residential elements of the approved scheme (previously Buildings 1, 2 and 3 now referred to as Buildings A, B and C) comprise:

4.7.2 Building B

- Re-planning of Building B internal spaces to accommodate the size and mix of units required by Catalyst as the confirmed affordable housing provider. This has led to a reduction in the external footprint of the building and increase in the number of units from 95 to 105 i.e. ten new units within the consented area of Building B. It has not affected the height of the consented building (whose envelope is actually now marginally smaller) but the residential mix and layouts have altered.
- Minor changes to windows and balcony positioning associated with replanning of internal spaces of Building B;

4.7.3 Stair case core

- Removal of an unnecessary stair core in Building A.L which has altered flat layouts in Buildings A.K, A.L and A.M. There is no change to the number of units being provided, but the residential mix and flat layouts have been altered. It is intended that these units will also now be delivered by Catalyst as shared ownership rather than private units, increasing the number of shared ownership affordable units within the scheme.

4.7.4 Additional Floor A.J and New Infill Block

- An additional floor on Building A.J and new infill block between Buildings A.J and A.N is proposed. This had formed part of the original scheme design, but had to be removed as a result of Rights of Light

issues raised by the former owner of the adjoining development site at 46-76 Summerstown (known as the “Volante” site). These issues have since been resolved following a change in ownership of the adjoining site, and the additional floor and infill building will create 18 new private units. All new units comply with London Plan internal residential space and private amenity space standards. The design of the new infill block will be reflective of the neighbouring blocks of flats. Building A.J would increase in height from 30.05 FFL to 33.20 FFL (3.15m increase - 6th floor to 7th floor).

4.7.5 Basement (extra provision for cycle parking)

- Changes to the consented basement floor arrangements. These include making extra provision for refuse facilities and cycle parking to serve the 28 additional units being created (through re-planning of Building B and the infill and extra floor on Building A.J). The scheme now contains 1,028 residential cycle parking spaces which reflects the 992 approved cycle spaces plus 36 additional cycle spaces for the new units. The proposed basement level layout has also been amended to relocate the approved energy centre to a more accessible basement location (now located in the northern part of the basement).

4.7.6 Car Parking Spaces

- Introduction of dedicated car parking (19 spaces in the basement of block A) to serve the consented retail unit.
- Re-location of Squash and Fitness Centre car parking spaces within the basement of Block A (located further north).
- The amended basement car parking changes result in the loss of 14 residential car parking spaces.

4.7.7 Minor repositioning of Building B

- To accommodate new UKPN cable routes in the New Stadium Road. The need for this change has been highlighted during ongoing discussions with UKPN. The change is minor and involves Building B being moved some 0.6m to the east and approximately 1m to the south.

4.7.8 Housing Mix

- The proposed minor amendments include revised internal layouts and a slightly altered residential mix from that approved under planning permission LPA Ref. No.14/P4361. A comparison of the approved and proposed residential mix is included below.

	Studio + 1 Bed	2 Bed	3 Bed	4 Bed	Total
Consented	225 (37.4%)	245 (40.7%)	127 (21.1%)	5 (0.8%)	602
Proposed	251 (39.7%)	244 (38.6%)	133 (21.1%)	4 (0.6%)	632

4.7.9 Car parking numbers

Use	Approved	Proposed
Residential	199 spaces	185 spaces
Squash	19 spaces	20 spaces
Retail	0 spaces	19 spaces

	Residential Units	Standard Bay (including CAZ)	Disabled Bay	Total
Block A Res	413	134	15	149
Block B Res	105	32	4	36
Block C Res	114	0	0	0
Block A Squash		18	2	20
Block A Retail		17	2	19
Total		201	23	224

5. **PLANNING HISTORY**

5.1 Greyhound Stadium Site

5.1.1 18/P3202 - Application to discharge condition 12 (levels) attached to LBM planning application 14/P4361 relating to the proposed demolition of existing buildings and erection of a 20,000 seat football stadium (initially 11,000 seat) with hospitality, crèche, café, and coach parking, pedestrian street, 1,273m² retail unit, 1,730m² squash and fitness club, 602 residential units with basement parking, refuse storage, 296 car parking spaces, 1130 cycle parking spaces, and associated landscaping/open space and servicing – Grant Partial Discharge of condition - 31/10/2018

5.1.2 18/P3203 - Application to discharge condition 14 (foundation/piling design) attached to LBM planning application 14/P4361 relating to the proposed demolition of existing buildings and erection of a 20,000 seat football stadium (initially 11,000 seat) with hospitality, crèche, café, and coach parking, pedestrian street, 1,273m² retail unit, 1,730m² squash and fitness club, 602 residential units with basement parking, refuse storage,

296 car parking spaces, 1130 cycle parking spaces, and associated landscaping/open space and servicing – Grant - 23/11/2018.

- 5.1.3 18/P1746 - Application for non-material amendment relating to LBM planning application 14/P4361 (football stadium, commercial and residential). the non-material amendment includes, columns to cantilevered second floor overhang, reduction of curtain walling, removal of roof lights on squash club, raising podium by 250mm, alterations to footprint of Block C, amendments to fenestration, balconies and brick course detailing, removal of stair core overruns and alterations to the top corner of building A.F – Grant - 03/07/2018
- 5.1.4 18/P1775 - Application for discharge of condition 60 (site contamination water) attached to LBM planning permission 14/p4361 relating to the proposed demolition of existing buildings and erection of a 20,000 seat football stadium (initially 11,000 seat) with hospitality, crèche, café, and coach parking, pedestrian street, 1,273m² retail unit, 1,730m² squash and fitness club, 602 residential units with basement parking, refuse storage, 296 car parking spaces, 1130 cycle parking spaces, and associated landscaping/open space and servicing – Grant - 08/06/2018
- 5.1.5 18/P1564 - Discharge of condition 36 (contamination) attached to LBM planning permission 14/p4361 relating to the proposed demolition of existing buildings and erection of a 20,000 seat football stadium (initially 11,000 seat) with hospitality, crèche, café, and coach parking, pedestrian street, 1,273m² retail unit, 1,730m² squash and fitness club, 602 residential units with basement parking, refuse storage, 296 car parking spaces, 1130 cycle parking spaces, and associated landscaping/open space and servicing – Grant - 29/05/2018.
- 5.1.6 18/P1467 - Application for discharge of condition 65 (Archaeology - WSI) attached to LBM planning permission 14/P4361 relating to the proposed demolition of existing buildings and erection of a 20,000 seat football stadium (initially 11,000 seat) with hospitality, crèche, café, and coach parking, pedestrian street, 1,273m² retail unit, 1,730m² squash and fitness club, 602 residential units with basement parking, refuse storage, 296 car parking spaces, 1130 cycle parking spaces, and associated landscaping/open space and servicing – Grant - 29/05/2018
- 5.1.7 18/P2183 - Application to discharge schedule 8, clause 2.4 (CEMP for phase 2 - culvert works) of the section 106 agreement dated 13 December 2018 attached to LBM planning application 14/P4361 (football stadium, commercial and residential) – Pending decision

- 5.1.8 18/P1127 - Application for discharge of condition 41 (employment strategy) attached to LBM planning permission 14/P4361 (stadium, commercial and residential) – Grant - 08/05/2018
- 5.1.9 18/P1199 - Application to discharge condition 35 (contamination - study) attached to LBM planning application 14/P4361 (football stadium, commercial and residential) – Grant - 19/04/2018
- 5.1.10 18/P1523 - Application to discharge schedule 8, clause 2.4 (CEMP for phase 1 - demolition) of the section 106 agreement dated 13 December 2018 attached to LBM planning application 14/P4361 (football stadium, commercial and residential) – Grant - 16/04/2018
- 5.1.11 18/P1121 - Application to discharge schedule 8, clause 2.1 (development construction environmental management plan (DCEMP) of the section 106 agreement dated 13 December 2018 attached to LBM planning application 14/P4361 (football stadium, commercial and residential) – Grant - 15/11/2018
- 5.1.12 18/P1045 - Application to discharge condition 2 (phasing plan) attached to LBM planning application 14/P4361 (football stadium, commercial and residential) – Grant - 15/11/2018
- 5.1.13 16/P2009 - Pre application advice for the demolition of existing buildings and provision of a new 3,000 person greyhound racing stadium including greyhound race track, 348 x 1 & 2 bedroom apartments, a 555 space multi-storey carpark, retail units, kennel block/trainers area with 182 carpark spaces, squash club, sports centre, sure start preschool, doctors surgery and greyhound racing heritage centre.
- 5.1.14 14/P4361 - Proposed demolition of existing buildings and erection of a 20,000 seat football stadium (initially 11,000 seat) with hospitality, crèche, café, and coach parking, pedestrian street, 1,273m² retail unit, 1,730m² squash and fitness club, 602 residential units with basement parking, refuse storage, 296 car parking spaces, 1130 cycle parking spaces, and associated landscaping/open space and servicing – Permission Granted - 13/12/2017
- 5.1.15 14/P0286 - Application for use of car park for car boot sales on Wednesdays between 10.30 - 14.30 (replacement of extant temporary planning permission 12/P0338 dated 20/03/2012) – Approved
- 5.1.16 13/P3662/NEW - Pre-application advice for the erection of a 20,000 seat football stadium with hospitality and coach parking, 613 residential units

with basement parking, 1000 square metre squash and fitness club (with 350 parking spaces and cycle store) and 1000 square metres retail space.

- 5.1.17 12/P0338 - Application for replacement of extant planning permission 10/p0171 for use of car park for car boot sales on Wednesdays between 10.30 - 14.30 – Approved
- 5.1.18 11/P0822 - Erection of steel-framed building 9m x 7m to be used for vehicle mot testing and vehicle valeting. – Approved – Land adjoining Coppermill Lane
- 5.1.19 10/P2931 - Retention of 2 x portable buildings for office use – Approved
- 5.1.20 10/P0171 - Application for replacement of extant planning permission 08/p0231 for use of car park for car boot sales on Wednesdays between 10.30 - 14.30 – Approved
- 5.1.21 10/P0165 - Renewal of LBM planning permission 08/P1280, for part use of car park for car boot sales on Saturdays between the hours of 7.00 am - 1.00 pm – Approved
- 5.1.22 08/P1280 - Renewal of planning permission lbm ref: 07/p0557, use of part of car park for car boot sales on saturdays. between the hours of 7.00 am - 1.00 pm – Approved
- 5.1.23 08/P0231 - Continued use of car park for car boot sales on Wednesdays between 10.30 - 14.30 – Approved
- 5.1.23 07/P0557 - Renewal of planning permission LBM ref: 04/P2486, use of part of car park for car boot sales on Saturdays. between the hours of 7.00 am - 1.00 pm – Approved
- 5.1.24 06/P3004 - Renewal of temporary planning permission LBM 05/p1744. use of car park for car boot sales on Wednesdays between 10.30 - 14.30 – Approved
- 5.1.25 06/P1971 - Renewal and variation of hours of planning application 05/P1744 for temporary use of car park at junction of summerstown and riverside road for a 100 car boot fair on Wednesdays between 9.00am and 1.00pm. (previously 10.30am to 3.00pm) – Refused on the following grounds:

1. The proposal will cause an unacceptable increase in morning peak period traffic, leading to added, unacceptable levels of congestion of the existing highway network to the detriment of the users of the highway and the amenity of local residents contrary to

policies LU.3 (Transport Impact of New Development) and PE.3 (Pollution and Amenity) of the adopted Merton Unitary Development Plan (October 2003).

- 5.1.26 06/P1351/NEW - Redevelopment of site for a residential- led scheme with an associated leisure/community facility.
- 5.1.27 06/P1029 - Change of use from class b1 to class a5 (takeaway) and erection of external kitchen extraction system including ducting – Approved – 94 Summerstown
- 5.1.28 05/P1744 - Use of car park for car boot sales on Wednesdays between 10.30 - 15.00 – Approved
- 5.1.29 04/P2486 - Renewal of planning permission LBM ref: 03/P0861, use of part of car park for car boot sales on Saturdays. – Approved
- 5.1.30 03/P1911 - Change of use from motorcycle school and repairs to a car rental use and erection of a 1.8 metre high palisade fence. –Approved – 94 Summerstown
- 5.1.31 03/P1334 - application for a certificate of lawfulness for the existing use of part of the site as a mini cab business in connection with the stadium. – Certificate issued
- 5.1.32 03/P0861 - Use of part of car park for car boot sales on Saturdays. – Approved
- 5.1.33 02/P0597 - Use of land for greyhound racing (three evenings a week) and for stock car racing every Sunday from January to the end of May and every Sunday from September to the end of December. – Certificate issued
- 5.1.34 02/P0369 - Change of use of store/workshop building to offices/reception area, for use in connection with the adjoining car hire use, with alterations to the front elevation – Approved
- 5.1.35 01/P2041 - Retention of part of car park for a 200 stall Saturday car boot fair. – Refused, on the following grounds:

1. The use proposed would lead to an unacceptable increase in problems of highway congestion at a time when highway movements in and around Plough Lane are likely to be significantly constrained, contrary to Policy M43 of the Adopted Unitary Development Plan (April 96) and Policy LU3 of the Revised Unitary Development Plan Second Deposit Draft (October 2000).

- 5.1.36 84/S/1504 - Outline application for erection of a superstore with 600 parking spaces and indoor sports facilities underneath the stadium – Refused
- 5.2 Volante Site, 46 – 76 Summerstown (adjoining development site to the east)
- 5.2.1 18/P3611 - Prior notification for proposed demolition of building – Prior Approval Granted - 23/10/2018
- 5.2.2 18/P2556 - Deed of variation (removing paragraph 9.1 of part viii of schedule 1 - link to Wimbledon stadium application) relating to the section 106 agreement attached to LBM planning permission 15/P4798 for the demolition of existing buildings and erection of a part 7 (top floor recessed), part 9 (top floor recessed) storey building, comprising 93 flats, 3 associated car parking spaces, 165 cycle parking spaces, hard and soft landscaping and associated works – Grant - 28/08/2018
- 5.2.3 17/P3119 - Application for non material amendments to internal layout of flats (removal of all 17 studio flats to one person, one bedroom flats, replacement of a 2 bedroom flat on the sixth floor to, 2 x one person, one bedroom flats and 2 x studio's on ground floor changed to a three bedroom flat) relating to planning 15/P4798 (demolition of existing buildings and erection of a part 7 (top floor recessed), part 9 (top floor recessed) storey building, comprising 93 flats, 3 associated car parking spaces, 165 cycle parking spaces, hard and soft landscaping and associated works) – Grant - 11/09/2017
- 5.2.4 17/P3690 - Application for a non material amendment (changes to internal layout) to planning permission 15/P4798 relating to the demolition of existing buildings and erection of a part 7 (top floor recessed), part 9 (top floor recessed) storey building, comprising 93 flats, 3 associated car parking spaces, 165 cycle parking spaces, hard and soft landscaping and associated works – Grant - 31/10/2017
- 5.2.5 15/P4798 - Demolition of existing buildings and erection of a part 7 (top floor recessed), part 9 (top floor recessed) storey building, comprising 93 flats, 3 associated car parking spaces, 165 cycle parking spaces, hard and soft landscaping and associated works – Grant - 15/08/2017
- 5.2.6 14/P4188/NEW - Application for a pre application advice for the demolition of the existing buildings and the erection of 98-112 residential units above the ground floor which will provide a mix of uses – 46 – 76 Summerstown, Tooting

6. CONSULTATION

6.1 The application has been advertised by major site notice procedure (advertised in the 13/09/2018 addition of the Guardian Newspaper), display of site notices around the site (6 in total) and letters of notification to the occupiers of neighbouring properties.

6.1.1 In response to the consultation, 10 letters of objection, including one from the Wimbledon Society and Wimbledon Park Residents Association have been received. The letters raise the following objections:

Highways

- Increase in traffic and pressure on car parking
- Strain on public transport
- The roads are already completely congested around the proposed development particularly at the weekends
- There are numerous instances where the applicant emphasises the retail unit would serve the needs of the local population, is easily accessible on foot or by public transport and will not lead to an increase in vehicle traffic.
- The loss of match day parking spaces on the site places an additional burden on the neighbouring residential streets.
- The retail parking would retrospectively increase traffic in the area, contravening GLA, NPPF, and Merton's own policies.
- You don't need extra parking spaces for the retail unit as you have not got retail customers
- The original stadium transport plan did not allow for the advent of new bike hiring technology that has swept the USA and already begun in London. This permits a bike to be left anywhere and tracked for free collection by the lessee. Availability of such bikes would alter the transport plan significantly given the distances from the nearby station, a 5 min bike ride abandoning the bike anywhere appeals better than a 25 min walk. Concern with bikes blocking streets, left in gardens etc. This new technology requires a new stadium transport plan with MET input and maybe a new bye laws too. Bike drop off fines levied on lessee e.g., signage no bike drop offs match days on local roads, this can be patrolled by the parking patrol attendants issuing fines between 3 and 5pm.
- The new idea of mobile bike sheds seems a good one but insufficient space, maybe the club should appoint a manned bike lessee on match days (maybe this would be a good use for the retail unit space-just replace it with a bike park).
- There should be much more extensive space for mobile bike sheds than planned
- There should be designated cycling routes around match days

- Mobile bike storage should be added at nearby stations

Use

- Crèche – onsite childcare facilities were a massive draw for young families, and will help ensure a mixed-resident population for this development of apartments.
- Incorporating a crèche is a critical part of the community offer that helped sell this development to planners, as well as residents in this vicinity. It was also specified as a must by the Greater London Authority. Merton Council at the time stated that there was a deficiency of childcare locally. Given that the Council estimate this development is predicted to become a home to families including around 50 children aged under five, I find it hard to believe that there will not be an ongoing need for infant day-care.
- When the development plans were originally approved, it was clear to anyone with a child that siting a crèche in that cramped, urban spot, stuck on the edge of the stadium building with no outdoor space, was never going to appeal to parents or service providers. It is extraordinary that this was not picked up at the time.
- Planners should insist the crèche remains part of the deal, relocating it to the ground floor of one of the developments enclosed courtyards.
- The removal of the crèche takes away the community benefit and is unjustified.
- Retail unit isn't going to be let for the duration of the stadium life. Change to a community use in some way (e.g community hall/conference centre)
- More mini-supermarkets to an area already well served by such shops.
- The crèche was the only community benefit promised to sweeten the deal for local people is about to be removed.
- Merton Councils Head of Contract & School Organisation Tom Procter said there was an identified need for additional nursery spaces to serve this area was seen by many residents as part of this application, but it has subsequently disappeared off the portal and all existence. Mr Procter has said that he has not written any letters pertaining to this application.
- Given that the developer is proposing 28-unit increase, the least they can do is honour the community offer and re-locate the crèche on the development, on the ground floor, with sufficient sunlight and adequate security.
- The café is also another community cohesive unit which is being axed. Why? It needs to be reinstated given the café culture that Merton today boasts.
- Since the applicant assessed the need for a food convenience store, Lidl and the Coop have opened just metres away from the

development which negates the need. Perhaps they could look at another type of store or renting out the space to a medical clinic/dentist etc, which will much needed to cater to a huge new population in an area devoid of basic infrastructure for a development of that size.

Air Quality

- The whole of Merton is an area Quality Management zone. Air quality readings for the Gap Road / Plough Lane/Haydons Road area are poor, exceeding 'legal' limits on an ongoing basis. Traffic junctions both east and west of this development are already operating above capacity.

Neighbour Amenity

- The rights of light issues do not appear to have been dealt with correctly by the developer

Flooding

- The removal of the basement flood storage undermines the developers rationale for building on a 3b floodplain in the original application 14/P4361 and they have not proposed an alternative.

Design

- The changes in the design of the stadium will result in an aesthetically barren centre piece to the development and breaches the promise made by the developers during the public consultation of good design.

Hours of Use

- The proposed extension of the opening hours of the stadium to 11pm will cause unreasonable disturbance and diminish the quality of life for local residents. The Council imposed condition 20 in the original consent as an acknowledgment of the impact the stadium is going to have on residents.
- Events hosted at the stadium as per the S106 are defined as football (or other sports), concerts, conventions, conferences, meeting, functions and other similar events will lead to an impact to local residents parking and event noise.

Application type

- So-called 'Minor Material Amendments' which in effect do away with the community service of a crèche and café in its place propose new car parking spaces which will either be chargeable or add to pollution and congestion in the area.
- The scale of what the applicants are proposing does not fit with their description of the development as minor alterations

- The impact of the additional residential units had not been properly assessed.
- The impact of their proposed changes has not been properly tested from either an environmental, air quality, traffic or visual perspective.
- The cumulative impact of all the proposed changes constitutes are much more significant than the developer is acknowledging.
- The new infill building contains 18 new units and the addition of a whole new building cannot be described as a 'minor' amendment.
- A reduction in stadium parking to 30 spaces (originally 74) cannot be seen as minor.
- The changes are not material but substantial material amendments

Consultation

- Lack of consultation
- It is important that the public is given appropriate time to view this fresh application and that a new date is set from the time of the announcement to all the parties previously involved in the application for this development.

Safety

- Presume the building detail includes safety amendments re cladding/sprinklers, extra stairways etc?

Affordable Housing

- If the additional units are to go ahead, a mark as close to 40% affordable housing quota should be attempted.
- This substantial development began with a shameful 9.1% affordable housing quota compared with Merton Councils 40% affordable housing quota.
- Council Leader Stephen Alambritis said in July that the developer would announce an increase in affordable housing to 30% affordable which was commendable and a huge improvement. His comments were backed up by numerous industry press reports that the developer had increased affordable units to 30%. Looking at the applicant's viability documents, the valuer has now been instructed to value a proposed amended scheme providing 632 units of which 552 are private tenure with 80 shared ownership units. That aborts what Cllr Alambritis believed and what the newspaper articles published.
- The above suggests that units are being added, but the affordable housing quotas for the scheme as a whole have been cut and remain depressingly and unacceptably low. A small 13% shared ownership stake in such a large development that would rake in between £52-62 million in profits to the developer (according to the viability studies) again leaves Merton residents at a disadvantage.

This needs to be rectified. At the very least a claw-back clauses are attached to the units in this application, as has been the case with other much smaller schemes.

- Why does Merton have a 40% affordable housing quota policy if it is never closely met?

CIL

- Will CIL be requested for the extra 28 units or will more units be added retrospectively through the lifetime of this development?

6.2 Wimbledon Park Residents Association (relating to original consultation)

Executive Summary

6.2.1 The developers propose very substantial changes which include the addition of 28 residential units involving the construction of a new building and a new floor to one of the blocks, thereby affecting height, scale and design of the consented scheme. They also wish to remove the crèche, one of the only remaining community benefits. In addition, they want to considerably change the profile of the stadium, thus affecting its design and removing its basement, thereby invalidating the calculations of the Environment Agency on flooding. Furthermore, they propose to extend the operating hours of the stadium beyond 10 pm, so causing additional aggravation for local residents.

6.2.2 These are not Minor Material Amendments as set out in Section 73; they undermine the planning arguments on flooding, community benefit, design, building standards and traffic congestion originally used by the developers to gain planning permission for the original application (14P4361). They are also in conflict with the conditions of the 106 Agreement. The past air pollution levels given in the mandatory Environmental Statement by the developers substantially disagree with those measured by Merton Council and Haydons Road North community group, rendering the report not credible. At the very least, the proposal should be submitted as a full planning application which is subject to proper scrutiny by the local residents, the Council and the London Assembly. However, The Wimbledon Park Residents' Association think that the application should be refused on the grounds of environmental impact, flooding, loss of community benefit, poor design and additional disruption to local residents.

Background

6.2.3 This application is for Minor Material Amendments to the Plough Lane site, which was assigned in the Local Development Framework as "Intensification of Sporting Activity (D2 Use Class) with supporting

enabling development". Planning permission for 604 residential units and a football stadium for AFC Wimbledon was granted by Merton Council and the more recent 106 Agreement requires Galliard Homes to give roughly £14,000,000 to the football club in order to build the stadium.

A Lack of Consultation

- 6.2.4 There has been almost no proper consultation on this planning amendment. The Wimbledon Park Residents' Association was not initially consulted, nor were the overwhelming number of local residents in the surrounding roads who the development is most likely to affect. As a result there has not been sufficient time for objections and we have had only a very limited time in which to formulate this response.

