

Draft Merton Local Plan 2020

Stage 2 Consultation version

BMO Real Estate Partners

December 2018

Prepared by

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Public

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DATE
21 December 2018

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1 INTRODUCTION

- 1.1 This report has been produced by GL Hearn on behalf of our clients – BMO Real Estate Partners.
- 1.2 BMO is the asset manager for F&C Commercial Property Holdings Ltd who are the owners of the development scheme commonly known as Victoria Crescent/Piazza in Wimbledon Town Centre.
- 1.3 As you may be aware the current owners are long-term and major investors in Wimbledon Town Centre having funded, managed and invested in the Victoria Crescent/Piazza since it was first developed by F&C Commercial Property Holdings Ltd.
- 1.4 Our clients therefore have a long term commitment to the future vitality and viability of Wimbledon Town Centre.
- 1.5 Victoria Crescent/Piazza is a mixed use retail and leisure scheme with a site area of approximately 1 ha. It is divided into two main buildings, laid out in a crescent shape with a piazza fronting the Broadway and with a pedestrian walkway running from the Broadway through to Hartfield Road.
- 1.6 Victoria Crescent/Piazza is one of the largest single ownership sites in the heart of Wimbledon Town Centre, has one of the largest retail/leisure offers in the Town Centre, comprises the piazza as one of the few large public open spaces in the Town Centre, and has excellent public transport accessibility with a PTAL rating of 6B.
- 1.7 In short, Victoria Crescent/Piazza is one of the most strategically important sites in Wimbledon Town Centre.
- 1.8 Victoria Crescent/Piazza adjoins the Hartfield Road surface car park (0.45 Ha) owned by LB Merton. Discussions have been held between BMO and LB Merton exploring the potential for complementary regeneration embracing both ownerships.
- 1.9 It is on the basis of BMO exploring the potential to grow, enhance and develop Victoria Crescent/Piazza as a key part of the current and future Wimbledon Town Centre economy, that BMO makes these representations.

- 1.10 The current consultation is Stage 2 in preparation of the new Merton Local Plan 2020. The Authority will be aware that BMO made representations to Stage 1 of the emerging Local Plan in December 2017 and has concurrently made representations to the Future of Wimbledon Masterplan.
- 1.11 The emerging Local Plan 2020 sets out the strategic planning framework for the Merton for 15 years from adoption, to 2035.
- 1.12 The draft policies considered within the Consultation Document must reflect those overarching objectives and policies of the NPPF (July 2018) in order to be considered “*sound*” at submission and Examination stage.
- 1.13 The **NPPF (paragraph 35)** sets out that an emerging Local Plan can be considered “sound” if it is:
- *Positively prepared*
 - *Justified*
 - *Effective*
 - *Consistent with national policy*
- 1.14 Given BMO’s interests and aspirations, these representations focus on the following topics and draft policies within the consultation document.

2 ECONOMY

2.1 **Draft Policy Tc7.7** deals with the... *“Protection of shopping facilities within designated shopping frontages”*.

2.2 **Draft Policy Tc7.7** seeks to resist any loss of A1 retail uses stating

“In Wimbledon’s central shopping frontage the loss of retail units (Use Class A1) will be resisted. Proposals for a wider range of uses such as restaurants and cafes and bars, cultural and community use and leisure and entertainment uses (A3, A4, D1 and D2 Use Class) will be permitted to occupy an A1 retail unit subject to:

(i) It can be demonstrated by full and proper marketing, to the council’s satisfaction, of the site for A1 retail use for at least 12 months;

(ii) The proposed change should not detract from the primary retail function of the area; and,

(iii) Approximately 50% of units in the central shopping frontage should remain in retail use (A1 Use Class), taking into account unimplemented planning permission for change of use.

2.3 We support the policy objective to ...*“maintain and improve the overall vitality and viability of Merton’s Town Centres”*. However, we consider the policy criteria tests will not achieve and indeed will be counterproductive to achievement of this objective, and will thus be ineffective.

2.4 Town Centres should be destinations which offer a variety of shopping and leisure experiences that encourage increased activity outside of normal shopping hours. Non-A1 uses, particularly in the food and beverage and leisure sectors, make a positive contribution by supporting Town Centres as a primary economic driver by increasing footfall and dwell time within centres. The diversification of centres also assists in attracting high quality tenants which furthers economic development and encourages continued investment in Town Centres.

2.5 In seeking to restrict the amount of appropriate non-A1 Town Centre uses, **Draft Policy Tc7.7 criteria (i-iii)** (i.e. the marketing, primary retail function, and 50% A1 frontage tests), limits its effectiveness in terms of securing the future vitality and viability of Town Centres.

2.6 There was little in the former **NPPF (2012)** that justified a rigid, threshold-led protection of retail uses in frontage zones. The new **NPPF (2018)**, against which this policy will be

examined, takes an even more flexible line towards the provision of a range of town centre uses in town centres.

- 2.7 The former requirement of NPPF 2012 to identify frontages within a Town Centre, and the definition of a “*Town Centre*” on this basis is no longer present in NPPF 2018. Rather, local planning authorities are now required (**NPPF 85 (b)**) to:

“...define the extent of Town Centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre”.

- 2.8 The **NPPF** further confirms that “*Primary Shopping Areas*” are simply a.... “*defined area where retail development is concentrated.*” (NPPF Annex 2 – Glossary).

- 2.9 Thus, whilst national policy in the NPPF seeks to define a “*Primary Shopping Area*” (PSA), it no longer defines frontages. And while the PSA is a location where retail uses are de-facto more prevalent, the NPPF does not stipulate that the amount of retail floorspace in these areas should be protected. The Draft Local Plan frontage policies and A1 % thresholds are therefore no longer consistent with national policy as set out in the NPPF. Further, as no evidence has been cited to support such a restriction against the direction of national policy, the policy cannot be said to be justified.

- 2.10 Therefore **Draft Policy Tc7.7** as worded is not effective, justified or consistent with national policy (i.e. the **NPPF**) and should be revised to seek “*soundness*”. The **Draft Policy Tc7.7** should be revised to reflect the positive, and flexible, approach to main town centre uses in town centres in accordance with the NPPF. It should not include arbitrary percentage A1 thresholds or marketing tests.

- 2.11 **Draft Policy Tc7.10** deals with “*Food and drink / leisure and entertainment uses*”. **Tc7.10** (a) requires:

“The proposals would not have an unacceptable impact on local amenity and the general environment, car parking, traffic congestion and road safety. Proposals would need to take into account the:

- i. Size of unit;*
- ii. Characteristics and type of use proposed;*

- iii. The nature of the area;*
- iv. The number and size of other food and drink (Use Class A3, A4 and A5) and leisure and entertainment uses (Use Class D2) in the area;*
- v. The likely cumulative effect of these uses, including combined and cumulative effects at different times of the day and night; and,*
- vi. Whether the location is well served by public transport.*