Not a Minor Material Amendment

- 6.2.5 The application is a Minor Material Amendments (section 73), but it consists of some very substantial changes and it requires a full planning application which is subject to all the rigorous checks and balances to verify that it is consistent with National, Merton and London planning guidelines.
- 6.2.6 In this document we discuss in detail the changes and explain why many of them substantially alter the existing planning consent. However, here we note that the removal of a basement invalidates the required retention of flood water, the new (infill) building and new floor to one of the buildings significantly affects the height, scale and design of the consented scheme, the extended opening hours substantially impacts on the lives of local residents, the removal of the clearly required crèche removes almost the only community benefit and the change in the stadium profile significantly downgrades the quality of its design. These are not minor in their impact.
- 6.2.7 The planning guidelines (Section 73, "Minor Material Amendments") states that it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved."
- 6.2.8 Also, "By definition the changes sought will be non-material, consultation or publicity are unlikely to be necessary, and there are unlikely to be effects which would need to be addressed under the Environmental Impact Assessment Regulations 2011."
- 6.2.9 Neither of these is the case, especially given the controversial nature of the original application.

6.2.10 The proposed changes are substantial and they require a detailed planning application.

6.2.11 The changes also undermine some of the arguments given in the original application that the developers used to gain consent. Should Merton Council accept this as a minor material amendment, we will refer Merton Council to the Ombudsman for maladministration and we may seek a legal remedy.

Flooding and Removal of the Stadium Basement

6.2.12 The developers wish to remove the basements under the stadium and in particular the semi basement/undercroft floor (approved Level 00) under the south and west stands of the stadium which was originally used to house 75 car parking spaces and crucially provide the ability to retain water in the event of a flood. The justification is given in Chapter 6 - Flood Risk and Hydrology of the ES Addendum and Technical Appendix 6.1 (FRA Technical Note) which consists of two tables.

6.2.13 We recall that this development was, at the time of the application, in a flood zone at highest risk (3b) and parts of this site are still in such a flood plain. As a result, the developers had to demonstrate that in the event of a flood, the water would be retained in the basements.

6.2.14 As such, the proposed amendment would significantly remove one of the main reasons why the application was granted planning permission in the first place and as a result it should not be permitted. The developers admit that the new plan does not agree with the plan which they used to gain consent (ES addendum Pt03 page 22). They also admit that the impact of the proposed changes reduces the flood storage by 2,844 Cubic metres. The new proposal is also contrary to the 106 Agreement which requires that the original agreed flood mitigation measures are precisely carried out.

6.2.15 The proposed changes mean that the development does not satisfy the required flooding guidelines and as a minimum requirement the application should be referred back to the Environment Agency who are the only body who can carry out the required calculations in an impartial manner.

Closure of Crèche

6.2.16 In their original application, the developers argued that there was no need for an additional doctors surgery or schooling provision for the occupants of the more than 600 flats that will be built on this site. This is despite the

fact that the developers note that 60.3% of their 2, 3 and 4 bed flats are suitable for occupation by families. Common sense tells one that this is completely unrealistic. While there is about £400,000 set aside for GP provision in the 106 Agreement, there is no definite scheme for how to spend this money and its effect will be limited.

6.2.17 One of the few community benefits of the consented scheme was the developer's undertaking to provide a crèche. However, now they argue that the crèche does not have the required outside play space and so is not viable. It is the developers' responsibility to provide one on site and so they need to find a design solution prioritising this ahead of more flats or parking spaces. The need for these services is only going to increase with the additional 28 flats. We note that in the 14P4361 Decision Notice paragraph 46 reads as follows:

"Delivery of Café and Crèche: The approved Stadium shall not be occupied until the approved café and child day care facilities are constructed to shell and core.

Reason: In the interests of providing activity along the North-South Street and providing a day care facilities of which there is a need within the London Borough of Merton and to ensure compliance with the following Development Plan policies for Merton's 7.6, 3.16 and 3.18, of the London Plan 2015, policy CS 14 and CS 11 of Merton's Core Planning".

6.2.18 Merton Council should be consistent and refuse the proposed removal of the crèche because this number of new dwellings will place considerable demand on existing facilities, which we expect to be currently at or close to capacity. It is almost unheard of to grant consent for this size of scheme with no childcare facilities. The crèche is almost the only remaining community benefit of use to most local people.

Flawed Environmental Statement

6.2.19 Section 73 makes clear that a Minor Material Amendment is to be treated as a new planning application from the environmental viewpoint and it requires a new and detailed environmental assessment. The applicants have indeed submitted a report in their Environmental Statement Addendum (2018) which also has Technical Appendices in Volume 2 - part 2. In this report the developers have stated what they think are the current NO₂ levels for the local roads and with one exception of one location on Wimbledon Road, they do not very significantly exceed the allowed EU maximum permitted NO₂ level (40). However, the NO₂ levels have been carefully measured by Merton Council, and the Haydons Road North community group and the results substantially disagree with those

stated by the developers in their tables, such as those given in table 10.5 in the appendix. For example, Merton Council finds 47 and 46 in Gap Road, Haydons Road and Plough Lane respectively, while the Haydons Road North community group using the standard equipment measured NO2 levels of 59.73, 51.45 and 50.76 at the junction of Haydons Road with Plough Lane, with Queens Road and Cromwell Road respectively. In contrast the figures given by the applicants for Gap Road are 38 or 36.8, for Haydons Road 38.6 and Plough Lane 46.5. It is well known from many measurements that the local roads systematically exceed the allowed EU limits.

6.2.20 As the past levels given by the applicant are incorrect we can have no confidence in the predicted levels in 2025. In any case, insufficient detail is given in the way the future levels are predicted and they do not state the errors which could, and frequently are in such studies, so large as to make the results irrelevant. Below table 10.5 we find that only levels of NO2 above 60 are indicated as significant when it is well known that the maximum permitted level is 40. This is not a typo as the figures in the table 10.5 which are above this level are underlined. This is a very worrying mistake that erodes confidence in the report as a whole.

6.2.21 In the initial application all parties were agreed that this development is in an area of poor public transport. While some steps have been taken to try to improve the transport issues in the 106 Agreement these are unlikely to have much effect and in any case are very time limited in their duration. In our opinion the transport issues that were raised by Wimbledon Park Residents' Association and Wandsworth Council at the time of the original application were never properly addressed by Merton Council and this development is likely to result in considerable congestion to through traffic and to residents. The development relies on cars being able to park in local roads but these should be reserved for residents. Once the development is completed, it will be clear if it leads to congestion on local roads or if, as Merton Council claims, it will not. Should the former occur Merton Council will be expected to remedy the situation. The applicants' Environmental Statement Amendment, technical appendices, Table 10.3 on traffic data shows that in 2025 the proposed changes will lead to significantly increased levels of traffic on roads that already exceed the permitted EU levels of air pollution: for example, there will be 607, 143 and 770 additional daily vehicle movements on Plough Lane, Gap Road and Summerstown Lane respectively. This must surely lead to an increase in air pollution contrary to all planning guidelines.

6.2.22 The levels of PM2.5 and PM10 have not been measured near the development and the results claimed by the applicants should be regarded as highly speculative and unreliable.

6.2.23 The air quality report of the applicants disagrees with even the measured current pollution levels and their future levels cannot be relied on.

6.2.24 The applicants have failed to show that the proposed amendments will not lead to an increase in air pollution as required by Merton, London and National planning guidelines and so the application should be refused.

The Additional 28 Residential Units and the New Infill building

6.2.25 The applicants are seeking to increase the number of housing units on the site by 28 additional apartments involving the construction of a new building and a new floor to one of the buildings. The new infill development between buildings A.] and AN reinstates an element of the original scheme deleted due to 'right of light' issues. It has been reinstated following agreement between landowners after a change of ownership. 'Right of light' relates to planning standards. A building either meets the standards or it does not. Failure to meet the standards is a reason for refusal. A failure to meet planning standards cannot be overcome by agreement between landowners because standards are intended to protect the rights of all occupiers and owners in perpetuity.

6.2.26 We also note that the additional floor on building A.] has implications for height, scale, mass and design and may have light issues for surrounding properties. This new infill building comprises 18 new units and the addition of a building cannot be described as a minor amendment. The planning authority will need to properly consider before approval are the height, scale, mass, the design, the relationship to surrounding uses, the loss of open space between buildings and its impact on the character and layout of the development and finally the car parking and traffic impact.

6.2.27 We note that Building B has increased the residential units it contains from 95 units to 105 units. Whilst the footprint has not increased the increase of an additional 10 units is a significant increase to this building.

6.2.28 The planning standards of the new building, the additional floor and the intensification of use of the site have not been properly addressed and the application should be refused on these grounds. This attempt to increase the housing density will enhance the profitability for the developer whilst impacting even more on the surrounding community.

Extended Opening Hours

6.2.29 The developer is seeking to amend Existing Condition 20 and extend the opening hours for the Stadium and Stadium Shop to 2300 hrs. Under the definitions in the S106 Agreement, "Events" that can be held in the stadium are defined as football and other sporting matches, concerts,

conventions, conferences, meetings, weddings, functions (catered and no catered) and other similar events whether or not envisaged at the Date of Transfer. The development already relies on the local residential streets for parking provisions so the inevitable impact on local residents and businesses from event noise, pedestrian footfall and parking supporting a stadium of 11,000 or 20,000 attendees is very serious. There are no conditions placed on the developers under the S106 to limit the number of events that can be held in the stadium and the terms of Condition 20 of the original decision notice restricting opening hours to 22:00 hrs states that it is "To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2011, policy CS7 of Merton's Core Planning Strategy 2011 and policy OM EP2 of Merton's Sites and Policies Plan 2014."

6.2.30 The use of such a restrictive condition indicates that week-day operation of the stadium for football matches has an unacceptable impact and is intended to protect local residents. The stadium has not yet been built and the true impact of the combined development is as yet untested. Any use of the stadium under the current restrictions of Existing Condition 20 will have an undeniable impact but an extension to the operating hours of the Stadium will cause unwanted, unnecessary and unreasonable disturbance to local residents at night and should therefore be rejected.

6.2.31 The existing condition 20 is an acknowledgement of the disruptive effect the development is going to have on local residents and any increase in opening hours will exaggerate this impact on the local residents and it should be rejected.

Changes in Parking Provision

6.2.32 The applicants wish to reduce the parking for the stadium by 30 from a total of 74 is a 41% reduction in on site car parking. This cannot be described as minor. As mentioned above, Wimbledon Park Residents' Association maintained that the transport assessment supporting the original application was flawed as it was based on inaccurate data. The impact is going to be felt most severely by local residents living in the surrounding CPZ's and removing 30 spaces will enhance this impact even more.

6.2.33 In any location in the UK, a proposal to build 20 car spaces to support a 20,000 square foot retail unit would be expected to go through the statutory planning process to allow statutory consultation and proper scrutiny. We note that the additional cars utilising these 20 spaces daily will travel on one of the most congested roads in south-west London which already breaks EU limits on pollution. In the original application, the

developers assured us that the retail store was only for local use and would not need this level of parking provision. This should be rejected.

The Design of the Stadium

6.2.34 Alterations to the approved design of the stadium through the removal of the curves and replacing them with straight edges downgrades the quality of the design and undermines the reassurances given to residents by AFC Wimbledon during their public consultation. Several clubs recently of a similar or lower stature have been innovative and included curves in their design (AFC Fylde and Fleetwood Town) so why not for AFC Wimbledon? Design is important, particularly when fitting a controversial or bad neighbour use into a residential area. It should not be compromised particularly where the overall application proposals are a mix of revenue generation and cost savings. Box-like structures may be acceptable where stadiums are located out of town but where they are in the heart of a residential area such as this where it has considerable visual impact and affects the amenity of many people, the design should not be compromised. The increase of stadium height of 0.5m whilst not significant still needs to be seen in the context of the reduction in design quality as does the change to the living wall on the eastern façade and the need to add interest. All these add weight to the argument that these combined changes need to be reviewed in the context of the overall design of the scheme and are significant enough in total to warrant a new planning application.

Other matters

6.2.35 The stadium was initially given consent for 11,000 spectators in the first stage, and it can be extended to 20,000 only if it could satisfy certain tests, for example on transport. We note a worrying tendency in the new application which often refers to the extension to 20,000 spectators without the necessary checks. We think that the operation of the 11,000 seater stadium should be carefully studied to understand its impact on the surrounding communities to see if it leads to traffic congestion, as the Wimbledon Park Residents' Association suggest, or the traffic is free flowing, as Merton Council claim, before the permission is given for an extension.

6.2.36 We note this application and the Planning Statement has been submitted by Merton Catalyst LLP and AFC Wimbledon, not the original planning advisors, Savills, who submitted the Planning Application 14/134361. These amendments submitted to Merton seek to change what their original professional advisor has proposed, argued and tried to justify. This application undermines the original consultation process and is an attempt

to enhance the developers' profits again at the expense of the residents of the surrounding communities.

- 6.3 In response to the re-consultation (additional information relating to air quality), one objection letter from the Wimbledon Park Residents Association has been received. The letter raises the following objections:

Wimbledon Park Residents Association

Executive Summary

- 6.3.1 The levels of air pollution predicted by the applicants substantially disagree with those of Merton Council even if they are corrected for any fall off with distance. A detailed study of the environmental statement of the applicants leads to the conclusion that the levels of air pollution it predicts are subject to such large uncertainties that it cannot be used to support the application and as a result the application must be refused.

A review of the environmental statement 18/P3354)

- 6.3.2 As section 73 makes clear, a Minor Material Amendment is to be treated as a new planning application from the environmental viewpoint and it requires a new and detailed environmental assessment. National, London and Merton planning guidelines also make it clear that a development that increases air pollution in areas where it already exceed the EU guidelines must be refused. The area around the proposed development does indeed substantially exceed EU levels.
- 6.3.3 The technical appendices of the Environmental Statement Amendment, Table 10.3 on traffic data shows that in 2025 the proposed changes will lead to significantly increases levels of traffic on roads that already exceed the permitted EU levels of air pollution: for example there will be 607, 143 and 770 additional daily vehicle movements on Plough Lane, Gap road and Summerstown Lane respectively. This will surely lead to an increase in air pollution.
- 6.3.4 The air pollution modelling of the applicants was given in their Environmental Statement Addendum (2018), part 2, section 10. The modelling of NO₂ has been carried out by the applicants for 29 sites, referred to as receptors. It is important to note that receptors are not the same as detectors which do not actually exist at these sites. The exception is at two of the sites, where according to figure 10.2.1, the "measured" values of NO_x were found to be 59 and 55 of road. In contrast the modelled results at these sites were only 10 and 25. Given the very large disagreement between the modelled values and the actual values, and that comparison was made at only two sites, the only correct

conclusion to reach is that the model does not work. The model does not even correctly find which of the two sites has the most pollution.

- 6.3.5 The DEFRA guidelines "Local Air Quality Management, Technical Guidance (TG16) February 2018" explain how to assess the uncertainty of a air pollution model. Paragraph 7.537 explains that the favoured method is to calculate the RMSE, a standard statistical exercise. In this case we have two measured observations. For these the observed results minus modelled results are 49 and 30 and putting these into the formula in Box 7.17 we find that the uncertainty in the modelled results is 40.6. In paragraph 7.542 the DEFRA guidelines state that if the errors are greater than 25% then the model needs revision. However, for the model of the applicants the errors are even larger than the measured results and as a result their predicted results are completely unreliable. Given that there are only two comparisons with the measured results it is inevitable that there is not any statistical reduction of the uncertainties. Paragraph 7.545 makes clear that the accuracy of a model is particularly important when the area is close to the 40 EU limit and is an AQMA area as is the case. Of course the scaling also scales up the very large errors in the original modelled results.
- 6.3.6 Despite this, the applicants proceeded to rescale the modelled NO₂ levels. Figure 10.2.1 shows how they fit a straight line to go between only two widely spaced points and then require it to pass through the origin. The result is that the applicants apply a very large correction factor of 2.6041 followed by a correction factor of 1.0465 to the final predicted values. The applicants then predicted the NO₂ levels for their 29 sites (receptors) in the PAST in 2017 and in the future in 2025 in table 10.5 in the appendix.
- 6.3.7 In their comments on 18/P3354 the Wimbledon Park Residents Association pointed out that the PREDICTED results in the PAST were in substantial disagreement with the MEASURED results for NO₂ levels. These were measured by Merton Council and the Haydons Road North community group. Remarkably the results from Merton Council appeared without comment in the environmental statement of the applicants. As DEFRA guidelines make clear the applicants should have used these to calibrate their results.
- 6.3.8 The applicants have created a parallel universe that does not correspond to the reality. Put simply repeated measurements of the levels of air pollution area around the development have been shown to substantially exceed the EU limit of 40 while the modelled results of the applicants generally do not find levels in excess of EU limits. However, even given the underestimates of the model, the applicants do find that the model does predict levels of NO₂ air pollution that exceed EU limits at two sites different to the ones measured by Merton.

6.3.9 The model used to predict N02 levels has such large uncertainties that it has no validity. The predicted results substantially disagree with the results of Merton Council and the Haydons Road North community group.

Additional Comments on the new technical note submitted by the applicant

6.3.10 In this new document the applicants try to explain away the discrepancy between their predicted levels and the measured results of Merton Council. We now comment on their statements. They now claim that their predicted results correspond to the N02 levels at the facades of buildings and one must modify the results of Merton Council to obtain similar results.

6.3.11 Fortunately, Merton Council has already computed the levels of N02 at the nearest facades for the two sites 26 and 27 of Merton Council in the document "London Borough of Merton (LB Merton) (2018). Annual Status Report for 2017". Available at: <https://www.merton.gov.uk/communities-and-neighbourhoods/pollution/air-quality-and-airpollution/local-air-quality-management>

6.3.12 The levels measured by their detectors (tubes) were 47 and 46 and they find that the levels at the nearest buildings are 43 and 41 respectively. The applicants find the results 39.5 (39.7) and 33.1 (33.7) respectively. The numbers in brackets are for the choice of different choice of N02 background. Despite their lengthy discussion of this point it makes no real difference. Thus the results of the applicant substantially disagree with the results of Merton Council.

6.3.13 Merton Council has measured the N02 levels in Haydons Road at a site that requires no correction as the detector and the facade are at the same place, they found the result 47. This is compared to the two predicted results of the applicants, albeit be it at a different sites, on Haydons Road of 38.6 and 36.6. Again we observe that the predicted result of the applicants disagree with those that are measured.

6.3.14 The procedure to compute the fall off of N02 with distance is given in "NO2 Fall-Off with Distance Calculator (version 4.2). March 2018". Available at: <https://laqm.defra.gov.uk/tools-monitoring-data/no2-falloff.html>.

6.3.15 The results are consistent with those that Merton gave.

6.3.16 The applicant do not consider the measured N02 results of the Haydons Road North community group as the situation of the detectors was not

known and the results may not have been properly analysed. The NO₂ tubes are given to Merton Council and analysed in exactly the same way as those of Merton. There is no reason to suppose that the tubes of the Haydons Road North community group are not properly processed. They have no vested financial interest in distorting any result. However, it is true that the levels at the nearest facade were not previously calculated. This is not straightforward to do as the detectors are at junctions and the formula mentioned above does not apply. The Haydons Road North found the results 59.73, 51.45 and 50.76 at the junction of Haydons Road with Plough Lane, with Queens Road and Cromwell Road respectively, see <https://haydonsroadnorthcommunity.wordpress.com/2018/07/25/local-air-quality-latest-grim/>

6.3.17 The detectors are within 9m of the buildings and near the kerbside, consequently as explained in paragraph 5.1 of "NO₂ Concentrations and Distance from Roads, Air Quality Consultants Ltd" we can get a guide to the reduction by applying a ten per cent reduction.

6.3.18 Thus at the building facades (receptors) we find the values of 53, 46, 41 for the junction of Haydons Road with Plough Lane, with Queens Road and Cromwell Road respectively. The values of the NO₂ measured are consistent with those of Merton Council and so are the values once the fall off as one moves away from the road.

6.3.19 The applicants corrected the NO₂ levels measured by Merton Council for distance and found results that disagree with those calculated by Merton Council which exceed the EU limit. Clearly Merton Council when considering the application should take account of its own results rather than those of the applicant.

A further comment

6.3.20 Given the magnitude of the discrepancy between the predicted and measured results on air pollution, Merton Council should have appointed independent experts to evaluate the evidence, but instead they have submitted new arguments from the applicants. We also note that they decide to proceed with the application before the technical comments of the applicant were available. Thus Merton Council decided to take the application to committee without any external independent advice on air pollution.

6.4 The Wimbledon Society

6.4.1 The Council will know that the Section 73 procedure is for "Minor Material Amendments" only

- 6.4.2 It is designed to simplify the process when, after a planning permission has been granted, the applicant wants to do some relatively small changes. The emphasis is on the word 'minor'.
- 6.4.3 HMG Guidance says that there is no statutory definition of 'minor', but *"it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved"*. (MoHC&LG Guidance 6.3:2014).
- 6.4.4 It goes on to say *"Where these modifications are fundamental or substantial, a new planning application ... will need to be submitted"*.
- 6.4.5 Also *"As by definition the changes sought will be non-material, consultation or publicity are unlikely to be necessary"*.
- 6.4.6 And *"This procedure, which has no consultation requirements, and minimal notification requirements, cannot be used to make a material amendment"*
- 6.4.7 Looking at the formal Guidance from HMG, one needs to establish whether the proposed are minor, or whether they should be classed as "Material Amendments".
- 6.4.8 If they are "Material" then they should clearly be the subject of a new/separate planning application.
- 6.4.9 Applying the proper test of *"not substantially different..., and not fundamental"* to each of the proposed changes in turn, then: (FD = fundamentally different = new planning application required):
(0 = likely to be objected to when a new application is submitted):
- 6.4.10 A Redesign of building B, introduction of internal unlit corridors & single aspect flats: FD:O
- 6.4.11 B Elevational changes: *No objection*
- 6.4.12 C Removal of stair in building A, creating internal unlit corridor & single aspect flats: FD:O
- 6.4.13 D New infill block and additional floor on adjoining block: creating a closed courtyard with a major new 8 storey building, and an increase in the approved height, and a significantly poorer outlook from some of the approved flats: FD:O
- 6.4.14 Increase in the total number of flats from 602 (604) to 632: overdevelopment: FD:O

6.4.15 E Recalculation of total number of original flats from 602 to 604: *No objection*

6.4.16 F Revised Basement layout: *No objection*

6.4.17 G Introduction of retail parking: consequent loss of residential parking: Objection

6.4.18 H Elevational changes to the N/S 'internal street': *No objection*

6.4.19 I Removal of semi-basement: Reduction of stadium parking by 30 spaces: Objection

6.4.20 Increased height of stadium roof by 0.5m: *No objection*

6.4.21 J Reduction of stadium parking from 74 to 44: Objection

6.4.22 K Stadium wall height reduction: *No objection*

6.4.23 L Loss of Creche for 'non viability": crèche should be re-provided locally: Objection

6.4.24 Loss of café: should be provided elsewhere on site to cater for fans: Objection

6.4.25 M Cycle parking (for fans) relocated to adjoining site: *No objection*

6.4.26 N Redesign of Floodlighting masts: *No objection*

Summary:

6.4.27 As can be seen from the responses above, some elements of this Section 73 application are considered to be fundamentally at odds with Central Government Guidance.

6.4.28 They therefore should not be approved and should be the subject of a separate full planning application.

6.4.29 The Council will be aware of the risk that a misuse of the Section 73 Procedure could be considered a matter of Maladministration by the Council, and perhaps liable to a referral to the Ombudsman.

6.5 Councils Transport Planning Officer

6.5.1 The purpose of the Section 73 Application is to authorise a suite of proposed minor design changes to the consented Wimbledon Stadium Development ('the consented scheme') on land at Plough Lane ('the site') within the London Borough of Merton (LB Merton).

6.5.2 The design changes to the scheme in relation to highways and access include:

- The increase of residential units to a total of 632 (Consented Building B footprint to accommodate 10 additional units, with a further 18 additional units in a new infill area as part of Building A).
- The provision of 20 car parking spaces within the basement car park of Building A for the retail unit (and associated car parking reduction for the residential provision).
- Removal of the basement level in the stadium resulting in the reduction of parking provision for the Stadium use from 74 to 44 (for 20,000 capacity stadium, with 44 implemented for the 11,000 capacity stadium) and the loss of 2 ambulance bays.
- Changes to cycle parking provision to reflect the increased requirements of the Draft London Plan for the uplifted residential units.

Residential Car Parking

Consented Scheme:

6.5.3 The consented scheme comprises 604 residential units supported by 199 car parking spaces at a ratio of 0.33 spaces per unit.

Proposed Scheme:

6.5.4 The proposed scheme will now provide a total of 632 dwellings supported by 185 car parking spaces at a ratio of 0.29 spaces per unit.

Trip Generation

6.5.5 The addition of units will introduce an increase to the estimated trips generated by the new residents of the development. The residential trip generation analysis undertaken in the 2014 was based on 613 units. Using the same trip rates as the 2014 TA, the total trip generation by mode for the proposed development of 632 dwellings are analysed.

- 6.5.6 The change to the trip generation owing to the increase of the scheme to 632 units and in particular vehicular trips is considered relatively insignificant. Furthermore, the provision of car parking within Building A for residential has been reduced, and hence the provision of car parking spaces satisfies the maximum car parking standards in accordance to the latest Draft London Plan, and the maximum parking standards within the current local planning policy.
- 6.5.7 The access to and from this car park remains unchanged and will be from Plough Lane as per the consented scheme.
- 6.5.8 It is proposed that the consented basement/undercroft floor under the south and west stands of the stadium be removed. This results in the reduction of car parking spaces from 74 to 44, of which 4 are disabled persons parking bays. Two ambulance bays are also lost as a result of removing the basement/undercroft floor. The access to the Stadium car park remains unchanged, where vehicles enter from Riverside Road and exit from Copper Mill Lane.
- 6.5.9 However, due to the change in the Stadium car parking arrangement, this has changed the path of vehicles through the Stadium and onto Copper Mill Lane, as such, revised swept path analysis has been undertaken to demonstrate that movements for larger vehicles are possible.
- 6.5.10 The reduction of the Stadium parking spaces is acceptable and is sufficient to cope during football matches to accommodate officials, players and staff.
- 6.5.11 The proposed number of parking spaces for disabled persons meets both the London plan 2016 standards and Policy T6.5 of the draft London Plan 2017.
- 6.5.12 The vehicular access through the stadium has been shown through swept path analysis using a coach, refuse collection vehicle and a 16.5m articulated vehicle.
- 6.5.13 The provision of car parking within Building A has been reduced, and hence the provision of car parking spaces satisfies the maximum car parking standards in accordance to the latest Draft London Plan. Further the maximum parking standards within the local planning policy would be met. The LBM Supplementary Planning Guidance: Sustainable Transport (2004) remains unchanged since the planning application submission.

Squash Club Car Parking

6.5.14 The consented scheme provides 19 Squash Club car parking spaces within the underground parking of Residential Building A. This is to remain unchanged, albeit in a different location on the site.

Retail Unit Car Parking

Consented Scheme

6.5.15 The consented scheme provides 2 on-street disabled persons parking bays for retail use located on Copper Mill Lane.

Proposed Scheme

6.5.16 The proposed scheme introduces 19 car parking spaces within the basement of Building A to serve the retail unit.

6.5.17 The access to the car park for retail users would be the same as the proposed squash club users, where the access and egress would be from the southern access on Summerstown.

6.5.18 The proposed number of basement vehicle parking spaces to serve the retail floorspace does not exceed maximum retail parking standards set out in the London Plan 2016 and Policy T6.3 of the draft London Plan 2017.

6.5.19 There will be a reduction of 14 residential car parking spaces and an increase of 19 retail car parking spaces. The majority of cars attracting to the squash club would be during evening and weekends. Given the increase of less than 5% in daily traffic flows on Summerstown as a result of the proposed amended scheme, the increase in vehicular traffic from this access onto Summerstown is unlikely to have a material impact on traffic volumes on the surrounding highway network. The proposed parking level for the retail unit is therefore acceptable and would not have a serve impact on the surrounding highway network.

Cycle Parking:

6.5.20 With regards to cycle parking provided for the additional residential units, 36 spaces would be provided within the basement of Building A.

Stadium Cycle Parking

6.5.21 Due to regulatory guidance governing safe crowd access to and from the stadium, the applicant has confirmed that they are unable to accommodate visitor cycle parking along the North-South street for as approved under planning permission 14/P4361.

6.5.22 Cycle parking for staff within the stadium on non-match days will be provided through 22 spaces.

6.5.23 On match days, making provision for at least the balance of consented cycle spaces (i.e. 78 spaces) in a mobile storage facility located on adjoining land to directly to the south of Plough Lane. This land is owned by the LBM and has agreed the proposal in principle. The arrangements will be secured through a legal agreement or variation of the existing Section 106 agreement.

6.5.24 The provision of cycle spaces both within the stadium and within the storage facility should meet minimum cycle parking standards set out in the London plan.

Cycle Parking Standards

6.5.25 Draft London Plan 2017

Short Stay

1 space per studio

1.5 spaces per 1 bedroom unit

2 spaces per all other dwellings

Visitor/ Long Stay

1 space per 40 units

6.5.26 The equivalent minimum number of long stay cycle parking spaces to be provided for the additional 18 residential units is 36.

Condition 20

6.5.27 Existing Condition 20 attached to planning permission ref. No.14/P4361 states that:

“Opening Hours (Stadium and Stadium Shop): The stadium and stadium shop use hereby permitted shall not be open to customers except between the hours of 08:00 and 22:00 on any day and no staff shall be present at the relevant premises 1 hours after closing time”

6.5.28 In the event of a cup competition match which is replayed and went into extra time or penalties, the stipulated time of 22:00 would not be sufficient to allow the match to finish. A further hour would be required so as not to breach the condition.

Proposed Amended Wording

- 6.5.29 Opening Hours (Stadium and Stadium Shop): The stadium and stadium shop use hereby shall not be open to customers except between the hours of 08:00 and 22:00 on any day (save where extended hours of opening to 23:00 are necessary to meet the requirements of the football authorities) and no staff shall be present at the relevant premises 1 hour after the closing time."
- 6.5.30 Transport raises no objection to the extension to the hours of opening to 23:00 where necessary as there are regular bus services up to midnight on weekdays/weekends and on Saturdays the underground services operate 24hrs.
- 6.5.31 The site is served by 5 train/ underground stations, all within 1.2 miles of the site. The No. 493 bus route serves the site and gives access to Earlsfield and Tooting Broadway stations as well as Wimbledon town centre. There are regular bus services up to midnight on weekdays/weekends and on Saturdays the underground services operate 24hrs.
- 6.5.32 Recommendation: Raise no objection to the proposed.

6.6 Councils Climate Officer

- 6.6.1 Given the overall site energy strategy is utilising CHP powered decentralised energy for the residential units, the additional units should not have any significant impact upon the approved strategy.

6.7 Councils Policy Officer (play space)

- 6.7.1 No objection

6.8 Councils Flood Risk Officer

- 6.8.1 Confirms that proposed amendments to the scheme will not result in an overall net loss of flood storage. Therefore, these amendments to the consented scheme will not have any adverse impact on flood risk elsewhere and is compliant with the original flood risk NPPF, the London Plan 5.12, 5.13 and Merton's policy DM F2.
- 6.8.2 As part of this S73 application, the proposed Stadium basement beneath the South and West stands is to be removed from the design. Therefore, a re-calculation was undertaken by Peter Brett Associates (PBA) in order to determine the maximum required finished floor level of the ground floor beneath the South and West stands of the proposed stadium (where the

- basement is to be removed from the design). The selection of maximum finished floor level was made so that there was still an overall net gain in flood storage within each of the 100mm deep flood storage bands used in the calculations.
- 6.8.3 This re-calculation exercise indicated that the finished floor level of the ground floor beneath the South and West stands should be set no higher than 8.69m aOD in order to maintain a net gain in flood storage within all of the 100mm deep flood storage bands. The re-calculation results show that the overall net gain in flood storage across all depth bands is reduced by 2,488m³ compared to the previous compensation scheme. However, the results demonstrate that there is still a net gain in flood storage within each depth band and an overall net gain of 10,665m³ across all depth bands.
- 6.8.4 An allowance has been made in the current Flood Compensation Scheme calculations for some non-floodable plant rooms within the stadium area. However, in addition to the removal of the basement below the South and West stands, the latest stadium drawings show some additional plant rooms that were not indicated in the original design drawings. The football club have confirmed that these additional plant rooms are floodable, so this will not have any impact on the Flood Compensation Scheme.
- 6.8.5 Therefore, the updated compensation scheme still meets the requirements of the Flood Risk Assessment (FRA) and planning policy, resulting in no adverse effect on flood risk.
- 6.9 Environment Agency
- 6.9.1 They have reviewed the Environmental Statement Addendum by Peter Brett Associates Project Ref: 40399/001 | Rev: FINAL | Date: August 2018 the TECHNICAL NOTE Job Name: Wimbledon Stadium S73 ES Addendum, Job No: 40399-4001, Note No: TN01A Date: 29th November 2018, Subject: Flood Compensation Scheme Amendment.
- 6.9.2 They are satisfied that the proposed changes will not result in an unacceptable loss of flood storage and so are in line with Flood Compensation scheme detailed in the Flood Risk Assessment (FRA) Addendum (2015).
- 6.9.3 The proposed changes will result in an overall net gain in in flood storage of 10,665m³ from the previously developed site. While this is 2,488m³ less than currently consented scheme it is still a gain in flood storage and is therefore considered acceptable.
- 6.10 Councils Design Officer

- 6.10.1 The changes to building B replace three well-proportioned dual aspect units with four narrow and awkward shaped units, two of which are single aspect. This is a backward step in terms of design. Efficient internal layouts may be difficult to achieve.
- 6.10.2 The removal of stair core in building A.L do not change the number of units but replace 3 of the 4 well-proportioned units with narrower, more awkward shaped units, creating one new single-aspect unit and a very odd arrangement of balcony space that is not clear on the drawings. Efficient internal layouts may be difficult to achieve.
- 6.10.3 No objection in principle to the new infill block and addition of extra floor. However, the floor plans show some effectively unworkable bedroom layouts despite their strict adherence to internal space standards. This could be said to not comply with the New London Plan Policy D4 B) “New homes should have adequately-sized rooms and convenient and efficient room layouts which are functional, fit for purpose and meet the changing needs of Londoners over their lifetimes. Particular account should be taken of the needs of children, disabled and older people.”
- 6.10.4 The squared off corners undermine the design quality and make the overall design inconsistent. The SE corner will be particularly noticeable from Plough Lane and a curve as originally planned will be a good landmark compared to a rather utilitarian squared off corner. If there is no overriding design reason to change this, then I don't see why we should support it.

6.11 Wandsworth Council

Emergency and Service Vehicle Access:

- 6.11.1 These drawings are not available on Merton Councils website. Wandsworth Council requests a copy of these drawings for review.

Vehicular Movements:

- 6.11.2 Wandsworth Council accepts there is unlikely to be a material increase in vehicular movements associated with the revised development. However, the Council maintains the concerns regarding the development as a whole.

Vehicular Access:

- 6.11.3 As with the previous observation response, the Council maintains the concern that as Riverside Road is a private road, there may be issues regarding access. Merton are strongly encouraged to require the Applicant

to prove that they have the appropriate rights of access over Riverside Road to enable residents to use this access.

Pedestrian Access:

6.11.4 Merton is strongly encouraged to secure pedestrian open access to the site from surrounding roads.

Vehicular Parking for Residents, Shoppers, and users of the Squash Court:

6.11.5 Wandsworth Council is concerned that the provision of car parking spaces for the retail units will discourage the use of sustainable modes of transport. Merton is strongly advised to consider whether this provision is acceptable.

Vehicular Parking for the Football Stadium:

6.11.6 Wandsworth Council considers that it vital that the financial contribution of £100,000 is sought for the preparation and implementation of a CPZ, and that a robust travel plan is provided in relation to this land use. The travel plan can be supplied through a pre-first occupation planning condition.

6.11.7 Merton is also strongly encouraged to request evidence that there are access rights on Coopers Mill Lane. The drawings are also unclear on what the width of the access/ exit way on this road is. The road must have a minimum carriageway width of 3.66m to allow appropriate access for emergency service vehicles.

Cycle Parking for all Land Uses:

6.11.8 Merton is strongly encouraged to clarify that the number of cycle parking space is adequate.

Affordable Housing:

6.11.9 The increase in the number of affordable housing units is welcomed. Merton is asked to robustly check to test this provision by a full viability review.

Crèche Provision:

6.11.10 Merton is encouraged to request evidence that there is no identified need for the crèche, and for the economic viability argument to be tested by a viability appraisal. If it is considered that the existing location of the proposed crèche is not suitable, Merton are

advised to negotiate with the Applicant for the crèche to be located in an alternative location within the site. Should this not be realistic, Merton is recommended to consider requiring a financial payment in lieu of the crèche.

Amenity Impacts:

6.11.11 Wandsworth Council is very concerned that the proposal to increase the closing hours of the stadium from 22.00hrs to 23.00hrs have an unacceptable impact upon the amenity of occupiers of nearby residential properties within the borough.

6.11.12 Merton is therefore strongly advised to seek a noise impact assessment which considers these impacts.

6.12 Transport for London (TFL)

6.12.1 No objection

6.13 Sport England

Proposed additional housing units

6.13.1 Sport England made a number of comments in relation to application 14/P4361. It was agreed with the Planning Authority that Sport England is a non-statutory consultee on this planning application. It is assumed that there is no opportunity to reconsider the comments made previously in relation to securing community use of the squash facility but if there is an opportunity to do so, the original comments still stand. The proposed changes will include additional dwellings within the development, so it will be important to provide additional sporting facilities within the Borough to meet these needs.

Proposed Amendments to condition 20

6.13.2 Sport England has consulted the Football Foundation on this application. The Football Foundation, responding on behalf of the Football Association continues to support this planning application and support the proposed variation to allow additional hours of use of the stadium. The proposed variation of hours is necessary to enable football matches to extend into extra time, as required.

6.13.3 Sport England therefore supports the Applicant's proposed amendments to condition 20.

6.14 Natural England

6.14.1 No comments, but should the proposal be amended in way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

6.15 Greater London Authority (GLA)

6.15.1 They have assessed the details of the application and, given the scale and nature of the proposals, conclude that the amendments do not give rise to any new strategic planning issues.

6.15.2 Therefore, under article 5(2) of the Mayor of London Order 2008, the Mayor of London does not need to be consulted further on this application. Merton Council may, therefore, proceed to determine the application without further reference to the GLA.

6.16 Metropolitan Police (MET)

6.16.1 As some of the car park would now not be for sole residential use, retail car parking along with any deliveries should be segregated from the residential parking facilities by appropriate security mesh and secondary access control roller shutters to LPSII75 SR 1 or STS 202 BR 1 to prevent uncontrolled access for those with possible criminal intent throughout residential areas.

6.16.2 The MET would like more information regarding the match day provision for 78 cycle spaces in a mobile storage facility located on adjoining land directly to the south of Plough Lane. How secure would the storage facility be as in its mobility, and its use as a cycle storage facility? We ask that any nearby street furniture is fixed to prevent its use as a potential missile. Also bicycles and their parts are particular attractive to thieves so the storage facilities security features should be to British Standards and be within coverage of the CCTV cameras.

6.16.3 The appropriate Secured by Design (SBD) requirements can be found in the design guides on the SBD web site (www.SecuredbyDesign.com).

6.16.4 The MET strongly advise that independent third party certification is obtained from a manufacturer to ensure the fire performance of any of their doorsets in relation to the required needs and to ensure compliance with both current Building Regulations and the advice issued by the Department for Communities and Local Government on 22nd June 2017 following the Gren fell Tower Fire.

6.17 Cllr Edward Gretton

6.17.1 As set out in the letter dated 8 October, the Councillors are of the view that given: i) the proposed changes in the stadium's design by replacing its softer radial curves with squared corners; ii) the need for verification with the Environment Agency, in order to make sure that the flood risks are addressed as a matter of safety for fans and residents in the context of the proposed removal of the stadium's basement; iii) the additional residential block and floor and the resulting larger scale of the housing development; and iv) the fact that local residents and community very much value the previously stated provision of a proper crèche facility for local families: the Residents' Association is right to call for a broader consultation as part of a full application, in preference to the shorter form s73 procedure, and we believe this is necessary accordingly.

6.17.2 Kindly also note that full and proper regard for the impact on NO2 emissions is also a priority for everyone living in and visiting Merton, particularly in this busy neighbourhood, and we were concerned to see the modelling in the Environmental Statement apparently using baseline NO2 numbers (Table 10.5.1) for the receptor locations at both Haydons Road and Gap Road that would seem to be a long way below the actual numbers published in Merton Council's Air Quality Annual Status Report 2017 and also pursuant to the diffusion tubes deployed with the support of the Residents Association in May this year. This will need to be revisited, particularly given the conclusions (based even upon the lower baselines), which show instances of both 'major' and 'moderate' adverse NO2 impacts.

6.17.3 Finally with regard to the proposed extended opening hours, there is a need to make it clear that, as stated in the Planning Statement, such usage would only ever be on an exceptional basis for the purposes of cup competition replays going into extra time.

6.17.4 We look forward to seeing the Council's position accordingly, further to the above mentioned letter and the letter of the Residents' Association dated 4 October.

6.18 Councils Air Quality Officer

6.18.1 EH comments were provided (17.01.19) in response to the Supplementary Air Quality Technical Note 002 dated 03.01.19 produced by Peter Brett, the concerns were covered in subsequent email correspondence with Peter Brett. To summarise the methodology used and conclusions drawn in the technical material are generally accepted. In addition to the existing planning conditions and agreements that are already in place for the development as per my email date 08.02.19, it is the opinion of Merton EH

that it is necessary to request additional actions to protect local air quality and deliver the Councils ambitions within its Air Quality Action Plan 2018-2023, these additional controls are discussed in points 1-5 below.

Point 1: DCEMP / CEMP

- 6.18.2 The approved Development Construction Environmental Management Plan (CEMP) Rev02 dated June 2018 outlines that ‘Each Main contractor engaged on the Development will be required to prepare and submit a CEMP. The CEMP will be required to identify the scope of the respective works package and include the requirements of this DCEMP, in particular with reference to the minimum standards included in Appendix F. All CEMPS are to be presented to the Merton Catalyst LLP Development Managers who will submit to Merton Council for approval.’

Reason: To protect air quality a CEMP for each phase of the development is required.

Point 2. Suggested wording for s106 agreement:

- 6.18.3 Due to the significant nature of the development and its potential environmental impact within the borough, the Regulatory Services Partnership serving Wandsworth, Richmond and Merton require funding to fulfil its statutory duties to manage and regulate the site. These functions include, but are not limited to; ensuring the site operates in accordance with conditions imposed to mitigate the environmental impact from noise, dust and air quality management. Additionally the regulation of site equipment in accordance with the Councils Air Quality Action Plan and Code of Practice, and the discharge of documentation for the site. The Pollution Team also have a statutory duty to investigate and respond to complaints from surrounding properties. It is anticipated that this will place a burden on the team equivalent to 0.5 FTE at a cost of £30K. This arrangement will be reviewed annually and adjusted depending upon the resources required to fulfil this duty.

Point 3. NRMM condition

- 6.18.4 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.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: Policy 7.14 of the London Plan 2016 and policies DM D2, DM D3, DM EP3 and DM EP4 of Merton's Sites and Policies Plan 2014.

Point 4. AQ monitoring station

6.18.5 Additional s106 funding is sought to install a continuous air quality monitoring station in the vicinity of the development upon completion of construction, the anticipated cost to procure and install this equipment is £35K. The addition of a monitoring station in the north of the borough would enhance Merton's monitoring network and provide valuable real-time information for an area where a significant number of residents are being introduced. Defined within Merton's Air Quality Action Plan is a commitment to seek funding from new developments to update the borough's air quality monitoring network.

Point 5. Recommended gas fired plant condition (Air Quality)

6.18.6 Part 1: Combustion plant shall comply with the following emission standards in accordance with the Mayor of London's Supplementary Planning Guidance 'Sustainable Design and Construction' April 2014:

- i) Gas fired boilers shall not exceed a NO_x rating of 40 mgNO_x/kWh.
- ii) Combined heat and power plant shall not exceed NO_x emissions for Band B Combustion Plant. Where this is to be achieved by abatement technology, details of the reductions to be achieved at varying operational conditions are required to be submitted for approval by the Local Planning Authority.

Part 2: Prior to occupation CHP plant emissions shall be tested by an accredited laboratory to confirm compliance with emission standards Part 1(ii), the details of which shall be provided to the Local Planning Authority.

Reason: To safeguard public health and ensure compliance with the following Development Plan policies for Merton: Policy 5.3 of the London Plan 2016 and policies DM EP4 of Merton's Sites and Policies Plan 2014.

7. **POLICY CONTEXT**

7.1 Adopted Sites and Policies Plan (July 2014)

DM R5 Food and drink/leisure and entertainment uses
DM R6 Culture, arts and tourism development

DM H2 Housing Mix
DM H3 Support for affordable housing
DM E1 Employment areas in Merton
DM E4 Local employment opportunities
DM D1 Urban design and the public realm
DM D2 Design considerations in all developments
DM D4 Managing Heritage Assets
DM EP2 Reducing and mitigating noise
DM EP3 Allowable Solutions
DM EP4 Pollutants
DM F1 Support for flood risk management
DM F2 Sustainable urban drainage systems (SUDS) and; wastewater and water infrastructure
DM T1 Support for sustainable transport and active travel
DM T2 Transport impacts of development
DM T3 Car parking and servicing standards
DM T4 Transport infrastructure
DM T5 Access to the Road Network

Site Proposal 37 – Wimbledon Greyhound Stadium

7.2 Merton Core Planning Strategy (July 2011)

CS 1 Colliers Wood
CS8 Housing Choice
CS9 Housing Provision
CS11 Infrastructure
CS12 Economic Development
CS13 Open space, nature conservation, leisure and culture
CS14 Design
CS15 Climate Change
CS16 Flood Risk management
CS17 Waste Management
CS18 Active Transport
CS19 Public Transport
CS20 Parking, Servicing and Delivery

7.3 London Plan (July 2016)

3.1 (Ensuring Equal Life Changes for All)
3.2 Improving Health and addressing health inequalities)
3.3 (Increasing Housing Supply),
3.4 (Optimising Housing Potential),
3.5 (Quality and Design of Housing Developments),
3.6 (Children and young people's play and informal; recreational facilities)
3.7 (Large residential developments)

3.8 (Housing Choice),
3.9 (Mixed and balanced communities)
3.10 (Definition of affordable housing)
3.11 (Affordable housing targets)
3.12 (Negotiating affordable housing on individual private residential and mixed use schemes)
3.13 (Affordable housing thresholds)
3.15 (Co-ordination of housing development and investment)
3.16 (Protection and enhancement of social infrastructure)
3.17 (Health and Social Care Facilities)
3.18 (Education facilities)
3.19 (Sports facilities)
4.1 (Developing London's economy)
4.6 (Support for and enhancement of arts, culture, sport and entertainment)
4.8 (Supporting a successful and diverse retail sector and related facilities and services)
4,12 (Improving opportunities for all)
5.1 (Climate Change Mitigation),
5.2 (Minimising carbon dioxide emissions)
5.3 (Sustainable Design and Construction)
5.5 (Decentralised Energy Networks)
5.6 (Decentralised Energy in development proposals)
5.7 (Renewable energy)
5.8 (Innovative energy technologies)
5.9 (Overheating and cooling)
5.10 (Urban greening)
5.11 (Green roofs and development site environs)
5.12 (Flood risk management)
5.13 (Sustainable drainage)
5.14 (Water quality and wastewater infrastructure)
5.15 (Water use and supplies)
5.16 (Waste net self-sufficiency)
5.17 (Waste capacity)
5.18 (Construction, excavation and demolition waste)
5.19 (Hazardous waste)
5.21 (Contaminated land)
5.22 (Hazardous substances and installations)
6.1 (Strategic approach)
6.3 (Assessing effects of development on transport capacity)
6.5 (Funding crossrail and other strategically important transport infrastructure)
6.7 (Better streets and surface transport)
6.8 (Coaches)
6.9 (Cycling)
6.10 (Walking)

- 6.11 (Smoothing traffic flow and tackling congestion)
- 6.12 (Road network capacity)
- 6.13 (Parking)
- 7.1 (Lifetime neighbourhoods)
- 7.2 (An Inclusive Environment)
- 7.3 (Designing Out Crime)
- 7.4 (Local Character)
- 7.5 (Public Realm)
- 7.6 (Architecture)
- 7.7 (Location and design of tall and large buildings)
- 7.8 (Heritage assets and archaeology)
- 7.12 (Implementing the London view management framework)
- 7.13 (Safety, security and resilience to emergency)
- 7.14 (Improving Air Quality)
- 7.15 (Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes)
- 7.19 (Biodiversity and access to nature)
- 7.20 (Geological conservation)
- 8.1 (Implementation)
- 8.2 (Planning obligations)
- 8.3 (Community infrastructure Levy)
- 8.4 (Monitoring and review)

7.4 Other

- National Planning Policy Framework 2018
- National Planning Policy Practice Guidance 2014
- Planning and Compulsory Purchase Act – 2004
- London Plan 2016 - Housing SPG 2016
- Draft London Plan 2017
- Draft Local Plan 2020
- Environmental Impact Assessment - Regulations 2017
- Merton's Viability SPD 2018
- Homes for Londoners - Affordable Housing and Viability SPG 2017

8. **PLANNING CONSIDERATIONS**

8.1.1 The principle of redeveloping the application site has already been established under planning approval 14/P4361. This permission is extant in perpetuity by virtue of a material start on site having been undertaken. The principle of development has therefore already been established. Original matters relating to the loss of the greyhound stadium and existing employment uses do not therefore need reassessment.

8.1.2 The principle planning considerations relating to the Section 73 application, not only relate to an assessment of the proposed changes as

standalone matters but how these impact upon the original scheme overall and those planning considerations considered under the original planning approval (14/P4361).

Stadium Changes

- Internal & external alterations
- Removal of semi-basement
- Reduction in car parking
- Altered cycle parking
- condition 20 (opening hours of stadium/shop) reworded to include provision for extra hour opening (until 23.00) as required by the football authorities (matches requiring extra time & penalties)
- Removal of crèche & café
- The final “as built” height of the stadium will be 500mm higher than the consented scheme.

Retail Changes

- 19 new retail car parking spaces

Squash and Fitness Facility

- Relocation of car parking spaces (still within the basement of Block A) and an increase from 19 to 20 spaces (including two disabled parking bays).

Residential Changes

- Additional floor on building A.J & infill block between building A.J & A.N (creating 18 new units).
- Increased refuse & cycle facilities
- Re-positioning building B
- Alterations to elevations
- Internal layout & housing mix brings number of units from 604 to 632. shared ownership increase (60 to 181 - 29%)
- Amended basement layout to Block A.
- Reduction of 14 car parking space within basement of Block A.

8.1.3 This report will assess the key planning considerations in turn (same as original planning application) and any additional matters relating to the section 73 application.

- Section 73 Applications
- Principle of Development

- Urban Design
- Landscaping
- Conservation and Archaeology
- Standard of Residential Accommodation
- Residential Amenity
- Development Operation and Transport
- Refuse and Recycling
- Inclusive Access
- Secured by Design and Security
- Hydrology and Flooding
- Sustainability
- Social Infrastructure
- Volante (46 – 76 Summerstown)
- Loss of Crèche
- Loss of Café
- Condition 20

8.2 **Section 73 applications**

- 8.2.1 The principle of development was established by the granting of planning permission 14/P4361. This permission is extant in perpetuity by virtue of a material start on the site having been undertaken. Whilst the applicant is applying for a variation of conditions 3 (approved plans) and 20 (opening hours) and omitting conditions 22, 23, 44 and 46 (all relating to café and crèche) attached to LBM planning permission 14/P4361 (football stadium, commercial and residential development), under Section 73 of the Town and Country Planning Act 1990 (as amended), the proposal is, in effect, a fresh application for the entire development, albeit with a variation to those original conditions.
- 8.2.2 Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.
- 8.2.3 National Planning Policy Guidance 2014 provides guidance on Section 73 applications, which outlines that there is no statutory definition of a ‘minor material amendment’ but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.
- 8.2.4 In considering the current application the Council needs to have regard to any material changes in planning circumstances since the granting of that original permission. These include (i) site circumstances, (ii) application, (iii) changes in planning policy and (iv) further planning history.

(i) Site Circumstances

8.2.5 Officers note that there has been a material change in site circumstances with former uses ceasing operation and all buildings having been demolished (phase 1) in preparation for above ground works.

(ii) Application

8.2.6 The differences between the current proposal and that application are shown in paragraph 8.1.2 of the committee report.

(iii) Changes in Planning Policy

8.2.7 The local level planning policies considered under the original planning application remain unaltered. The London Plan 2015 and National Planning Policy Framework (NPPF) 2012 have since been replaced by The London Plan 2016 (2017 London Plan at draft stage) and the 2018 National Planning Policy Framework. There are no fundamental changes to the London Plan or NPPF which would result in a material change in the assessment of the planning application. The principles of the development therefore remain as approved and in full compliance with the adopted Sites and Policies Plan (2014), Core Planning Strategy (2011), London Plan (2016) & draft London Plan (2017) and NPPF (2018).

(iv) Further Planning History

8.2.8 Following the original 2017 permission, there have been several applications and discharge of condition applications. The two main applications relating to the application site and the adjacent site, Volante, are the following:

Application site

8.2.9 18/P1746 - Application for non-material amendment relating to LBM planning application 14/P4361 (football stadium, commercial and residential). the non-material amendment includes, columns to cantilevered second floor overhang, reduction of curtain walling, removal of roof lights on squash club, raising podium by 250mm, alterations to footprint of Block C, amendments to fenestration, balconies and brick course detailing, removal of stair core overruns and alterations to the top corner of building A.F – Grant - 03/07/2018

Volante

8.2.10 15/P4798 - Demolition of existing buildings and erection of a part 7 (top floor recessed), part 9 (top floor recessed) storey building, comprising 93

flats, 3 associated car parking spaces, 165 cycle parking spaces, hard and soft landscaping and associated works – Grant - 15/08/2017

8.2.11 It is a highly material planning consideration that there is an existing permission that has been implemented on site. Members are advised that it would be inappropriate and unreasonable to revisit the principle of the entire development. There have been no material changes in the context of the site or planning policy from the date of the original planning approval that would result in a material changes of how the application should be considered under the S73 application.

8.2.12 As set out above, there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. In this instance, officers consider that given the large scale nature of the original planning permission which included a 11,000 - 20,000 seater football stadium and 604 new homes, the proposed changes under the Section 73 application are not considered to be substantially different from the one which has been approved. Therefore, the proposed changes can be considered under the Section 73 application procedure.

8.3 **Principle of Development**

8.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise.

8.3.2 The principle of development has already been established under planning approval 14/P4361. This permission is extant in perpetuity by virtue of a material start on site having been carried out. One of the key planning considerations under the original application was that the redevelopment of the site was in accordance with its adopted site allocation (Site Proposal 37 – Wimbledon Greyhound Stadium) set out in Merton's Adopted Sites and Policies Plan (2014). The Site Allocation requires intensification of sporting activity (D2 Use Class) with supporting enabling development. The proposed Section 73 application still retains a football stadium, squash and fitness facility, retail unit and now provides additional housing. As set out below, the principle of development is therefore still considered to be in accordance its site allocation policy.

Stadium

8.3.3 The original planning application permitted a 20,000 seater football

stadium (11,000 initially). The proposed Section 73 application would still deliver the football stadium. The proposal simply seeks to alter the design of the stadium elevations and make internal alterations, including the layout of the basement. The proposed Section 73 changes do not affect the delivery of the football stadium. Therefore, in principle there is no objection to the stadium works.

Squash and fitness club

- 8.3.4 The original planning application permitted a 1,730m² squash and fitness facility with 6 squash courts (including 1 show court). The Section 73 application seeks to retain the squash and fitness club, therefore there is no principle objection. The only works affecting this facility is the relocation of the allocated car parking spaces within the basement of Block A. This includes an increase of 1 car parking space and provision of 2 disabled spaces. This is welcomed as originally there was no allocated disabled parking provided in Block A for the squash and fitness facility.

Residential

- 8.3.5 The original planning application permitted 604 new residential units on the brownfield site. The requirement for additional homes is a key priority of the London Plan which seeks to significantly increase the ten year minimum housing target across London from 322,100 to 423,887 (in the period from 2015 to 2025), and this equates to an associated increase in the annual monitoring target across London to 42,389. The minimum ten year target for Merton is 4,107, with a minimum annual monitoring target of 411 homes per year. Paragraph 58 of the 2018 NPPF emphasised the Governments objective to significantly boost the supply of homes.
- 8.3.6 The Section 73 application seeks to introduce an additional 18 units and makes internal alterations to the layout of the permitted flats under the original planning approval taking the overall number of residential units from 604 to 632. The net increase of 28 residential units will make a modest contribution to meeting housing targets and provides a mix of unit sizes that will assist in the delivery of a mixed and balanced community in a sustainable location. New housing is considered to be in accordance with the objectives of the NPPF, London Plan targets, and LBM policy.

Removal of Crèche & Cafe

- 8.3.7 The S73 application seeks to remove both the crèche and café facilities from the original scheme. On the original scheme, the applicant introduced both uses in response to providing some visual interest and animation through the proposed elevation treatment of the stadium. The applicant is now seeking alternative elevation treatment of the stadium (including a

lighting scheme). From a planning perspective, there is no policy requirement to provide either the crèche or café. Therefore, the Council cannot justify the retention of the uses as part of the redevelopment of the site, despite the objections from neighbours.

8.4 **Urban Design**

8.4.1 Planning policy DM D2 (Design considerations in all development) of Merton's Site and Policies Plan 2014 was considered under the original planning approval and is still relevant under the Section 73 application. The policy seeks to achieve high quality design and protection of amenity within the Borough. Proposals are required to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of the surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area.

8.4.2 The principle design approach has already been considered acceptable under the original planning consent. The proposed changes to the design of the scheme, outlined below, are considered to be in keeping with the original design rationale of the site.

Design Changes

8.4.3 The proposed changes to the design of the scheme are as follows:

- Stadium (Squared corners)
- Stadium (altered east elevation)
- Stadium (flood light alteration)
- Stadium (wall – north elevation)
- Stadium (0.5m increase in height)
- Residential (altered building B elevations)
- Residential (infill block and an additional floor)

Stadium (Squared corners)

8.4.4 Under the approved stadium plans, the corners of the east elevation of the stadium (fronting the new North-South Street) were curved. It is proposed that these are squared off to simplify construction, create additional useable space and facilitate the phased enlargement of the stadium to 20,000 seats. It could be argued that the curved nature of stadium design could be a more aesthetically pleasing design approach, which is often found in new stadia design in English football. However, there is no justification that squaring off of the corners does not respond to the use of the structure as a football stadium or would result in poor design. The overhang roof design of the stadium would remain unaltered and the

design success of the stadium corners would rely on the choice of detailing and materials. Planning Condition 5 (Elevational Detailing) can be updated to include detailing/materials relating to the stadium corners to be submitted and approved in order to ensure a high quality finish.

Stadium (altered east elevation)

8.4.5 Appropriate visual interest and animation of this elevation will be achieved through the proposed elevational treatment and lighting. The East Stand elevation fronting the new North-South Street within the site has in general been subject to design development using the same palette of consented materials and retaining key focal points such as the entrances to the stadium, food and drink concessions and the stadium shop. The design development has also addressed the proposed removal of the café kiosk and crèche, and review of the operational issues associated with the green wall. In respect of the removal of the café kiosk and crèche, these were not included as design focal points (the crèche was only a door into the space behind). Rather their intended purpose was to maximise animation along this elevation. As well as the use of North South Street as the principal pedestrian route through the scheme, the proposed minor amendments continue to ensure appropriate levels of animation through the proposed elevational treatment, including green walls, and the use of lighting. A proposed lighting scheme is submitted with this application. As the principal pedestrian thoroughfare linking the adjoining residential buildings, and the scheme itself to the surrounding area, North-South Street will continue to function as an active, animated and secure pedestrian route.

8.4.6 It is considered that the proposed new lighting would provide suitable animation to the elevation. It should also be noted that the GLA (who raised the original point about animation and outlook from the residential units) have raised no objection to the proposed amendments. It is considered that the proposed lighting treatment would improve the level of animation and the new residential units would still have a suitable outlook.

8.4.7 With regard to the green walls, it is proposed that the green “living” wall element should be at first floor level to prevent any damage or vandalism associated with crowd movements along North South Street on match days. There is no objection to this change.

Stadium (flood light alteration)

8.4.8 The floodlight masts remain one of the key architectural features of the stadium and will form part of the Phase 1 design. However, the details have been amended so that they no longer ‘break through’ the seating bowl but pass adjacent to the junction of each of the now proposed right-

angled corners of the stadium. The masts remain angled. The floodlight lamp layouts have changed from three vertical rows of lamps to two vertical rows following advice from suppliers and the lighting consultant. The amended mast design is still considered to respect the design of the football stadium and wider area.

Stadium Wall – North Elevation

- 8.4.9 The stadium is being constructed in phases, i.e. the First and Final Phase, to deliver the initial and increased seating capacity. The consented (final) height of the wall is 17 metres. It is proposed that the North Wall is constructed as an interim measure to a height of circa 7 metres. Upon completion of the final phase, the interim wall of 7 metres will be demolished and constructed to the approved full height of 17 metres. This is necessary to facilitate construction of the final capacity stadium which will require materials and construction equipment to be transported through the North Wall and onto the pitch. There is no objection to this approach as the 7m high wall would be visually suitable to the site and wider area.

Stadium (0.5m increase in height)

- 8.4.10 The 0.5m increase in the height of the Stadium is considered to have a minimal impact upon on the overall design of the Stadium and the wider design approach for the site. The proposed Stadium sits within the heart of the application site and its height increase would still sit below adjoining buildings. Therefore, the 0.5m increase would not be clearly evident from within or outside the application site. The proposed increase in height is therefore still considered to respect the overall design approach to the site.

Building B Adjustments to Elevations

- 8.4.11 The internal layout changes to Block B have resulted in minor changes to the elevations with altered window and new balconies. The proposed changes are considered to be in keeping with the overall design of the site. A number of new balconies have been added, however there would no undue loss of amenity as the balconies are well distanced away from neighbouring residential properties.

Residential (infill block and an additional floor)

- 8.4.12 During the design of the approved development, the planned development of the adjoining Volante site by its previous owner resulted in the imposition of certain Rights of Light restrictions which affected localised

areas of the approved Wimbledon Stadium scheme. These Rights of Light were a commercial consideration rather than a planning one. However, since the grant of Planning Permission Ref. No. 14/P4361, the Volante site has changed ownership and the previous Rights of Light restrictions have been removed. This has allowed Merton Catalyst LLP to reinstate a previously designed option of an infill block between Blocks A.J and A.N and to deliver an additional floor of residential accommodation on top of Building A.J. The result is the provision of 18 additional private residential units. The proposed infill and additional floor would respond to the overall design approach for the site and infilling the previous gap on the site would not result in any visual harm to the area.

8.5 **Landscaping**

8.5.1 It was acknowledged previously that the former site was completely built over and somewhat run down in its appearance. The original landscaping scheme was considered to be high quality hard and soft landscaping, which were reflected in the indicative landscaping details. The final detail would be subject to formal approval through a condition. Changes to the landscaping under the S73 application relate to the changes to the stadium elevations and introduction of the infill building linking to the adjoining Volante Site. The proposed hard and soft landscaping are inline with the original landscaping master plan and are therefore considered to be high quality and therefore acceptable. The landscaping condition would remain to ensure that the development delivers the high quality landscaping indicated on the landscaping details.

8.6 **Conservation and Archaeology**

8.6.1 The site lies within the Wandle Valley Archaeological Priory Area, as defined by LBM, which covers the adjoining Copper Mill Lane area. The site also adjoins the Wandle Valley Conservation Area, which includes the Copper Mill Lane sub-area and covers a small separate area to the north of Plough Lane, isolated from the main Wandle Valley Conservation Areas. Given the modest scale of the changes and their siting within the site, all matters relating to conservation and archaeology remain unaltered. Relevant planning conditions relating to archaeological investigation, archaeological evaluation, and archaeological monitoring would provide an acceptable safeguard.

8.7 **Standard of Residential Accommodation**

8.7.1 London Plan policies 3.5, 3.6, 3.7 & 3.8, CS policy CS 14, and SPP policies DM D1 and DM D2 seek to ensure that new residential development is of a high standard of design both internally and externally and provides accommodation capable of adaptation for an ageing

population and for those with disabilities, whilst offering a mix of unit size reflective of local need.

Number of Residential Units

- 8.7.2 During determination of Planning Application Ref. No. 14/P4361, the application drawings (now approved drawings) for the 6th and 7th floor masterplans were amended to add in units A.A.06.03 and A.A.07.03. The accommodation schedule however was not amended and resubmitted. Consequently, the number of units shown on the approved drawings is 604 total and not 602. Officers have noted the error in the number of units attached to the original permission. This has now been incorporated into the section 73 application, taking the total number of units from 604 to 632 (a 28-unit increase).

Removal of Staircore in Building A.L

- 8.7.3 The applicant states that a review of the consented scheme has confirmed that the flats in Building A.L can be serviced from the staircores in adjacent blocks, giving the opportunity to rationalise common parts and improve efficiency and volume of approved habitable accommodation within the consented building envelope. The results are amended internal layout and a revised mix of residential units. This is considered to be acceptable as housing standards are retained and offers the ability of increasing residential unit numbers on the site.

Density

- 8.7.4 The density of the original scheme based on the site area but excluding the stadium was 590 habitable rooms per hectre. That was higher than the density range as outlined in the London Plan, however, the supporting text of Policy 3.4 of the London Plan seeks to optimise housing potential. The policy also states that it is not appropriate to apply the table in policy 3.4 (table 3.2) mechanistically. The proposed density range of the development with the proposed changes would be 616 habitable rooms per hectare.
- 8.7.5 The London Plan states that development at densities outside table 3.2 will still be considered, however require particularly clear demonstration of exceptional circumstances. It was agreed that the original scheme would deliver a proposed residential quality that is of high enough standard to justify the higher density proposed in this medium PTAL location. Whilst the density range has been raised slightly from 590 to 616, the density range is still considered to be acceptable as the scheme overall has not fundamentally changed in its quality.

Housing Mix

- 8.7.6 Planning policy DM D2 (Housing Mix) seeks to create socially mixed communities, catering for all sectors of the community by providing a choice of housing with respect to dwelling size and type in the borough. London Plan Policy 3.8, seeks to promote housing choice and seek a balance mix of unit sizes in new developments, with particular focus on affordable family homes. Family sized accommodation is taken in the London Plan and LBM policy to include any units of two bedrooms or more.
- 8.7.7 The borough level indicative proportions concerning housing mix (as set out below) will be applied having regard to relevant factors including individual site circumstances, site location, identified local needs, economics of provision such as financial viability and other planning contributions.

Table in Planning policy DM D2 (Housing Mix) of Merton's Sites and policies plan 2014

Number of Bedrooms	Percentage of units
One	33%
Two	32%
Three +	35%

- 8.7.8 The proposed minor amendments include revised internal layouts and a slightly altered residential mix from that approved under planning permission LPA Ref. No.14/P4361. A comparison of the approved and proposed residential mix is included below.

	Studio + 1 Bed	2 Bed	3 Bed	4 Bed	Total
Consented	225 (37.4%)	245 (40.7%)	127 (21.1%)	5 (0.8%)	602
Proposed	251 (39.7%)	244 (38.6%)	133 (21.1%)	4 (0.6%)	632

- 8.7.9 The proposed housing mix of the site is considered to still offer a good range of housing choice with a good proportion of each unit type, including (60.3%) of the total offering family type accommodation (2 bedroom or more) which is welcomed.

Unit size and Layout

- 8.7.10 In terms of the quality of residential accommodation proposed, it is considered that the flats would provide a satisfactory standard of

accommodation for future occupiers. The flats would meet minimum London Plan Gross Internal Area and room size standards. Each habitable room would receive suitable light levels, adequate outlook and would be capable of accommodation furniture and fittings in a suitable and adoptable manner.

8.7.11 The Section 73 application still delivers a very high percentage of dual aspect units with an overall percentage of 97.95%. The number of single aspect units have been increase slightly be 0.4% (from 10 to 13 units), however none of these are north facing.

8.7.12 The applicant also confirms that the Section 73 application includes all the principles of Lifetime Homes (no longer a planning requirement) as well as being compliant with the latest Building Regulations Part M. Consented flats not affected by layout changes remain unaltered and in compliance with the prevailing standards. The Councils Design Offices comments regarding the plans showing some effectively unworkable bedroom layouts despite their strict adherence to internal space standards have been noted. However, Officers have carefully assessed the flats in question and do not identify harmful living conditions or layouts for future occupiers.

Private Amenity Space

8.7.13 The London Plan 2016 (London Housing Design Guide) states that all dwellings should provide a minimum of 5 sq m private outdoor space for 1-2 bedroom dwellings and an extra 1 sq m for each additional occupant. The Policy also stipulates that the minimum depth and width for all balconies and other private external spaces should be 1.5m. All new flats would have direct access to private amenity space.

8.7.14 The proposed minor amendments to the consented scheme ensure that all new dwellings comply with the London Plan 2016 and the latest draft London Plan 2017 standards on private outside space. In addition, the proposed amended scheme has sought to take this opportunity to review previously consented areas of private amenity space and, wherever possible, make provision in accordance with the latest standards. Where it has not been possible to do this, approved units remain as consented and have access to areas of public amenity space provided in the large landscaped courtyards throughout the scheme.

Wheelchair Adoptable Units

8.7.15 None of the wheelchair adaptable units are affected by the Section 73 proposals and the scheme will continue to comply with Condition 47 attached to the existing permission.

General Accessibility

8.7.16 The approved accessibility principles contained in the consented scheme are not affected by the minor material amendments contained in the Section 73 application. The scheme will continue to comply with relevant legislation, standards and policy on accessibility as well as incorporating the principles of Lifetime Homes (despite no longer applying) and being fully compliant with the latest Building Regulations Part M.

Vertical Circulation

8.7.17 The scheme continues to provide stair and accessible lift access to all residential levels and stairs will have riser of an appropriate depth and handrails at both sides. The principles of vertical circulation contained in the consented scheme remain unaffected.

Car Parking

8.7.18 Of the wheelchair accessible units within the development none will be specifically provided with a car parking space. The former Lifetime Homes standards required one parking bay for every wheelchair accessible or easily adapted home. Therefore, the development would have had to provide 60 spaces for disabled users, which would have been disproportionate to the overall number of car parking spaces. Lifetime Homes is no longer policy and therefore there is no requirement for allocated disabled spaces. However, as secured on the original planning approval, the Car Parking Management Plan requires details of how blue badge disabled and non-disabled parking spaces will be allocated and managed, and continuously monitored to ensure disabled residents are allocated a parking space if needed. A similar Car Parking Management Strategy is still required for the Stadium. The retail unit and squash and fitness facility will be provided with 2 disabled spaces to be shared and 2 each within their allocated parking areas (basement of Block A), in compliance with London Plan standards.

Daylight, Outlook, and Privacy

8.7.19 The original planning approval acknowledged the constraints of the site and agreed that the units were designed with internal layouts and orientations which allow for acceptable levels of daylight/sunlight and good outlooks and levels of privacy between units. All residential units are considered to have appropriate levels of daylight, outlook and privacy.

Private amenity Space

8.7.20 The development continues to provide private amenity space for each unit in compliance with London Plan and Core Strategy requirements as a minimum. Units are still provided with balconies and/or terraces and the ground floor maisonettes are provided with rear gardens.

Children's Play Space

8.7.21 The strategic planning policy requirement to provide for children's play space is set out at Policy 3.6 (Children and Young People's Play and Informal Recreation Facilities) of the London Plan 2016. This policy uses the Mayor's child yield calculator to determine what amount of play space is required.

8.7.22 The December 2015 Committee Report addressed this aspect of the approved development at paragraph 16.50. It confirmed that the child yield of the consented redevelopment is 69 children which generates a play space requirement of 688 sqm. Of these 69 children, it was estimated that 39 would be under the age of 5 and therefore at least 390 sq m of play space should be provided as doorstep play. The approved scheme makes a significant over-provision on this requirement, including 900 sq m of door-stop play space within the individual residential courtyards which are designed as multifunctional spaces.

8.7.23 In respect of play space for older children (5-11 and 12+ years) it was confirmed that *"given the constrained site and enabling role of the residential development, there is not the opportunity to provide more open space than is currently proposed"* and a financial contribution to the London Borough of Wandsworth for improvement/enhancement of off-site recreational space at Garratt Park is still secured in the completed Section 106 agreement.

8.7.24 This Section 73 application proposes a revised number and mix of residential units. When the child yield calculator is applied to the proposed residential accommodation it estimates that 73 children are expected to live in the development, of which 42 are under 5. This generates a requirement for some 735 sq m of on-site play space for under 5's.

Proportion of Children	Number of Children	%
Under 5	42	57%
5 to 11	21	29%
12+	10	14%
Total	73	100%

8.7.25 Therefore, the difference between the estimated child yield of the consented and proposed amended scheme is minimal (4 children overall). In the context of the significant over-provision of doorstep play space included in the approved development and the agreed financial contribution, it is considered that the proposed minor amendments continue to make good provision of children's play space given the acknowledged constraints of the site.

Noise

8.7.26 The original planning application confirmed that the main source of noise to the proposed residential parts of the development would be traffic from adjoining roads and noise generated from the Stadium on match days. Details relating to sound-proofing or mechanical Heat ventilation, stadium management plan, opening hours of hospitality, and a noise management plan can still ensure that the approved and proposed residential dwellings would still be of a high internal standards and which comply with the relevant baseline and good standards set out within the Mayors Housing SPG.

8.8 Residential Amenity

8.8.1 London Plan policies 7.6 and 7.7, CS policy 14, and SPP policy DM D2 seek to ensure new developments do not unacceptably impact on the amenities of the occupiers of any adjoining and nearby surrounding properties.

Noise and Vibration

8.8.2 The main sources of noise from the development would occur from site clearance and construction of the development and operational noise from the Stadium, retail squash and fitness facility, and residential element.

Site Clearance and Construction

8.8.3 Noise generated from these phases are still likely to be considerable, however can be reduced with adequate mitigation. Construction hours would be limited by condition and a detailed Construction Environmental Management Plan (CEMP) has been secured within the S106 agreement. Whilst there would be an increase of new units on the site, this a modest increase and the fundamentals of the construction of the scheme would remain altered.

Stadium

8.8.4 Concerns were originally raised from interested parties from increased

noise and disturbance levels from the Stadium part of the development. The original application confirms that the properties most likely to be affected by the stadium use are those built as part of the proposed development. There are no plans to increase the number of seats within the Stadium. Whilst the proposal seeks to introduce 28 new residential units on the site, the relationship between the Stadium and new residential units has already been considered to be acceptable. Therefore, there is no fundamental change to the uses of the site that would result in a different outcome.

Retail

- 8.8.5 No change to the function of the retail unit. Planning conditions relating to noise from plant and machinery and restrictions on opening hours will continue to be in place. The proposed car parking for the retail unit would utilise an already granted access point and would be in the basement where other car parking would be present. It is not considered that that change would caused material harm to residential amenity.

Squash and Fitness

- 8.8.6 No change to the function of the squash and fitness facility. Planning conditions relating to noise from plant and machinery and restrictions on opening hours will continue to be in place.

Daylight/Sunlight

- 8.8.7 Residential properties at 10 Summerstown and 99 Summerstown were previously considered as sensitive receptors within the assessment of the consented scheme. However, due to separation distances between these receptors and the proposed amended scheme, the proposed design changes would not affect the conclusions of the previous daylight and sunlight assessments, meaning that previously predicted effects on these properties would remain unchanged and do not require to be re-examined.
- 8.8.8 Since the original planning approval, the adjacent site, Volante, has since received full planning permission, LBM Ref 15/P4798, for a part 7 (top floor recessed), part 9 (top floor recessed) storey building, including accommodation at basement level, comprising 93 flats. The applicants updated daylight and sunlight assessment has taken into consideration the extant planning approval on the Volante site. The report considers that the Volante site is a relevant sensitive receptor.

Volante

- 8.8.9 The assessment concludes that sunlight results are comparable to those

assessed under the consented scheme, with only 2 windows being affected past the BRE guideline targets.

8.8.10 It is noted that neither the Volante development nor the consented scheme has yet been built out, meaning that there are no occupants experiencing the light levels. The overall effect of the implementation of the proposed amended scheme on daylight and sunlight within the Volante development is therefore considered to be negligible. This future relationship between the 2 developments is considered to be acceptable.

Application Site

8.8.11 The assessment concludes that given that the overall level of adherence to the BRE guidelines daylight targets values remain, in most cases, the same as the consented scheme, it is considered that the proposed amended scheme would have a minor adverse effect on daylight within the scheme itself.

8.8.12 With regards to overshadowing, it is considered that the proposed amended scheme would have an acceptable and similarly minor adverse effect on sun lighting within the central courtyard.

Privacy

8.8.13 The proposed infill block and its additional floor are located within the centre of the site and well distanced away from surrounding residential properties. It is considered that the proposed development would still not result in detrimental loss of privacy to the nearest residential properties, which are located at Keble Street and Wimbledon Road (behind commercial units along Summertown), Masket Road (behind commercial units along Riverside Road), Garratt Lane, Coppermill Lane, and Plough Lane.

8.9 **Air Quality**

8.9.1 The applicant has submitted an independent air quality assessment as part of the Environmental Statement Addendum and an additional Technical Note that assesses the likely effects of air quality.

Policy

8.9.2 The following policies and regulations relate to the assessment of air quality:

- National Planning Policy Framework 2018
- National Planning Practice Guidance 2014

- Air Quality Strategy (2007)
- Air Quality (England) Regulations 2000 and the Air Quality (Amendment) (England) Regulations 2002 which prescribed the relevant National Air Quality Objectives.
- The Air Quality Standards (Amendment) Regulations 2016 which amended the Standard Regulations 2010, which implemented the European Union's Directive on ambient air quality and cleaner air for Europe (2008/50/EC)
- Local Air Quality Management Technical Guidance 2016 (LAQM.TG16)
- Institute of Air Quality Management and Environmental Protection UK (EPUK) guidance on Land-use Planning & Development Control: Planning for Air Quality' (Moorcroft and Barrowcliffe et al., 2017)
- Supplementary Planning Guidance (SPG) on 'Sustainable Design and Construction' adopted in April 2014 which forms part of the Implementation Framework for the London Plan.
- SPG on 'The control of dust and emissions during construction and demolition' published by the Greater London Authority in 2014.
- Merton Core Planning Strategy and the Merton Sites and Policies Plan and Policies Map.

Sites and Policies plan (2014)

8.9.3 Planning Policy DM EP4 of Merton's Adopted Sites and Policies plan (2104) seeks to minimise pollutants and to reduce concentrations to levels that have minimal adverse effects on people, the natural and physical environment in Merton. The policy states that to minimise pollutants, development:

a) Should be designed to mitigate against its impact on air, land, light, noise and water both during the construction process and lifetime of the completed development.

b) Individually or cumulatively, should not result in an adverse impact against human or natural environment.

8.9.4 In accordance with the aims of the National Air Quality Strategy, the Mayor's Air Quality Strategy seeks to minimise the emissions of key pollutants and to reduce concentration to levels at which no, or minimal, effects on human health are likely to occur.

8.9.5 To meet the aims of the National Air Quality Objectives, the Council has designated the entire borough of Merton as an Air Quality Management Area (AQMA). Therefore, development that may result in an adverse air quality including during construction, may require an Air Quality Impact

Assessment in order for the Council to consider any possible pollution impact linked to development proposals.

- 8.9.6 Necessary mitigation measures will be secured through negotiation on a scheme, or through the use of planning obligations or conditions where appropriate. Permission may be refused for proposals that cannot provide adequate pollution mitigation.

London Plan 2016

- 8.9.7 Planning policy 7.14 (Improving Air Quality) of the London Plan 2016 recognises the importance of tackling air pollution and improving air quality to London's development and the health and wellbeing of its people. The London Plan states that the Mayor will work with strategic partners to ensure that the spatial, climate change, transport and design policies of the London Plan support implementation of Air Quality and Transport strategies to achieve reductions in pollutant emissions and minimize public exposure to pollution.

- 8.9.8 The policy states that development proposals should (comply with parts a, b, c, d and e below):

a) minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly within Air Quality Management Areas (AQMAs) and where development is likely to be used by large numbers of those particularly vulnerable to poor air quality, such as children or older people) such as by design solutions, buffer zones or steps to promote greater use of sustainable transport modes through travel plans (see Policy 6.3)

Proposal

- 8.9.9 The proposed development incorporated a number of design features from the outset which reduce both the impacts of the scheme in relation to air quality, as well as reducing air quality impacts on future residents. Residential dwellings are not proposed on the ground floor which ensures separation is retained between residents and road traffic and therefore minimises exposure to poor air quality.

- 8.9.10 An energy centre is included in the scheme to provide electrical supply and hot water to the proposed development. The location for the flue has been designed to provide sufficient dispersion of combustion gases, thus reducing the potential for air quality issues to impact residents of the scheme or surrounding air quality. The S.73 Addendum energy strategy has been revised since the 2014 Environmental Statement to incorporate

new technology available and to meet the revised energy demand. The S.73 Energy Centre emissions are lower than in the consented scheme further reducing the exposure of residents and surrounding receptors. Further evidence on how the proposed development promotes greater use of sustainable transport modes is presented in criterion d.

b) promote sustainable design and construction to reduce emissions from the demolition and construction of buildings following the best practice guidance in the GLA and London Councils' 'The control of dust and emissions from construction and demolition'

Proposal

8.9.11 The control of dust and emissions from construction and demolition' supplementary planning guidance (SPG) requires an Air Quality Statement to be submitted at the time of a planning application; with a detailed dust risk assessment prepared at the time of detailed construction and logistics planning for the site and submitted prior to the commencement of works.

8.9.12 The 2014 Environmental Statement included a detailed dust risk assessment and recommended a number of mitigation measures to be included within a Development Construction Environmental Management Plan (DCEMP). A DCEMP has been prepared and approved as part of the original application, which secures a range of measures to control and reduce emissions from demolition and construction in accordance with the SPG. The DCEMP is retained in the S73 application and therefore the proposed development complies with this criterion.

c) be at least 'air quality neutral' and not lead to further deterioration of existing poor air quality (such as areas designated as Air Quality Management Areas (AQMAs)).

Proposal

8.9.13 The development is considered air quality neutral for both building and transport as NOx and PM10 emissions are below the benchmarks set in Appendix 5 of the SPG. Furthermore, the development does not lead to any additional exceedances of the air quality objectives and therefore is compliant with the above criterion.

d) ensure that where provision needs to be made to reduce emissions from a development, this is usually made on-site. Where it can be demonstrated that on-site provision is impractical or inappropriate, and that it is possible to put in place measures

having clearly demonstrated equivalent air quality benefits, planning obligations or planning conditions should be used as appropriate to ensure this, whether on a scheme by scheme basis or through joint area based approaches

Proposal

8.9.14 The S.73 Addendum showed that the air quality effects of the amended development are considered to be not significant and therefore no additional provision (mitigation) to reduce emissions is required. However, to further ensure that the scheme robustly complies with relevant policies and guidance relating to air quality, several onsite mitigation measures are proposed and secured either as part of the consented development or through the S.73 consent i.e.:

- Provision of secure cycle parking (in accordance with the latest draft London Plan minimum standards) – to be secured by the new planning permission through a planning condition;
- 20% car parking spaces being provided as electric charging points – already secured in the S.106 agreement;
- Travel Plans for the residential and stadium developments – secured by existing Condition 76 (residential) and S.106 Schedule 7, part 2 para 8.4 (stadium);
- Car Club – secured by the S.106 agreement Schedule 6 paras 6.1 to 6.4;

8.9.15 A reduction in residential car parking from 199 (consented) to 186 (proposed) spaces to serve 632 units and the development would be a permit free development as secured within the deed of variation to the S106 agreement.

e) where the development requires a detailed air quality assessment and biomass boilers are included, the assessment should forecast pollutant concentrations. Permission should only be granted if no adverse air quality impacts from the biomass boiler are identified

Proposal

8.9.16 The 2014 ES and the Addendum air quality assessment forecasted the pollutant concentrations for the energy centre, however, no biomass boilers are proposed and therefore this criterion is not applicable to the proposed development.

Conclusion

8.9.17 The original planning approval secured mitigation measures within planning conditions and S106 agreements. The original conditions and S106 agreements remain and will still ensure that the development seeks to reduce pollutants to an acceptable level. In addition to the original conditions and S106 agreement, the applicant has agreed to additional planning conditions relating to Non-Road Mobile Machinery (NRMM) & gas fired plant (Air Quality) and the two additional heads of terms to be secured in the deed of variation to the S106 Agreement:

Heads of Terms (Air Quality)

Monitoring (air quality)

- £30,000 financial contribution towards ensuring the site operates in accordance with conditions imposed to mitigate the environmental impact from noise, dust and air quality management. Additionally, the regulation of site equipment in accordance with the Councils Air Quality Action Plan and Code of Practice, and the discharge of documentation for the site. The Pollution Team also have a statutory duty to investigate and respond to complaints from surrounding properties. The £30,000 will specifically contribute towards funding the cost of monitoring by the Councils Air Quality Team, each year over a 2-year construction period (maximum contribution of £60,000).

Monitoring station (air quality)

- £35,000 financial contribution towards for the installation of a continuous air quality monitoring station in the vicinity of the development upon completion of construction. The addition of a monitoring station in the north of the borough would enhance Merton's monitoring network and provide valuable real-time information for an area where a significant number of residents are being introduced. Defined within Merton's Air Quality Action Plan is a commitment to seek funding from new developments to update the borough's air quality monitoring network. The £35,000 contribution would be a one off payment.

8.9.18 The Councils Air Quality Officer has confirmed that she has no objection to the application subject to conditions and S106 agreement obligations above. It is therefore considered that the applicant has demonstrated that the proposed development would minimise pollutants and reduce concentrations to levels that have minimal adverse effects on people, the natural and physical environments. The proposed development is

therefore considered to comply with NPPF, London Plan, LBM policy and air quality regulations set out in paragraph 8.8.15 above.

8.10 **Development Operation and Transport**

8.10.1 There are 4 components to the proposed development:

- Football Stadium
- Residential units
- Retail unit
- Squash and fitness facility

These will have different operational requirements, and which must be properly managed and co-ordinated to ensure that the functioning of one element is not unduly compromised by another.

Residential

8.10.2 The up-keep of the blocks and communal area will continue to be the responsibility of a dedicated management company, and internally, the units would be responsibility of the occupiers.

Car Parking

8.10.3 The original planning approval had a car parking allocation of 199 spaces at a ratio of 0.33 spaces per unit. The proposed scheme would now provide a total of 632 dwellings supported by 185 car parking spaces at a ratio of 0.29 spaces per unit. The increase in the number of units will introduce a modest increase to the estimate trip generated (from all sources) by the new residents of the development. However, it is anticipated that the number of car trips generated by the residential development would reduce compared with the consented scheme since the number of residential car parking spaces has been reduced from 199 to 185. The car parking number still satisfy the maximum car parking standards in accordance with the London Plan 2016 and the latest Draft London Plan 2017. The access to and from the car park remains unchanged from Plough Lane. All the units would continue to be subject of a permit free requirement preventing parking permits being obtained. This would be covered within the deed of variation to the S106 agreement.

Cycle Parking

8.10.4 A total of 36 spaces will be provided for the additional residential units and these would be provided in the form of 18 Sheffield stands located within the basement of building A. One Sheffield stand will be provided within the podium level of the development to meet the residential visitor/short stay

requirement. The total number of cycle spaces, including the new residential units would still remain within the London Plan minimum residential cycle parking space standards.

Retail

8.10.5 The consented scheme provides 2 on-street disabled parking bays for retail use located on Copper Mill Lane. These are still provided in addition to 19 new car parking spaces within the basement of Block A.

Car Parking

8.10.6 The proposed scheme introduces 19 car parking spaces within the basement of Building A to serve the retail unit. This has been proposed following advice from commercial agents that retail operators will require an element of short stay parking for their customers to assist in making the retail unit successful. The car parking spaces, which includes 2 disabled parking bays would be within the maximum limits of the London Plan.

8.10.7 The maximum car parking provision for retail proposed is in accordance with The London Plan 2016 and the Draft London Plan 2017 (which reduces maximum parking figures) up to 1 space per 50 sqm gross internal area. The proposed retail unit would have a gross internal area of 1, 273 sqm therefore the maximum car parking standards would be 25 spaces. The provision of 22 car parking bays (19 within the basement of Block A and 2 disabled persons parking on-street bays) is therefore compliant with policy.

8.10.8 Objections have been received regarding the applicant originally emphasising that the retail unit would serve the needs of the local population, was easily accessible on foot or by public transport and will not lead to an increase in vehicle traffic. Whilst the number of car parking spaces has been increased by 19, car parking levels are within maximum space standards set out in the London Plan and therefore is policy compliant.

8.10.9 The applicants Transport Note states that proposed trip generation by the retail unit is expected to generate 210 trip movements a day. The updated trip generation (transport assessment uses comparable retail sites) is comparable to the values reported in the 2014 Transport Assessment (original application). The Council Transport Planner agrees that the trip estimates do not appear unreasonable given the proposed provision of 21 spaces (19 within basement and 2 disabled on-street car parking bays). In addition, the applicants Transport Note considers that 50 % of car driver trips to the retail unit would encompass pass-by trips. It is therefore assumed that passing trade by car will already be on the surrounding

highway network. Given the location of the retail unit and its modest size, the Council's Transport Planner agrees that the unit would attract passing trade and is unlikely to generate a high number of trip generations as a direct sole designation of travel.

- 8.10.10 Trade by footfall is still considered to be high in this location due to the urban location, containing both commercial and residential uses, from the provision of 632 new residential units being built on the application site and from spectators/staff using the stadium.

Cycle Parking

- 8.10.11 The consented scheme provides 6 cycle parking spaces for the retail unit in the public realm adjacent to the unit and this is to remain unchanged and is compliant with policy.

Squash and Fitness Facilities

- 8.10.12 The squash and fitness facility will be serviced in the same way as the original consented scheme, as will cycle parking. Changes to the squash and fitness facility relate to an increase of one car parking space (but now includes two disabled spaces) and its relocation within Block A (located further to the north). Access to the car park will remain unaltered from the southern access on Summerstown.

Car Parking

- 8.10.13 The consented scheme provided 19 car parking spaces within Block A. It is now proposed to provide 20 car parking spaces, still within the basement of Block A but located further to the northwest. The proposal would see an increase of 1 car parking space overall and would include 2 disabled parking bays (original consented had no disabled parking spaces in the basement). The increase of 1 car parking space for the squash and fitness facility would have a limited impact upon trip generation by car, consideration should also be given to the fact that 2 disabled spaces are provided. Therefore, overall there is a net reduction of 1 non-disabled parking space. The slight increase in the overall number of car parking spaces would have a neutral impact on the level of car movement to and from the site when compared to the original consented scheme. The introduction of 2 disabled car parking spaces for the facilities is welcomed as the consented scheme had no dedicated disabled spaces.

Cycle Parking

- 8.10.14 The consented scheme provides 20 cycle parking spaces for the squash and fitness facility within the public realm adjacent to the entrance to the

facility. This is to remain unchanged.

Stadium

Removal of Stadium Semi-Basement/Undercroft

8.10.15 It is proposed to remove the semi-basement/undercroft floor to simplify the stadium design and achieve construction efficiencies of the stands. The principal implications are a reduction in car parking spaces serving the stadium (by some 30 spaces), a minor reduction in back of house facilities and realignment of the internal stadium vehicular route/exit. This change will result in environmental benefits in terms of reduced excavation and transportation of spoil away from the site with associated lorry movements, and fewer car movements due to the reduced car parking.

8.10.16 There would be no change to the following sections contained within the original planning application committee report:

- *Non-match Day Use*
- *Hospitality Suites*
- *AFC Wimbledon Shop*
- *Match Day Use*
- *General Stadium Management*
- *Match Day Stadium Management*

Where necessary, planning conditions and the S106 agreement will continue to secure final details and financial contributions.

Crèche & Café

8.10.17 The crèche and café have now been omitted from the scheme.

Safety and Security

8.10.18 No change to the safety and security of the stadium, other than amendments to cycle parking with the replacement of 100 cycles along the north/south street to a mobile cycle facility on Council Land located opposite the stadium on Plough Lane.

Access and Transport

8.10.19 The day-to-day operation of the stadium would still be tightly controlled through the safety licensing obligation governing all Stadiums in the UK in planning terms, by the retention of conditions and S106 heads of terms attached to the original planning approval.

8.10.20 There would be no change to the following sections contained within the

original planning application committee report:

- Off-Site Parking – LBM and LBW
- Taxis
- Local Bus services
- Rail
- Travel Planning
- Emergency Vehicles
- Noise, Light and Litter
- Crime and Antisocial Behaviour
- Pedestrians

Where necessary, planning conditions and the S106 agreement will continue to secure final details and financial contributions.

Coaches

8.10.21 The access to the Stadium car park remains unchanged, where vehicles enter from Riverside Road and exit from Copper Mill Lane. However, due to the change in the Stadium car parking arrangement, this has changed the path of vehicles through the Stadium and onto Copper Mill Lane. There is no objection to the revised routing of vehicles through the Stadium as the original vehicle access and exit remains unaltered.

Cycle Parking

8.10.22 After consulting regulatory guidance (Guide to Safety at Sports Grounds, Edition 5 - which is given force where Safety Certificates are issued under prevailing legislation) governing safe crowd access to and from the stadium, the Club has confirmed that it is not able to store bicycles along North-South Street as approved. In order to maintain the approved level of consented cycle parking serving the stadium, the proposed change to the existing permission comprises:

- a) Provision of 22 cycle spaces within the stadium for use by staff on non-match days;
- b) on match days, making provision for at least the balance of consented cycle spaces (i.e. 78 spaces) in a mobile storage facility located on adjoining land to directly to the south of Plough Lane.

8.10.23 There can be no objection to the removal of cycle parking along north-south street as this is required for safety reasons associated within the football stadium use. It has been agreed with Merton Council that a mobile cycle storage facility can be provided on Council owned land south of

Plough Lane. The facility would provide at least the same number of cycle spaces as these provided on North-South street. The Council have agreed the proposal in principle. The arrangements will be secured through the a variation to the existing Section 106 agreement.

Car Parking

8.10.24 The proposed car parking to serve the stadium in the First and Final stage of the stadium will change. A reduced number of spaces will be provided in the First Phase and these will remain unchanged in the Final phase (i.e. 20,000 seats). It is now proposed to provide 44 spaces (including 4 disabled spaces) all located at Level 00 (ground). The reduction in car parking spaces will encourage people to use public transport and bicycles and will not impact on the operation of the stadium. It should also be noted that there are no maximum car parking standards for stadiums within the London Plan.

8.11 **Refuse and Recycling**

Residential

8.11.1 No change to the proposed operation. The new residential units will continue to be serviced in the same manner as the original scheme with storage located close to cores and on waste collection days refuse would be taken by building managers to a refuse holding area.

Stadium, Retail, and squash and Fitness

8.11.2 No change to the waste management operation of each use.

8.12 **Inclusive Access**

8.12.1 Policy 7.2 of the London Plan and CS8 of the Core Planning Strategy seek to ensure new development is as accessible as possible to those with disabilities.

Residential

8.12.2 All the residential units under the original consented scheme were designed to comply with lifetime home standards and 10% of the units would be fully wheelchair accessible. Since the original assessment, lifetime homes is no longer relevant. However, the applicant confirms that the scheme will continue to comply with relevant legislation, standards and policy on accessibility as well as incorporating the principles of Lifetime Homes (despite no longer applying) and being fully compliant with the latest Building Regulations Part M. Condition 48 also requires for prior approval of a full Accessibility Strategy prior to occupation of any phase of

the development.

Retail Unit and Squash/Fitness Facilities

8.12.3 No changes to the access of the retail and squash and fitness centre, other than the level of disabled car parking spaces have been increased. The proposal would retain the 2 disabled parking bays on Copper Mill Lane for use of both the retail unit and Squash/fitness facility. In addition, it is now proposed to provide two dedicated disabled parking bays for each use within the designated parking areas in the basement of Block A. This would be an increase of 2 disabled car parking bays for each use which is welcomed.

Stadium

8.12.4 No changes to the Stadiums disabled credentials.

8.13 **Secured by Design and Security**

8.13.1 The Section 73 application has been designed as per the consented scheme to achieve maximum Secure by Design status. This is secured by Condition 78 which requires prior approval to this effect before Above Ground Works commence in any phase.

8.14 **Hydrology and Flooding**

8.14.1 The NPPF and London Plan policies 5.12, 5.13, Merton's policy CS 16 and SPP polices DMF1, DM F2 and DMD2 all seek to ensure that adequate flood risk reduction measures, mitigation, and emergency planning are in place to ensure there is no increase in flood risk offsite or to the proposed development.

8.14.2 The baseline conditions at the site are such that there is a risk of surface Water flooding and fluvial flooding from the River Wandle; there is currently unrestricted drainage discharge to sewers and inadequate surface water drainage within the existing site. The proposed development still incorporates a number of features that are designed to mitigate potential impacts for fluvial flooding and provides betterment in terms of surface water drainage through onsite attenuation (storage).

8.14.3 The main change to the design of the scheme and its potential impact on flood risk is the proposed removal of the basement beneath the South and West stands of the stadium and an additional block of flats. As this design change will impact on the consented flood compensation scheme, a recalculation has been undertaken to determine the losses and gains for floodplain storage from existing to the proposed scenario. It is noted that

the final “as built” height of the stadium as detailed in the Section 73 application, will be 500mm higher than the consented planning drawings.

- 8.14.4 Any adverse impacts with regards to flood risk from such development proposal would need to be satisfactorily assessed and mitigated within the FRA as part of the planning application process. The applicant has provided a Technical Note that reviews the proposed design changes with regards to flood risk and details the results of a re-calculation of the flood compensation scheme for the proposed amended scheme.

Flood Risk

- 8.14.5 The catchment wide hydraulic model of the River Wandle has been updated by the EA since the planning application was submitted. The results of the River Wandle Remodelling Study (2015) show that the flood levels within the Wimbledon Stadium Development site have been reduced in relation to the previous modelling results, this reducing the likely depth of fluvial flooding to the site. However, the site still lies within Flood Zone 3a ‘high probability’ with a 1 in 100 (1%) risk of fluvial flooding in any given year.
- 8.14.6 In addition, the updated River Wandle model has recently been re-run (in 2017) using the latest climate allowances as specified in the EA’s guidance (2016). The results of these updated climate change model runs indicate that even with the increased allowances, in combination with the reduced flood levels resulting from the updated modelling, result in lower levels than the previous climate change allowance flood levels considered under the original application.
- 8.14.7 The proposed removal of the basement beneath the south and west stands of the stadium element of the consented scheme would result in a change to the flood compensation scheme detailed in the 2015 ES Addendum. However, the recalculation provided in the FRA Technical Note demonstrates that there is still an overall netgain in floodplain storage compared to the consented compensation scheme and therefore does not increase flood risk elsewhere.
- 8.14.8 The Councils Flood Risk Officer has confirmed that the re-calculation exercise indicated that the finished floor level of the ground floor beneath the South and West stands should be set no higher than 8.69m aOD in order to maintain a net gain in flood storage within all of the 100mm deep flood storage bands. The re-calculation results show that the overall net gain in flood storage across all depth bands is reduced by 2,488m³ compared to the previous compensation scheme. However, the results demonstrate that there is still a net gain in flood storage within each depth band and an overall net gain of 10,665m³ across all depth bands.

8.14.9 The Environment Agency also confirm that the proposed changes will result in an overall net gain in in flood storage of 10,665m³ from the previously developed site. While this is 2,488m³ less than currently consented scheme it is still a gain in flood storage and is therefore considered acceptable as flood risk is not increased.

8.14.10 Both the Environment Agency and the Council's Flood Officer have confirmed no objection to the application, subject to conditions.

Sequential Test

8.14.11 The original application considered the requirement of Sequential Test. The Council still considers that the sequential test was explored, examined and passed for Site 37 (Wimbledon Greyhound Stadium) via the Local Plan. The site continues to be allocated in the Sites and policies Plan and it is therefore deemed to have passed the Sequential Test in accordance with the NPPF.

Exception Test

8.14.12 The proposal is still considered to meet the requirements of part 1 and part 2 of the Exception Test as set out and agreed within the original planning committee report.

8.14.13 Part 1 of the Exception Test remains unaffected, despite the loss of the café and crèche, the development is still considered to have wider sustainability (social, environmental and economic) benefits to the community.

8.14.14 The applicant has provided evidence that the development will continue to be safe for its lifetime and will not increase flood risk elsewhere. The Environment Agency and the Council's Flood Officer have confirmed no objection to the application subject to conditions. Therefore, the requirements of Part 2 of the Exception Test are considered to have been passed.

8.14.15 Details relating to drainage, impacts during construction, drainage and water quality, impacts during operation, assessment of cumulative effects and utilities as considered under the original planning approval remain unaffected by the proposed Section 73 changes. Matters relating to fluvial flooding has been recalculated due to the change of basement construction. The recalculation confirms that the consented compensation scheme would not be compromised by the proposed changes. This has been supported by the Environment Agency and the Councils Flood Officer who raise no objection.

8.14.16 Planning conditions and S106 agreement would still be retained as part of the Section 73 application. These would ensure that the development maintains a suitable hydrology and flooding strategy.

8.15 **Sustainability**

8.15.1 Local and strategic development plan policy requires that new development achieves a high standard of sustainability, makes efficient use of resources (including land) and minimizes water use and carbon dioxide emissions. These requirements formed a vital part of the brief for the approved development and are embodied in the consented and amended scheme.

8.15.2 However, since the time that the consented scheme was approved by the London Borough of Merton Planning Committee (in October 2015), strategic planning policy seeking to tackle the effects of climate change has evolved and the London Plan 2016 now includes Policy 5.2 (Minimizing Carbon Dioxide Emissions).

8.15.3 Together with Core Strategy Policy CS15, these policies set a framework for developments to achieve a percentage reduction in carbon dioxide emissions on site (through energy efficient design of buildings, use of decentralized energy where feasible and use of on-site renewable energy technologies), with the balance making up “zero carbon” status, through a cash-in-lieu contribution to the Local Planning Authority (i.e. a Carbon Off-Set Payment).

8.15.4 None of the approved sustainability measures incorporated within the approved scheme is affected by the proposed minor amendments. It is proposed to relocate the energy centre serving the residential development to a more accessible location within the basement, but its capacity and technical specification is not altered. The following sections in the original planning committee report therefore remain unaffected:

- Gas-fired Combined Heat and Power (CHP)
- Solar PV panels
- Air Course Heat Pumps (ASHP)
- Mechanical Ventilation Heat Recovery (MVHR)
- Electric Charging points for vehicles
- Water efficiency
- Site Waste Management
- Demolition
- Construction Phase
- Operational Phase
- Ecology

8.15.5 An updated Energy Strategy has been submitted with this Section 73 application. It details the energy and sustainability design features being used within the amended scheme and the how these maintain compliance with current development plan policy. The submitted Energy Strategy confirms that a total on-site carbon reduction of 41.9% can be achieved in respect of the additional residential units proposed, thereby meeting strategic and local carbon reduction targets. On this basis and to achieve compliance with London Plan Policy 5.2, a cash in lieu payment of some £21, 283 will be required and can be secured through a variation to the Section 106 Agreement.

8.15.6 Overall, as detailed in the submitted Energy Statement, the proposed scheme continues to accord with development plan policy on sustainability and tackling climate change. Approved energy and sustainability principles remain unaffected and the proposed new units achieve full compliance with current strategic and local policy on achieving carbon reductions though a combination of on-site measures and cash in lieu payment to the London Borough of Merton.

8.16 **Social Infrastructure**

8.16.1 National, regional and local planning policy requires that the impacts of any development be assessed in terms of their potential impacts on a wide range of issues (material considerations) such as design, transport, residential amenity, sustainability/climate change and social infrastructure (affordable housing, education, health and sport and leisure).

8.16.2 The Section 73 application would still deliver the requirements relating to health, sport and leisure through conditions and S106 agreements (financial contributions) as agreed within the original planning approval. Whilst the proposed crèche is no longer being provided, there is no policy justification to retain the facility. CIL funding would still be available to support demands on school places and potential school expansion programmes, where appropriate.

8.17 **Affordable Housing**

8.17.1 The NPPF, London Plan, and Local Plan emphasise the importance of providing affordable housing. Policy CS 8 and DM H3 require affordable housing to be provide onsite for schemes providing 10 or more residential units. London Plan policy 3.11 states that in order to give impetus to a strong and diverse intermediate housing sector, 60% of the affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale.

8.17.2 Policy CS 8 states that the Council will aim for the borough-wide affordable housing target of 40% which is equivalent to the numerical target of 1,920 affordable homes in Merton for the period 2011- 2026. The Council will also expect the following level of affordable housing units to be provided on individual sites:

Threshold	Affordable Housing Target (Units)	Affordable Housing Tenure Split	Provision Requirement
10 units or more	40%	60% Social Rented and 40% intermediate	On-sit: Only in exceptional circumstances will the Council consider the provision of affordable housing off-site or financial contributions in lieu of provision on-site and tis must be justified.

8.17.3 In seeking affordable housing provision the Council will have regard to site characteristics such as site size, site suitability and economics of provision such as financial viability issues and other planning contributions.

8.17.4 The approved scheme currently provides 60 affordable dwellings located in Building B. These units (all shared ownership) were fully supported by detailed viability appraisals which were independently assessed and subsequently agreed by stakeholders. The approved level of affordable housing reflected the specific circumstances of the site whereby the residential development is “enabling” development that has generated funds (an agreed and secured sum of £14m) to part fund and ensure delivery of the new football stadium.

8.17.5 The formation of a new joint venture partnership with Catalyst Housing Association has resulted in the opportunity to review the number and tenure of dwellings that can be delivered as part of the approved development. The Section 73 application proposes a new affordable housing offer, which has been secured in the contract by Catalyst Housing Association and which has also been subject to updated viability testing. The proposed affordable housing offer now comprises;

- The 60 intermediate shared ownership units currently secured in the Section 106 agreement (dated 13 December 2017).
- 20 further intermediate shared ownership units to be secured through the deed of variation to the S106 agreement.

- 101 further intermediate shared ownership units to be delivered by Catalyst Housing Association outside of the Section 106 Agreement.

8.17.6 The above package brings the total number of affordable shared ownership dwellings that can be delivered by the proposed development to 181 dwellings compared to the 60 currently agreed. However, it must be noted that the 101 intermediate shared ownership units to be delivered by Catalyst Housing Association would not technically be considered as affordable housing as they would not be secured as part of the S106 agreement. The applicant has stated that the 101 units would be delivered by Catalyst Housing Association, however there is no legal requirement that the units remain as affordable housing units in perpetuity. It must however be noted that the level of affordable housing the site can deliver has been subject of a viability review by the Councils independent viability assessor. Officers recognise that Catalyst Housing Association could deliver the shared ownership units which would be beneficial, however it must also be noted that the units could be changed to private units without any control from the Council.

8.17.7 Despite the above, 20 further intermediate shared ownership units would be secured within the S106 agreement. As set out below, the amount of affordable housing the site can viably deliver has been subject of a viability review. The 20 affordable housing units secured within the S106 agreement has been agreed with the Councils independent viability assessor. Any additional affordable housing the site can deliver is practically welcome and this is a significant benefit in the current proposal. The affordable housing provision to be secured in the S106 agreement would therefore increase from 9.9% to 12.7% under the current scheme (60 to 80 units).

Viability Appraisal

8.17.8 Policy 3.12 of the London Plan states that in negotiating affordable housing in private schemes, boroughs should seek the maximum reasonable amount of affordable housing having regard to their affordable housing targets, the need to encourage rather than restrain residential development, and the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy, the implications of phased development including provision for re-appraisal and other scheme requirements.

8.17.9 An independent assessment of the applicants submitted viability assessment has determined that the scheme can viably support additional affordable housing units.

- 8.17.10 Given the below target level of affordable housing that is proposed, it is recommended that a review or “claw back” mechanism be included within any S106 legal agreement, which would require the economic viability of the development to be reviewed and independently assessed at fixed points in the delivery period to allow the Council to maximise the amount of affordable housing by capturing a proportion of any increase in value in the development for provision of affordable housing off-site, via an affordable housing viability review.
- 8.17.11 The applicant has agreed to a review mechanism and if viability increases to an agreed level, then affordable housing contributions will be made.
- 8.17.12 The applicant is supportive of the principle that as part of any S106 agreement any other S106 monies claimed by LBM and LBW and not spent within agreed time periods would be retained and transferred to an account held by LBM to contribute to off-site affordable housing within the borough. This support is on the proviso that the aggregate of the value of the onsite affordable housing provision that is delivered and the payment in-lieu (the “pot” for affordable housing from the scheme) is capped at a maximum value equivalent, in value terms, to policy compliant affordable housing provision, on-site (40%).
- 8.17.13 It would be necessary for the S.106 legal agreement secure any onsite provision, for the proposed 80 units.
- 8.17.14 Overall, the current Section 73 application accords fully with the planning policy objective stated at all levels of planning policy to maximize the provision of affordable housing and ensure that the maximum reasonable level of such housing is being provided.

8.18 **Volante (46 – 76 Summerstown) – Neighbouring Development Site**

- 8.18.1 This neighbouring site is in separate ownership however also part of ‘Site 37’ as defined in the Sites and Policies Plan, this site is also subject to the same policy requirements as the main stadium site.
- 8.18.2 The Volante site will be considered in the context of any approved redevelopment of the main Greyhound site. The site now has an extant planning permission for 93 residential units. As part of the application process, the applicant considered the provision of a new health care facility (as identified in the original planning committee report). However, the applicant and NHS could not reach a positive conclusion to provide a facility on the Volante site. Instead, the Volante development secured a financial contribution towards Health Care (£62,000). As no onsite facility was included on the Volante redevelopment, as set out in the original planning application committee report, the £402, 500 health care

contribution secured under the original planning approval would be held in an account by LBM (along with other S106 monies generated by the development and to be claimed by outside parties) until a location/scheme for additional healthcare facilities within LBM/LBW and within the vicinity of the site comes forward. Should this not occur within 5 years of the completion of the development the monies would be used towards maximising the level of affordable housing provision.

8.19 **Loss of Crèche**

8.19.1 The approved consented scheme included the provision of a crèche within the operational area of the stadium. As already set out in the planning committee report, there is no policy requirement to provide the facility as part of the redevelopment of the site.

8.19.2 There is no policy justification to provide the facility, however, as a matter of background, the applicant states that having investigated the market and operational issues around delivering this use, they consider that it has been confirmed as neither economically or practically realistic. The applicant also highlights that Under OFSTED regulations, all crèche facilities must offer an area of play space. In the case of the approved scheme, this play space is located at ground floor level adjacent to the stadium toilet area and match day access to the stadium concourse and concession stands on North-South Street. However, this area cannot be demised to a crèche operator for dedicated use as play space because it is part of the operational stadium and needed in the event of emergency access. This will prevent any crèche operator from being able to use it as permanent purpose-designed play space. For the reasons above, the constraints of the use will significantly reduce the likelihood of any operator taking the consented space. For these reasons, rather than build a speculative crèche facility that will sit vacant and unused, it is proposed to remove this use from the stadium.

8.20 **Loss of Café**

8.20.1 The approved consented scheme included a small café kiosk within the operational area of the stadium. It was located at ground floor level within the North-South Street stadium frontage, in front of the central food and drink concession stands. Under the approved scheme, the café would be open to the public during the day on non-match days and secured via a shutter system at night and on match days. The aim of these uses is to generate pedestrian activity and interest within the scheme on non-match days.

8.20.2 There is no policy justification to provide the facility, however, as a matter of background, the applicant has stated that having considered in detail

the small floor area of the consented café (circa 30 sq. m), the estimated need/usage (likely to be focussed heavily on take away service due to its size) and the economics around providing it, the Football Club has concluded that this will not be commercially sustainable. Therefore, it is proposed to remove the café/kiosk from the scheme.

8.21 **Condition 20 - (opening hours of stadium/shop)**

8.21.1 Reworded to include provision for extra hour opening (until 23.00) as required by the football authorities (matches requiring extra time & penalties).

8.21.2 There is no objection to the rewording of planning condition 20 as this is a reasonable request given the nature of the proposed stadium use for football matches. It is unlikely that this would be a common event as the additional hour opening time would only be triggered on those matches requiring extra time, such as cup competitions. The applicant have outlined that historically, this is a very rare event and over the last ten seasons in the competitions currently played by AFC Wimbledon, only two games have gone into extra time and none have gone to penalties. Given the short increase in time and the limited frequency when this would be activated it is considered that there would be no adverse harm on neighbouring amenity. The potentially later finish to matches would also still provide adequate public transport facilities locally to enable supporters to travel by public transport. The Councils Transport Planner has considered the 11.00pm finish time and is satisfied that there would remain suitable public transport options for people.

9 **Local Financial Considerations**

9.1 The proposed development is liable to pay the Merton and Mayoral Community Infrastructure Levy (CIL), the funds for which will be applied by the Mayor towards the Crossrail project. Merton's Community Infrastructure Levy was implemented on 1st April 2014. This will enable the Council to raise, and pool, contributions from developers to help pay for things such as transport, decentralised energy, healthcare, schools, leisure and public open spaces - local infrastructure that is necessary to support new development. Merton's CIL has replaced Section 106 agreements as the principal means by which pooled developer contributions towards providing the necessary infrastructure should be collected.

10. **Sustainability and Environmental Impact Assessment Requirements**

10.1.1 The proposal is for a variation of condition to a major, mixed use development, and constitutes a Schedule 2 (EIA) development.

Accordingly, the applicant has submitted an Environmental Statement Addendum 2018, prepared by Peter Brett Associates LLP (PBA), under Section 73 of the Town and Country Planning Act 1990 (as amended).

- 10.1.2 The ES Addendum for the proposed amended scheme updates the findings of the Wimbledon Stadium Development ES originally prepared in 2014 and then updated in 2015 ('the 2015 ES Addendum') in respect of flood risk effects to accompany planning application 14/P4361 for the consented scheme, in order to assess any new or different likely significant effects from the proposed amended scheme. Revised assessments are provided within the ES Addendum only where there is the potential for new or different likely significant effects not previously predicted for the consented scheme to occur from the proposed amended scheme
- 10.1.3 The contents of the Environmental Statement have been duly considered in assessing the proposed development.
- 10.1.4 The sustainability requirements for the proposal and what targets will be achieved have been discussed earlier in this report in section 8 and mitigation measures secured by conditions and the S106 agreement.

11. **CONCLUSION**

- 11.1 The existing Greyhound stadium site presented a number of challenges for any proposed redevelopment however the potential to overcome these challenges and provide a high quality, mixed use, development has been reflected in the site's allocation in the adopted Sites and Policies Plan ('Site 37') for *'Intensification of sporting activity (D2 Use Class) with supporting enabling development. Developments that facilitate more sporting activity may be enabled by more viable uses, subject to meeting planning policy, evidence and consultation.'*
- 11.2 The Section 73 application still secures the delivery of mixed use development comprising an 11, 000 - 20, 000 seat football stadium, which is to be enabled by the proposed 632 residential units, new squash and fitness facility, and new retail unit, with associated parking and landscaping. The proposal would still provide mitigation and contributing to wider enhancements in the surrounding area within LBM and LBW through S106 Agreement and CIL monies.
- 11.3 It is considered that the proposed development is acceptable in national, regional, and local policy terms. It delivers an additional 28 new residential units on the site (including an increase provision of Affordable Housing) and has satisfactorily overcome and addressed the site constraints in respect of flooding and transport and that the mitigation measures

proposed through the design and relevant S106 Agreement and/or Merton CIL will result in a high quality development, which will encourage a much needed regeneration of this area, and provide wider socio-economic and environmental benefits within both Merton and Wandsworth boroughs. The proposed elevation design changes to the Stadium and residential elements of the scheme are considered to be visually acceptable and of high quality.

- 11.4 The proposed changes are considered to be acceptable under Section 73 application and officers recommend permission be granted.

12 **RECOMMENDATION**

- 12.1 GRANT variation of Conditions, subject to conditions and deed of variation to the S106 agreement

12.2 **Variation of S106 legal agreement**

The relevant S106 legal agreement between LBM, AFC Wimbledon, Galliard, Greyhound Racing Acquisitions Ltd, and Greyhound Racing Association Ltd, TfL, continue to include the following heads of terms (as is normal practice, obligations as specified are still subject to further negotiations).

1. Enabling sporting intensification: the provision for a ready-for-occupation stadium and a ready-for-occupation squash and fitness facilities prior to the occupation of a proportion of residential units and associated provision of 20 car parking spaces in Block A as proposed.
2. Affordable housing: The provision of 80 intermediate units within Block B, to be available in-perpetuity to persons or households who meet Merton's affordable housing eligibility criteria.
3. Affordable housing viability review mechanism: The Council requires the applicant to undertake a viability review, at an advanced stage in the delivery of the residential element of the development. This will identify whether the development generates any financial surplus that could be used to provide additional off-site affordable housing via payment of a financial contribution to the council, in-lieu of on-site provision (the clawback mechanism recommended at head of term number 4 being the tool proposed to secure this).
4. Clawback mechanism (affordable housing): to be undertaken at fixed trigger points following commencement and during or

following the delivery of development in order to recoup surplus funds to be used for off-site affordable housing (capped, so that the total amount clawed back, when added to the value of on-site provision, would not exceed the policy target expressed in the adopted Merton Core Strategy Policy CS8).

5. Health: Proportional financial contribution (£402.5k) towards the provision of offsite health care facilities. If the health care facility is not provided within 1 mile of the site within five years from final residential occupation, then the sum is to be otherwise redirected for off-site affordable housing in accordance with the clawback mechanism.
6. Older children play provision: Provision of £250,000 for a proportional financial contribution for identified enhancements to Garratt Park following a review to be conducted by the London Borough of Wandsworth into current usage levels and facilities of the Park, together with signage improvements to the route between the site and the Park to direct users to the Park entrance accessed via Garratt Lane. If funds are unapplied to the stated purpose then they are to be (repaid to Merton/) redirected for off-site affordable housing in accordance with the clawback mechanism
7. Bus services contribution: Provision of £1,200,000 to be paid to Transport for London towards increase in bus capacity on AM and PM peak routes from Garratt Lane for a period of 3 years. If funds are unapplied to the stated purpose then they are to be (repaid to Merton/) redirected for off-site affordable housing in accordance with the clawback mechanism
8. Bus Stop relocation: £8,386.94 for bus stop infrastructure plus Section 278 works associated with moving bus stop known as BP5011. If funds are unapplied to the stated purpose then they are to be (repaid to Merton/) redirected for off-site affordable housing in the first instance in accordance with the clawback mechanism
9. Highways works within London Borough of Merton: to be completed prior to occupation of the development, to be secured by S.278 agreement to be entered into prior to commencement of development.

Works to include:

- a. the provision of the pedestrian lane or the shared pedestrian/cycle lane on the Plough Lane Dedication Land and existing public highway on Plough Lane running from the Wandle Trail to the Development Site;

- b. the relocation of the bus stop known as BP5011 and payment of bus stop infrastructure costs of £8,386.94 via financial contribution as per head of term above;
 - c. the provision of a pelican crossing across Plough Lane at the junction with the proposed Public Access Route;
 - d. the provision of a two lane northbound entry flow from Haydons Road into the junction of Haydons Road, Gap Road, Durnsford Road and Plough Lane, including all associated changes to road markings, parking bays, kerbs, drainage, lighting and signals
 - e. Realignment of the kerb on the corner of Gap Road/Durnsford Road;
 - f. the provision of a pedestrian refuge island, along with associated works, on Plough Lane within close vicinity to Waterside Way
 - g. the removal of all carriageway parking on Plough Lane between Waterside Way and Summerstown Road
 - h. Reconstruction of the highway (carriageway and footway) around the site at Plough Lane and Waterside Way which may include, inter alia
 - i. New footways and carriageway
 - ii. Revised access/crossover arrangements
 - iii. Relocation/replacement of street lighting
 - iv. Relocation of services, if and where necessary
 - v. Road markings and signs and related traffic management orders
 - i. Consultation and implementation costs for any parking management in connection with highways / Secion 278 costs.
10. Works associated with utilities diversion Any works to divert utilities either on or offsite, including Thames Water sewer/s, shall include associated works to LB Merton and LB Wandsworth's highway assets including highway drainage connections.
11. Dedication under S.38 of the Highways Act: of land within the application site boundary, to form part of the public highway on Plough lane to accommodate the cycle/footway connecting the site to the Wandle Trail
12. Highways works within LB Wandsworth: to be completed prior to

occupation of the development, to be secured by S.278 agreement with London Borough of Wandsworth prior to commencement of development. Works to include:

a. Reconstruction of highway abutting the site in Summerstown and Riverside Road which may include, inter alia

- i. New footways and carriageway
- ii. Revised access/crossover arrangements
- iii. Relocation/replacement of street lighting (if required)
- iv. Relocation of services, if and where necessary
- v. Road markings and signs and related traffic management orders

b. Footway and road safety improvements in the direction of Garratt Lane, to include new dropped kerbs, tactile paving and pedestrian signage

13. LB Merton on-street parking controls (CPZs): Provision of funds to LBM to cover the cost of public consultation on changes to identified CPZ's to enable specific controls and the imposition of these controls should the public consultation be in favour. Any funds not spent within a specified period following occupation of the stadium would be redirected for off-site affordable housing in accordance with the clawback mechanism.

Funds

LB Merton on-street parking controls (CPZs) – total £108k, comprising:

- £10k baseline survey contribution
- £10k early occupation survey contribution
- £10k CPZ consultation contribution
- £68k CPZ works contribution

14. LB Wandsworth on-street parking controls (CPZ): Provision of funds (£100k) to LBM to be passed to LBW to enable public consultation on changes to identified CPZ's to enable specific controls and the imposition of these controls should the public consultation be in favour. Any funds within a specified period following occupation of the stadium would be transferred back to LBM to use for off-site affordable housing in accordance with the clawback mechanism.

15. LB Merton on-street parking controls (waiting and loading): Provision of funds (£29.5k) to LBM to cover the costs of alterations to existing waiting and loading restrictions along Waterside Way and Plough Lane. Any funds not spent prior to occupation of the stadium would be transferred to use for off-site affordable housing in accordance with the clawback mechanism.
16. LB Wandsworth on-street parking controls (waiting and loading): Provision of funds (£5k) to LBM to be passed to LBW in respect of and waiting and loading restrictions. Any funds not spent within a specified period following occupation of the stadium would be transferred back to LBM to use for off-site affordable housing in accordance with the clawback mechanism.
17. Public Access Route – North-South Spine Route: public access controls (to be sensitive to any amended Construction Management Plan and Delivery and Servicing plans provisions for Stadium enhancements)
18. Stadium Management Plan: (including (but not exclusive to) Stadium Travel Plan, Local Area Management Plan, Coach Management Plan, Stadium Emergency Evacuation Procedure Plan) (this is to be considered a “stadium document” for the purposes of the below heads)
19. Delivery and Services Plan (for the stadium and all other uses so therefore this is to be considered a “stadium document” for the purposes of the below heads). This will include site waste management plans in respect of the storage and removal of refuse and recycling for all elements of the approved development (including stadium, retail unit, squash and fitness facility and residential units)
20. Car Club spaces to be provided within residential parking area.
21. Electric vehicle charging points: provision for electric vehicle charging points (passive and active provision) to be provided on site in accordance with the agreed plans.
22. Travel plans: travel plans (including annual monitoring and publication of the results) to be provided in respect to the stadium and the residential units
23. Residential units to be ‘permit free’, which means that all users and

occupiers of residential units proposed shall not be entitled to a permit to park a vehicle within a CPZ within the vicinity of the site (blue badge holders excluded).

24. Construction Management Plan: including Construction Logistics Plan, Site Waste Management, and Construction Environmental Management Plan (which shall include a Japanese Knotweed Management Plan) to be submitted to and approved by LBM prior to commencement of development. An updated/or additional Construction Management Plan and associated documents to be submitted and approved prior to work to increase the capacity of the stadium or up to the maximum of 20,000 persons. Development to not be carried out except in accordance with the approved plans.
25. Car Park Management Plans: to cover the Stadium, and residential development and 20 squash and fitness facility car parking spaces. The Stadium Car Park Management Plan comprises a “stadium document” for the purposes of the below head of terms.
26. Provisions required in connection with stadium enhancements: Require the monitoring and review of “stadium documents” required under the S.106 agreement, including
 - a. an updated Transport Assessment (the scope of which to be agreed in advance with LBM)
 - b. a draft schedule of proposed further mitigation measures to be prepared and submitted to the Council for approval, with the final schedule submitted [] (which may include but not be limited to):
 - i. further highways works;
 - ii. further parking controls and associated payments to LB Merton and LB Wandsworth
 - iii. provisions to facilitate the use of Haydon’s Road Station on match days; and
 - iv. amended “stadium documents”)
 - c. delivery timescales for those measures as approved by the Council, 1) prior to commencement of works to increase the capacity of the stadium up to or above 15,000 persons; and, if not part of the aforementioned works to increase the capacity to or beyond 15,000 persons, 2) prior to commencement of works to increase the capacity of the stadium up to or beyond 19,000 persons, with works not to be commenced until such documents are approved, in the form of a written notice, by LBM

27. Further mitigation measures – stadium enhancements: Prior to commencement of the associated stadium enhancement securing agreement between the football club and LB Merton to the further mitigation measures, identified in the aforementioned written approval notice, to be delivered by the football club, and associated delivery timescales.
28. Climate Change (Carbon Off-Set) – Financial contribution of £21,283.
29. Mobile Cycle Storage Facility
30. Monitoring (air quality) - Financial contribution of £60,000 (max) – During construction period (2 years).
31. Monitoring Station (air quality) - Financial contribution of £35,000.
32. Co-ordination Measures
33. The developer agreeing to meet the Councils costs of preparing, drafting, or checking the agreement.
34. The developer agreeing to meet the Council's costs of monitoring the agreement.

12.3 **Conditions**

1. And the following conditions and informatives:
 1. Time Limit for Implementation: (Originally condition 1) - The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of the original planning permission (14/P4361 dated 13/12/2017).

Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.
 2. Phasing Plan: (Originally condition 2) - Development carried out in accordance with the details approved under discharge of condition application 18/P1045.

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

3. Approved Plans: (Originally condition 3) - The development hereby permitted shall be carried out in accordance with the following approved plans & documents that are referenced in Annex A (18/P3354).

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

4. Materials to be approved: (Originally condition 4) - No development above ground shall take place within any phase until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted within that phase, including window frames and doors (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to, and approved in writing by, the Local Planning Authority. No phase shall be carried out otherwise than in full accordance with the approved details in respect of that phase.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014.

5. Elevational Detailing: (Originally condition 5) - No Stadium development above ground shall take place until plans showing the final detailing and materials of the Stadium east elevation, details and materials of the proposed feature arches, and proposed podium levels and louvres to the residential blocks shall be submitted to and approved in writing by the Local Planning Authority. The Stadium development shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014

6. Internal Detailing (Stadium): (Originally condition 6) - No stadium development above ground shall take place until plans showing the detailing and internal layout of the East concourse, have been submitted to and approved in writing by the Local Planning Authority. The stadium development shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014.

7. Ramped Access Detailing: (Originally condition 7) - No development of Block A above ground shall take place until plans showing the final detailing and materials of the ramped access to residential Block A, located at the juncture of Plough Lane and Summerstown, have been submitted to and approved in writing by the Local Planning Authority. The residential development of Block A shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014.

8. Stadium and Hospitality Entrance Detailing: (Originally condition 8) - No Stadium development above ground shall take place until plans showing the final detailing and materials of the main Stadium Entrance and Hospitality entrance, have been submitted to and approved in writing by the Local Planning Authority. The stadium development shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014.

9. Samples of Approved Materials: (Originally condition 9) - Samples of all approved materials/finishes to be used within the development of a phase shall be stored on site for the duration of construction of that phase and shall be made available for viewing by the Local Planning Authority at their request, during normal working hours.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3

of Merton's Sites and Polices Plan 2014.

10. Details of Surface Treatment: (Originally condition 10) - No development above ground (except demolition and site clearance) in any phase shall take place until details of the surfacing, including temporary surfacing, of all those parts of the phase not covered by buildings including any parking, service areas or roads, footpaths, hard and soft landscaping have been submitted to, and approved in writing by the Local Planning Authority. No part of a phase shall be occupied / brought into use until the works to which this condition relates have been carried out in accordance with the approved details.

Reason: To ensure a satisfactory standard of development in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Polices Plan 2014.

11. Details of Walls/Fences: (Originally condition 11) - No development above ground (except demolition and site clearance) in any phase shall take place until details of all boundary walls or fences within that phase have been submitted to, and approved in writing by, the Local Planning Authority. No part of a phase shall be occupied / brought into use until the works to which this condition relates have been carried out in accordance with the approved details. The walls and fencing shall be permanently retained thereafter

Reason: To ensure a satisfactory and safe development in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Polices Plan 2014

12. Levels: (Originally condition 12) - (Stadium) No development except demolition and site clearance shall take place in any phase until details of the proposed finished floor levels of the stadium, together with existing and proposed levels in that phase, have been submitted to and approved in writing by the Local Planning Authority, and no phase shall be carried out except in strict accordance with the approved levels and details for that phase.

(Residential) – Development carried out in accordance with the details approved under discharge of condition application 18/P3202.

Reason: To safeguard the visual amenities of the area and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014

13. Window Openings: (Originally condition 13) - The window openings for the approved retail units and Squash and Fitness facility shall be glazed in clear glass and retained as such and nothing shall be applied or fixed to the windows 1m above ground level so as to obscure views into and out of the retail units.

Reason: To provide visual interest to the shopping frontage, to maintain the vitality and viability of the town centre and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policy DM D7 of Merton's Sites and Polices Plan 2014.

14. Foundation/Piling Design: (Originally condition 14) - Development carried out in accordance with the details approved under discharge of condition application 18/P3203.

Reason: To ensure that the piling design is protective of above and below ground utility infrastructure assets and controlled waters, and to comply with the following Development Plan policies for Merton: policy 5.15 and 5.21 of the London Plan 2016, policy CS16 of Merton's Core Planning Strategy 2011 and policy DM F2 of Merton's Sites and Polices Plan 2014.

15. No Cables, Flue, and Meter Boxes: (Originally condition 15) - No cables, wires, aerials, pipework (except any rainwater downpipes as may be shown on the approved drawings) meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the development and the visual amenities of the area and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014.

16. No Satellite Dishes: (Originally condition 16) - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no Satellite dishes or

Aerials shall be installed on any part of the approved development without planning permission being first obtained from the Local Planning Authority.

Reason: To safeguard the appearance of the development and the visual amenities of the area and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014.

17. No Use of Flat Roofs: (Originally condition 17) - Other than any approved designated roof terraces, access to the flat roofed areas of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roofed areas shall not be used as roof gardens, terraces, patios or similar amenity areas.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014.

18. Opening Hours (Retail unit): (Originally condition 18) - The retail use hereby permitted shall not be open to customers except between the hours of 07:00 and 22:00 on any day and no staff shall be present at the premises 1 hour after the closing time of the retail unit.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Polices Plan 2014.

19. Opening Hours (Squash and fitness facility): (Originally condition 19) - The squash and fitness facility use hereby permitted shall not be open to customers except between the hours of 06:00 and 22:00 on any day and no staff shall be present at the premises 1 hour after the closing time of the squash and fitness facility.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Polices Plan 2014

20. Opening Hours (Stadium and Stadium Shop): (Originally condition 20) - The stadium and stadium shop use hereby shall not be open to customers except between the hours of 08:00 and 22:00 on any day (save where extended hours of opening to 23:00 are necessary to meet the requirements of the football authorities) and no staff shall be present at the relevant premises 1 hour after the closing time.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Polices Plan 2014.

21. Opening Hours (Stadium hospitality suites): (Originally condition 21) - The stadium hospitality use, including the ground floor area of the stadium hereby permitted, shall not be open to customers except between the hours of 08:00 and 01:00 on any day and no staff shall be present at the premises 1 hour after the closing time of the stadium hospitality use.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Polices Plan 2014

22. No Amplified Sound (Hospitality suites): (Originally condition 24) - No music or other amplified sound generated on the premises shall be audible at the boundary of any adjacent residential building.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Polices Plan 2014.

23. No Amplified Sound (Squash and fitness facility): (Originally condition 25) - No music or other amplified sound generated from the squash and fitness facility shall be audible at the boundary of any adjacent residential building.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016, policy CS7 of

Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Polices Plan 2014.

24. Noise Levels (Plant and Machinery): (Originally condition 26) - 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.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Polices Plan 2014

25. Noise Levels (Mechanical Ventilation): (Originally condition 27) - Noise levels (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any mechanical ventilation, heat recovery/combined heat and power, air source heat pumps, or lift gear associated with the development shall not exceed LA90-10dB at the boundary with the nearest residential boundary.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Polices Plan 2014

26. Kitchen Ventilation Systems (Originally condition 28)

(a) The Stadium use hereby permitted shall not commence until detailed plans and specifications of a kitchen ventilation system, including details of sound attenuation for a kitchen ventilation extract system and odour control measures for the Stadium have been submitted to and approved in writing by the Local Planning Authority. The kitchen ventilation extract system shall be installed in accordance with the approved plans and specifications before the Stadium use commences and shall be permanently retained as such thereafter.

(b) The retail use hereby permitted shall not commence until detailed plans and specifications of a kitchen ventilation system, including details of sound attenuation for a kitchen ventilation extract system and odour control measures for the retail use have been submitted to and approved in writing by the Local Planning Authority. The kitchen ventilation extract system shall be installed in

accordance with the approved plans and specifications before the retail use commences and shall be permanently retained as such thereafter.

(c) The squash and fitness facility use hereby permitted shall not commence until detailed plans and specifications of a kitchen ventilation system, including details of sound attenuation for a kitchen ventilation extract system and odour control measures for the squash and fitness facility use have been submitted to and approved in writing by the Local Planning Authority. The kitchen ventilation extract system shall be installed in accordance with the approved plans and specifications before the squash and fitness use commences and shall be permanently retained as such thereafter.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and to ensure compliance with the following Development Plan policies for Merton: policies 7.14 and 7.15 of the London Plan 2016, policy CS7 of Merton's Core Planning Strategy 2011 and policies DM EP2 and DM EP4 of Merton's Sites and Polices Plan 2014.

27. Details of Mechanical Ventilation Heat Recovery: (Originally condition 29) - No development above ground of Block B and Block A shall take place until details of the residential units within Block B and Block A to be fitted with a Mechanical Heat Ventilation (MHV) system as outlined in the Environmental Statement and Energy and Sustainability Statements have been submitted to, and approved in writing by, the Local Planning Authority. The MVH system shall be installed to those units in accordance with the approved details and permanently retained and maintained as such thereafter.

Reason: To safeguard the amenities of the occupiers of those properties and ensure compliance with the following Development Plan policies for Merton: policies 7.14 and 7.15 of the London Plan 2016 and policy DM EP2 of Merton's Sites and Polices Plan 2014

28. Noise Management Plan (Deliveries Non-Residential Uses): (Originally condition 30) - Due to the potential impact of the surrounding locality and approved commercial uses on the residential development, a Noise Management Plan for protecting residents within the residential development from noise (including but not limited to, sound attenuation of low frequency tonal noise (principally 100Hz, 200Hz and harmonics) controls on delivery times, white noise reversing beepers, rubber mats to minimise

noise from cages, improved sound insulation to dwellings if required, use of conveyor belts for loading and unloading) shall be submitted to and approved in writing by the Local Planning Authority prior to any development above ground commencing. The scheme is to include acoustic data for the glazing system and ventilation system to the residential units. 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.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

29. Odour Control: (Originally condition 31)

(a) No development above ground of the Stadium shall take place until details of measures to control odour from all mechanical systems serving any individual food premises within the Stadium Land have been submitted to and approved in writing to the Local Planning Authority. The odour control measures shall be designed so as to limit the impact on neighbouring residential units from any odours generated by the approved Stadium use and the approved measures shall be implemented prior to occupation of any individual food premises within the Stadium Land and permanently retained and maintained as such.

(b) No development above ground of Block C shall take place until details of measures to control odour from all mechanical systems serving any individual food premises within Block C have been submitted to and approved in writing to the Local Planning Authority. The odour control measures shall be designed so as to limit the impact on neighbouring residential units from any odours generated by the approved retail use within Block C and the approved measures shall be implemented prior to occupation of any of the residential development and permanently retained and maintained as such

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and to ensure compliance with the following Development Plan policies for Merton: policies 7.14 and 7.15 of the London Plan 2016, policy CS7 of Merton's Core Planning Strategy 2011 and policies DM EP2 and DM EP4 of

Merton's Sites and Polices Plan 2014.

30. Healthy Catering and Healthy Work Places Schemes: (Originally condition 32) - Prior to occupation of the Stadium, details confirming exploration of, and accreditation from, the London Borough of Merton's 'Healthy Catering Commitment' and the Greater London Authority's 'Healthy Workplaces' scheme shall be submitted to the Local Planning Authority.

Reason: In the interests of contributing towards the improvement of public health within the London Borough of Merton and in compliance with policy 3.2 of the London Plan 2016.

31. Scheme of Lighting: (Originally condition 33) - No development above ground in a phase shall take place until a scheme of lighting for that phase has been submitted to and approved in writing by the Local Planning Authority and any such approved external lighting in respect of a phase, shall be positioned and angled to prevent/minimise any light spillage or glare that will affect any existing or new residential premises. The approved scheme of lighting for a phase shall be implemented prior to occupation of any part of that phase.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Polices Plan 2014.

32. CCTV Details: (Originally condition 34)

(a) No development above ground in a phase (other than a phase which includes the above ground development of the Stadium) shall take place until details of all CCTV and security lighting within/serving that phase and its linkages with any external CCTV system has been submitted to and approved in writing by the Local Planning Authority and thereafter permanently maintained and retained as such. The approved scheme of CCTV and security lighting in respect of a phase (other than a phase which includes the above ground development of the Stadium) shall be implemented prior to occupation of that Phase.

(b) No part of a phase which includes the above ground development of the Stadium shall be occupied until CCTV and security lighting in respect of that phase has been implemented in accordance with details approved in writing by the Local Planning

Authority and thereafter permanently maintained and retained as such.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Polices Plan 2014.

33. Contamination (study): (Originally condition 35) - Development carried out in accordance with the details approved under discharge of condition application 18/P1199.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies 5.21 and 7.14 of the London Plan 2016 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

34. Contamination Remediation: (Originally condition 36) - Development carried out in accordance with the details approved under discharge of condition application 18/P1564.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies 5.21 and 7.14 of the London Plan 2016 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

35. Contamination Remediation Verification: (Originally condition 37)

(a) Following the completion of any measures identified in an approved remediation scheme for the stadium land or non-stadium land, a verification report that demonstrates the effectiveness of the remediation carried out on the stadium land or non-stadium land (as the case may be) shall be submitted to and approved in writing by the Local Planning Authority.

(b) In the event that contamination is found at any time whilst implementing the approved development on the stadium land or non-stadium land, which was not previously identified, details of the contamination on the relevant land must immediately be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken on the stadium land or non-stadium land (as the case may be) in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management

of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme in respect of the relevant land must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies 5.21 and 7.14 of the London Plan 2016 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

36. Electro-Magnetic Radiation: (Originally condition 38) - Prior to the occupation of the development the applicant shall provide written evidence to the Local Planning Authority that electro-magnetic radiation emissions from the adjacent sub-station do not exceed ICNIRP (international commission on non-ionizing radiation protection) guidance levels of 360 microteslas and 5 kilovolts per metre within the residential properties and Squash and fitness facility.

Subject to the findings of site investigation, if necessary, a detailed remediation scheme to bring any electro-magnetic radiation emission levels to within ICNRP guidance levels of 360 microteslas and 5 kilovolts per metre shall be submitted to, and be subject to, the approval in writing of the Local Planning Authority.

Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of above ground works of development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies 7.14 and 7.15 of the London Plan 2016 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

37. Stadium Use(s): (Originally condition 39) - The approved Stadium pitch and seating bowl shall only be used for general sporting uses and football matches up to an average of twice weekly, and for no other commercial sport or public events.

Reason: To allow the Local Planning Authority to control the level of sporting and hospitality use within the site to safeguard the amenities of the occupiers of the adjoining and surrounding properties, local transport conditions, and ensure compliance with

the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016 and policies DM EP2, EP4, T2, T3 and T5 of Merton's Sites and Polices Plan 2014.

38. Stadium Capacity: (Originally condition 40) - The approved Stadium (including hospitality suites) shall not exceed a total operational spectator capacity of 20,000.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016 and policy DM EP2 of Merton's Sites and Polices Plan 2014.

39. Employment Strategy: (Originally condition 41) - Development carried out in accordance with the details approved under discharge of condition application 18/P1127.

Reason: To ensure opportunities for local residents and businesses to apply for employment and other opportunities during the construction of developments and in the resultant end-use and compliance with the following Development Plan policies for Merton: policy 4.12 of the London Plan 2016, policy CS 12 of Merton's Core Planning Strategy 2011 and policy DM E4 of Merton's Sites and Polices Plan 2014.

40. Squash and Fitness Facilities (Use): (Originally condition 42) - The Squash and fitness premises shall only be used for Squash and general fitness and ancillary purposes and for no other purpose, (including any other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes Order) 1997), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The Local Planning Authority would wish to retain control over any further change of use of these premises in the interests of safeguarding the site's 'Site 37' SPP policy allocation, residential amenities of adjoining properties, the transport conditions of the area, and to ensure compliance with the following Development Plan policies for Merton: policy 6.3 and 7.15 of the London Plan 2016, policy CS 14 and CS 20 of Merton's Core Planning Strategy 2011 and policy DM EP2 and DM T2 of Merton's Sites and Polices Plan 2014.

41. Retail Unit (use): (Originally condition 43) - The retail floor space shall not exceed 1,273sqm gross internal area. The retail premises

shall only be used for food/convenience retail and for no other purpose, (including any other purpose within Class A1 of the Schedule to the Town and Country Planning (Use Classes Order) 1997), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. Any food store / convenience goods use shall not use any more than 15% of the retail sales area for the sale of comparison goods

Reason: The Local Planning Authority would wish to retain control over any further change of use of these premises in the interests of safeguarding the vitality and viability of nearby town centres in accordance with the applicant's retail impact assessment to ensure compliance with the following Development Plan policies for Merton: policy 4.7 of the London Plan 2016, policy CS 7 of Merton's Core Planning Strategy 2011 and policy DM R2 Merton's Sites and Polices Plan 2014.

42. Hospitality Suites (Uses): (Originally condition 45) - The hospitality suite premises (including ground floor accommodation areas within the Stadium) shall only be used for uses associated with the occupation of a stadium by a sporting club and for no other purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason: The Local Planning Authority would wish to retain control over any further change of use of these premises in the interests of safeguarding the amenities of the area and to ensure compliance with the following Development Plan policies for Merton: policy 6.3 and 7.15 of the London Plan 2016, policy CS 14 and CS 20 of Merton's Core Planning Strategy 2011 and policy DM EP2 and DM T2 of Merton's Sites and Polices Plan 2014.

43. Wheelchair Accessible Units: (Originally condition 47) - During construction of each agreed residential phase for occupation, a proportional amount of the approved, fully wheelchair accessible, units shall also be completed for occupation.

Not less than 10% of the dwelling units hereby permitted shall be constructed as wheelchair accessible throughout or easily adaptable for residents who are wheelchair users and shall be retained as such unless otherwise agreed in writing with the Local planning Authority.

Reason: In the interests of providing fully wheelchair accessible residential units during all phases of the development and compliance with the following Development Plan policies for

Merton: policy 3.8 of the London Plan 2016, policy CS8 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Polices Plan 2014.

44. Accessibility Strategy: (Originally condition 48) - Prior to the occupation of any phase, details of a full 'Accessibility Strategy' for that phase shall be submitted to, and approved in writing by, the Local Planning Authority. No phase shall be carried out otherwise than in accordance with the approved details for that phase.

Reason: In the interests of providing wheelchair access units during all phases of the development and compliance with the following Development Plan policies for Merton: policy 3.8 of the London Plan 2016, policy CS8 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Polices Plan 2014.

45. Temporary/Mobile Food/Drink Sales: (Originally condition 49) - No temporary or permanent mobile food/drink/alcohol sales facilities shall be established or carried out within the site or public highways other than in the designated food/drink areas within the approved Stadium unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of maintaining a high standard of appearance of the development and the amenities of the occupiers of the adjoining and surrounding residential properties and to ensure compliance with the following Development Plan policies for Merton: policy 7.5, 6.3 and 7.15 of the London Plan 2016, policy CS 14 and CS 20 of Merton's Core Planning Strategy 2011 and policy DM D1, DM D2, DM EP2 and DM T2 of Merton's Sites and Polices Plan 2014.

46. Landscaping/Planting Scheme: (Originally condition 50) - No development above ground in any phase comprising residential development shall take place until full details of a landscaping and planting scheme for that phase, including details of the door-step play spaces for under 5 year olds, has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the commencement of the use or the occupation of any building hereby approved with that phase, unless otherwise agreed in writing by the Local Planning Authority. The details shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, play equipment, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection

during the course of development within that phase.

Reason: To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policies 3.6, 3.16, 5.1, 7.5 and 7.21 of the London Plan 2016, policies CS11, CS13, CS14, CS16, and CS20 of Merton's Core Planning Strategy 2011 and policies DM D2, F2 and O2 of Merton's Sites and Polices Plan 2014.

47. Landscape Management Plan: (Originally condition 51) - Prior to the occupation of any part of a phase comprising residential development a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, other than small, privately owned, domestic gardens within that phase, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan for that phase shall be carried out in accordance with the approved details for that phase unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appearance of the development is maintained in the interest of the amenities of the area, to ensure the maintenance of sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policies 5.1, 7.5 and 7.21 of the London Plan 2016, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, F2 and O2 of Merton's Sites and Polices Plan 2014.

48. Street Furniture and Signage: (Originally condition 52) - Prior to the occupation of any part of a phase, full details of all street furniture and signage within that phase shall be submitted to, and approved in writing by, the Local Planning Authority. No further street furniture or signage shall be installed in a phase without the approval in writing of the Local Planning Authority. No phase shall be carried out otherwise that in accordance with the approved details for that phase.

Reason: In the interests of maintaining a high standard of appearance of the development and to ensure compliance with the following Development Plan policies for Merton: policy 7.5 and 7.6 of the London Plan 2016, policy CS 14 of Merton's Core Planning Strategy 2011 and policy DM D1 and DM D2 of Merton's Sites and Polices Plan 2014.

49. 'Green' Roofs and Walls: (Originally condition 53) - No development above ground in a phase shall take place until full details, including a management strategy, of the approved Sedum and Substrate 'green' roofs and 'green' walls for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved 'green' roofs in respect of a phase shall be installed and permanently maintained in accordance with the approved details for that phase.

Reason: In the interests of maintaining a high standard of appearance, ensuring net biodiversity gains and to ensure compliance with the following Development Plan policies for Merton: policy 7.19 of the London Plan 2016, policy CS 14 and CS 13 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Polices Plan 2014.

50. Biodiversity Enhancements: (Originally condition 54) - No development above ground in a phase shall take place until details (including a programme of implementation) of the biodiversity enhancement features such as the provision of bat boxes and bird nesting, as recommended in the approved of Ecological Appraisal by BSG Ecology for that phase, have been submitted to, and approved in writing by, the Local Planning Authority. Once installed, the approved measures in respect of a phase shall be permanently retained and maintained in accordance with the approved details for that phase.

Reason: In the interests of enhancing the ecological value of the site and surrounds and to ensure compliance with the following Development Plan policies for Merton: policy 7.19 of the London Plan 2016, policy CS13 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Polices Plan 2014.

51. Advertisements: (Originally condition 55) - No externally visible advertisement is to be displayed within the site without the approval in writing of the Local Planning Authority and without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: In the interests of maintaining a high standard of appearance of the development and in the interests of the amenities of the occupiers of the residential units within the site and to ensure compliance with the following Development Plan policies for Merton: policy 7.5 and 7.6 of the London Plan 2016, policy CS 14 of Merton's Core Planning Strategy 2011 and policy DM D5 and DM D7of Merton's Sites and Polices Plan 2014.

52. Flood Risk Assessment: (Originally condition 56) - The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) by Peter Brett Associates LLP dated October 2014, supported by the Flood Risk Assessment - Addendum by Peter Brett Associates LLP dated April 2015 and the Technical Note No. TN14A by Peter Brett Associates LLP dated 2nd September 2015 (plus updated information contained in Environmental Statement Addendum (2018) Volumes 1 & 2 and Technical Note (29th November 2018)). The mitigation measures shall be fully implemented prior to occupation of any part of the development 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.

Reason: To reduce the risk of flooding to the proposed development and future users, to ensure flood risk does not increase offsite and to ensure compliance with the following Development Plan policies for Merton: policy 5.12 and 5.13 of the London Plan 2016, policy CS 16 of Merton's Core Planning Strategy 2011 and policy DM F1 and DM F2 of Merton's Sites and Polices Plan 2014.

53. Flood Plain Compensation Scheme: (Originally condition 57) - The development hereby permitted shall not be occupied until such time as a floodplain compensation scheme is implemented which ensures that the flood risk is not increased, as detailed in Section 4.4 of the submitted FRA and supported by Section 4.1, Section 4.2 and Appendix B of the submitted FRA Addendum (plus updated information contained in Environmental Statement Addendum (2018) Volumes 1 & 2 and Technical Note (29th November 2018)). The implemented scheme shall include flood openings (voids) and these voids must be maintained and remain operational for the lifetime of the development. 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.

Reason: To reduce the risk of river flooding to the proposed development and future users, to ensure flood risk does not increase offsite and to ensure compliance with the following Development Plan policies for Merton: policy 5.12 of the London Plan 2016, policy CS 16 of Merton's Core Planning Strategy 2011 and policy DM F1 of Merton's Sites and Polices Plan 2014.

54. Finished Floor Levels: (Originally condition 58) - The residential development hereby permitted by this planning permission shall ensure that finished floor levels for all residential units shall be set no lower than 300mm above the 1 in 100 year plus climate change flood level (in metres above Ordnance Datum) as detailed in Section 4.1 of the submitted Flood Risk Assessment and Addendum. The measures shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the Flood Risk Assessment and Addendum or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future users and to ensure compliance with the following Development Plan policies for Merton: policy 5.12 of the London Plan 2016, policy CS 16 of Merton's Core Planning Strategy 2011 and policy DM F1 of Merton's Sites and Policies Plan 2014.

55. Scheme for Surface and Foul Water Drainage: (Originally condition 59) - No below ground works aside from piling, foundations and all associated works up to basement / lowest slab in any phase and the diversion of the culvert in accordance with Thames Water's approval dated 7 July 2017 drawing number 22445-D20 Rev P7 (or any such amendment as may be agreed with Thames Water) approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority and in consultation with Thames Water. The final drainage scheme shall be designed in accordance with the details submitted in the Flood Risk Assessment – Addendum by Peter Brett Associates LLP dated April 2015, including the Price and Myers Surface Water Drainage Strategy (Re-issue Civil Engineer's Statement – Below Ground Drainage (Rev P6 – For Planning)) and the Momentum Structural Engineer's Drainage Strategy Addendum (AFC Wimbledon Foul and Surface Water Drainage Strategy – Addendum (13th Feb 2015, Ref: 1785)).

The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) to sewer at the agreed restricted rate in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards. Where a

sustainable drainage scheme is to be provided, the submitted details shall:

(i) provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site at a maximum rate of 180.19l/s for the 1 in 100 year climate change event. Appropriate measures must be taken to prevent pollution of the receiving groundwater and/or surface waters;

(ii) include a timetable for its implementation; and

(iii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption (where required) and any other arrangements to secure the operation of the scheme throughout its lifetime.”

Reason: To reduce the risk of surface and foul water flooding to the proposed development and future users, to ensure surface water and foul flood risk does not increase offsite and to ensure compliance with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2016, policy CS 16 of Merton's Core Planning Strategy 2011 and policy DM F2 of Merton's Sites and Polices Plan 2014.

56. Site Contamination (Water): (Originally condition 60) - Development carried out in accordance with the details approved under discharge of condition application 18/P1775.

Reason: To protect Controlled Waters because the site is located over a Secondary Aquifer and no information has been provided on the potential for contamination gains and to ensure compliance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2016, policy CS 16 of Merton's Core Planning Strategy 2011 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

57. Site Contamination Remediation (Water): (Originally condition 61) - If, during development, contamination not previously identified is found to be present at the stadium land or non-stadium land then no further development on that part of the stadium land or non-stadium land (as the case may be) (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until written approval has been obtained from the Local Planning Authority for a remediation strategy in respect of that part of the stadium land or non-stadium land 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: To ensure that the Environment Agency is consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters, and to ensure compliance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2016, policy CS 16 of Merton's Core Planning Strategy 2011 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

58. Site Contamination Remediation Verification (Water): (Originally condition 62) - Prior to occupation of each of the stadium and non-stadium development, a verification report demonstrating completion of the works set out in the approved remediation strategy in respect of the relevant land and the effectiveness of the remediation on the relevant land 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 insofar as it relates to the stadium land or non-stadium land (as the case may be) to demonstrate that the site remediation criteria in respect of the relevant land 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 insofar as it relates to the stadium land or non-stadium land, if appropriate, and for the reporting of this to the Local Planning Authority. Any long-term monitoring and maintenance plan in respect of the stadium land or non-stadium land shall be implemented as approved in respect of that land.

Reason: To ensure that, if remediation be deemed necessary, the applicant demonstrates 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, and to ensure compliance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2016, policy CS 16 of Merton's Core Planning Strategy 2011 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

59. No Infiltration of Surface Drainage: (Originally condition 63) - Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no infiltration of surface water drainage into the ground is 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 ensure that infiltrating water, which has the potential to cause remobilisation of contaminants present in shallow soil/made ground, does not ultimately cause pollution of groundwater and to ensure compliance with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2016, policy CS 16 of Merton's Core Planning Strategy 2011 and policy DM EP4 and DM F2 of Merton's Sites and Polices Plan 2014.

60. Flood Warning and Evacuation Plan: (Originally condition 64) - With respect to any phase of development hereby permitted it shall not be occupied until such time as a Flood Warning and Evacuation plan and procedure is implemented and agreed in writing for that phase to the satisfaction of the Local Planning Authority. The Flood Warning and Evacuation Plan for that phase shall be implemented in accordance with the submitted document included within Appendix D of the FRA Addendum by Peter Brett Associates (FWEP Issue 2, Ref:21533_020 dated March 2015) and the procedures contained within the plan for that phase shall be reviewed annually for the lifetime of the development. Consultation of the plan for that phase shall take place with the Local Planning Authority and Emergency Services.

Reason: To reduce the risk of flooding to the proposed development and to ensure compliance with the following Development Plan policies for Merton: policy 5.12 of the London Plan 2016, policy CS 16 of Merton's Core Planning Strategy 2011 and policy DM F1 of Merton's Sites and Polices Plan 2014.

61. Archaeology Scheme of Investigation: (Originally condition 65) - Development carried out in accordance with the details approved under discharge of condition application 18/P1467.

Reason: Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with section 12 of the NPPF, policy 7.8 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2, D3 and D4 of Merton's Sites and Polices Plan 2014.

62. Renewable Energy Feasibility: (Originally condition 66) - Prior to

the commencement of above ground works a further renewable energy feasibility study shall be submitted to and approved by the Local Planning Authority, including a prediction for energy demands for Phase 2 of the approved stadium and an assessment of the feasibility of connecting the commercial units to the site-wide CHP network.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: policy 5.2 of the London Plan 2016 and policy CS15 of Merton's Core Planning Strategy 2011.

63. Sustainability: (Originally condition 67) - Unless otherwise agreed in writing with the Local Planning Authority, no part of the residential development hereby approved shall be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority, confirming that the development has achieved CO2 reductions of not less than a 35% improvement on Part L Regulations 2013, and wholesome water consumption rates of no greater than 105 litres per person per day.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: policy 5.2 of the London Plan 2016 and policy CS15 of Merton's Core Planning Strategy 2011.

64. Energy Strategy Objectives: (Originally condition 68) - No phase of the development hereby approved shall be occupied until evidence for that phase has been submitted to the Local Planning Authority confirming that the completed phase of the development has achieved the sustainability objectives identified in the applicants' Energy Strategy (06/11/2014) and sustainability statement (24/10/2014) (plus updated Energy Strategy - Rev 2 (02/11/2018)). This should include all post-construction certificates for the sustainable design and construction standards (both domestic and non-domestic) discussed in the approved energy strategy and sustainability statement.

Reason: To ensure that the development has been delivered in accordance with the approved Energy Strategy and to comply with the following Development Plan policies for Merton: Policy 5.2 of the London Plan 2016 and Policy CS15 of Merton's Core Planning Strategy 2011.

65. Sound Insulation: (Originally condition 69) - No phase of the residential development hereby approved shall be occupied until evidence has been submitted for that phase to the Local Planning Authority confirming that the residential development has achieved airborne sound insulation values at least 5db higher, and impact sound values at least 5db lower, than the performance standards set out in the Building regulations approved document E (2003 edition with amendments 2004) for each sub-group of flats. Evidence should comprise of pre-completion testing carried out post-construction based on the Normal programme of testing described in approved document E. Copies of the sound insulation field test results and a letter of confirmation that the required sound insulation performance standards have been achieved along with evidence that the test have been carried out by a Compliant Test Body.

Reason: To ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016 and policy DM EP2 of Merton's Sites and Polices Plan 2014.

66. New Vehicle Accesses: (Originally condition 70) - No development above ground level in a phase shall commence until details of the proposed vehicular access to serve that phase have been submitted and approved in writing by the Local Planning Authority. No part of a phase shall be occupied until the works in respect of a phase have been completed in accordance with the approved details for that phase.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2016 and policies DM T2, T3, T4 and T5 of Merton's Sites and Polices Plan 2014.

67. Vehicle Access to be Provided: (Originally condition 71) - No phase hereby approved shall be occupied until the proposed vehicle access for that phase has been sited and laid out in accordance with the approved plans for that phase

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2016 and policies DM T2, T3, T4 and T5 of Merton's Sites and Polices Plan 2014.

68. Redundant Cross-Overs: (Originally condition 72) - No phase shall

be occupied until the existing redundant crossover/s within that phase have been removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2016 and policies DM T2, T3, T4 and T5 of Merton's Sites and Polices Plan 2014.

69. Visibility Splays: (Originally condition 73) - Prior to the occupation of any phase, 2.4 metre by 43metre (or other dimension agreed in writing in accordance with standards specified in Manual for Streets) pedestrian and vehicular visibility splays within that phase shall be provided either side of the vehicular access to the that phase. Any objects within the visibility splays shall not exceed a height of 0.6 metres.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2016 and policies DM T2, T3, T4 and T5 of Merton's Sites and Polices Plan 2014

70. Cycle Parking Details: (Originally condition 74) - No above ground works in a phase shall take place until details of secure cycle parking facilities for the occupants of, and visitors to, that phase have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of that phase and thereafter retained for such use at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Polices Plan 2014.

71. Cycle Parking Implementation: (Originally condition 75) No phase hereby permitted shall be occupied until the cycle parking hereby approved under condition 74 has been provided and made available for use for that phase. These facilities shall be retained for the occupants of and visitors to the relevant phase at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Polices Plan 2014.

72. Travel Plan (Residential): (Originally condition 76) - Prior to the occupation of the residential development hereby permitted, a Travel Plan for the residential development shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall follow the current 'Travel Plan Development Control Guidance' issued by TfL and shall include:

(i) Targets for sustainable travel arrangements;

(ii) Effective measures for the on-going monitoring of the Plan;

(i) A commitment to delivering the Plan objectives for a period of at least 5 years from the first occupation of the development;

(ii) Effective mechanisms to achieve the objectives of the Plan by both present and future occupiers of the development.

The residential development shall be implemented only in accordance with the approved Travel Plan.

Reason: To promote sustainable travel measures and comply with the following Development Plan policies for Merton: policy 6.3 of the London Plan 2016, policies CS18, CS19 and CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Polices Plan 2014.

73. Doors and Gates: (Originally condition 77) - The doors and gates hereby approved shall not open over the public highway.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2016 and policies DM T2, T3, T4 and T5 of Merton's Sites and Polices Plan 2014.

74. Secure by Design Plan: (Originally condition 78) - Prior to above ground works in a phase commencing a Secure by Design Plan in respect of that phase, demonstrating that the phase has incorporated the optimal applicable Metropolitan Police 'Secure by Design' principles/measures as possible, shall be submitted to, and

approved by, the Local Planning Authority. No phase shall be carried out otherwise than in accordance with the approved details.

Reason: In the interests of the safety of occupiers and visitors to the approved development and residents in the vicinity of the site and to comply with the following Development Plan policies for Merton: policies 7.3 of the London Plan 2016, policy CS14 and CS 18 of Merton's Core Planning Strategy 2011 and policies DM D1 and DM D2 of Merton's Sites and Polices Plan 2014.

75. Water Supply Infrastructure: (Originally condition 79) -
Development carried out in accordance with the details approved under discharge of condition application 18/P4064.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

76. 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.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: Policy 7.14 of the London Plan 2016 and policies DM D2, DM D3, DM EP3 and DM EP4 of Merton's Sites and Policies Plan 2014.

77. Gas fired plant (Air Quality)

Part 1: Combustion plant shall comply with the following emission standards in accordance with the Mayor of London's Supplementary Planning Guidance 'Sustainable Design and Construction' April 2014:

- i) Gas fired boilers shall not exceed a NO_x rating of 40 mgNO_x/kWh.
- ii) Combined heat and power plant shall not exceed NO_x emissions for Band B Combustion Plant. Where this is to be achieved by abatement technology, details of the reductions

to be achieved at varying operational conditions are required to be submitted for approval by the Local Planning Authority.

Part 2: Prior to occupation CHP plant emissions shall be tested by an accredited laboratory to confirm compliance with emission standards Part 1(ii), the details of which shall be provided to the Local Planning Authority.

Reason: To safeguard public health and ensure compliance with the following Development Plan policies for Merton: Policy 5.3 of the London Plan 2016 and policies DM EP4 of Merton's Sites and Policies Plan 2014.

INFORMATIVES

1. Reference to original planning approval (14/P4361 dated 13/12/2017):

14/P4361 - Proposed demolition of existing buildings and erection of a 20,000 seat football stadium (initially 11,000 seat) with hospitality, crèche, café, and coach parking, pedestrian street, 1,273m² retail unit, 1,730m² squash and fitness club, 602 residential units with basement parking, refuse storage, 296 car parking spaces, 1130 cycle parking spaces, and associated landscaping/open space and servicing.
2. The developer is advised to contact Thames Water Developer Services prior to the commencement of any works on site.
3. The developer is made aware that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater.
4. The developer is made aware that where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921
5. The developer is made aware that there are public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for

future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The developer is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.

6. The developer is made aware that Thames Water recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
7. The developer is made aware that there are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.
8. The developer is made aware that they are required to submit a Section 185 Diversion application indicating a proposed diversion route for the sewer. Once the application has been received, a decision as to how best handle the diversion will be made.
9. The developer is advised to contact to Metropolitan Police Designing Out Crime Officer prior to developing the required Secure by Design Plan.
10. The developer is advised to contact the National Grid Asset Protection Team and National Grid Plant Protection Team prior to the commencement of any works on site.
11. The developer is made aware that written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
12. The developer is made aware of their responsibilities under the Wildlife and Countryside Act 1981.

13. The developer is made aware that any detailed landscape plan should be informed by the advice of an Ecologist, as recommended in paragraph 5.27 of the submitted Ecological Appraisal by BSG Ecology.
14. The developer is advised to contact and consult with Merton Council Waste Services prior to developing the required Site Waste Management Plans.
15. Details on Merton Council's 'Health Catering Commitment' scheme can be found here: http://www.merton.gov.uk/health-social-care/health/foodsafety/healthier_catering_commitment.htm
16. Details on the Greater London Authority's 'Healthy Workplace' scheme can be found here: <http://www.london.gov.uk/priorities/health/focus-issues/london-healthy-workplace-charter>
17. The coordination of matters related to conditions that may require consideration on a phase by phase basis is set out in the S.106 agreement for this planning permission.
18. CIL INFORMATIVE - A chargeable amount calculation will be undertaken (with one liability notice) for each Strategic Development Phase as soon as reasonably practicable from the day (under Regulation 8(3A)(b)) that planning permission first permits development of a Strategic Development Phase (final approval under a Precommencement Condition for the phase), in accordance with Regulation 40 of the CIL Regulations. Chargeable amount calculations may be reviewed and appealed in accordance with Regulations 113 and 114 of the CIL Regulations.

Payment of CIL liabilities with respect of a Strategic Development Phase will be due upon commencement of that phase, and subject to compliance with the pre-commencement requirements under the CIL Regulations, may qualified for payment by instalments under Merton's CIL instalment policy.

For information on notification requirements to be met prior to commencement of development including with respect of phases please see government planning practice guidance with respect of CIL and the CIL Regulations..

The meaning of "Precommencement Condition": with reference to Regulation 8 - Time at which planning permission first permits

development - and for the purposes of the operation of Regulation 40 - Calculation of Chargeable Amount, of Community Infrastructure Levy Regulations 2010 (as amended) (the "CIL Regulations") with respect of this development is any condition that requires an approval prior to commencement of a Strategic Development Phase. Precommencement Conditions with respect of the Strategic Development Phases within this development and which are yet to be subject of the final approval for the purposes of Regulation 8, are as follows:

- " Phase 1 Demolition entire Site: Final approval under Regulation 8 given. No CIL payable.
- " Phase 2 Culvert and below Ground Services: Final approval under Regulation 8 given. No CIL payable.
- " Phase 3 Construction of Stadium (Initial 11,000 seat stadium): Condition 12 - Levels; remaining precommencement conditions approvals given
- " Phase 4 Construction of Block B: Final approval under Regulation 8 given. Liability to be updated in accordance with this planning permission. Updated Social Housing Relief claim required.
- " Phase 5 Construction of Block C: Final approval under Regulation 8 given. Liability to be updated in accordance with this planning permission.
- " Phase 6 Construction of Bloc A: Final approval under Regulation 8 given. Liability to be updated in accordance with this planning permission. Updated Social Housing Relief claim required.
- " Phase 7 Enlargement of Stadium: as per Phase 3

19. Informative for Carbon emissions evidence requirements for Post Construction stage assessments must provide:

- " Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on 'As Built' SAP outputs (i.e. dated outputs with accredited energy assessor name and registration number, assessment status, plot number and development address).

OR, where applicable:

- " A copy of revised/final calculations as detailed in the assessment methodology based on 'As Built' SAP outputs, AND
- " Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO2 emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in

the calculation

Water efficiency evidence requirements for Post Construction Stage assessments must provide:

" Detailed documentary evidence representing the dwellings 'As Built'; showing:

- o the location, details and type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment); and
- o the location, size and details of any rainwater and grey-water collection systems provided for use in the dwelling;

Along with one of the following:

- " Water Efficiency Calculator for New Dwellings; OR
- " Written confirmation from the developer that the appliances/fittings have been installed, as specified in the design stage detailed documentary evidence; or
- " Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'

20. Any reference to the stadium land and non-stadium land within this permission shall be taken to be a reference to the land edged blue and red, respectively, on drawing number 4740-00-001 Rev C
21. They strongly advise that independent third party certification is obtained from a manufacturer to ensure the fire performance of any of their doorsets in relation to the required needs and to ensure compliance with both current Building Regulations and the advice issued by the Department for Communities and Local Government on 22nd June 2017 following the Gren fell Tower Fire.
22. The MET state that as some of the car park would now not be for sole residential use, retail car parking along with any deliveries should be segregated from the residential parking facilities by appropriate security mesh and secondary access control roller shutters to LPSII75 SR 1 or STS 202 BR 1 to prevent uncontrolled access for those with possible criminal intent throughout residential areas.
23. The MET strongly advise that independent third party certification is obtained from a manufacturer to ensure the fire performance of any of their doorsets in relation to the required needs and to ensure compliance with both current Building Regulations and the advice

issued by the Department for Communities and Local Government
on 22nd June 2017 following the Grenfell Tower Fire.

[Click here](#) for full plans and documents related to this application.

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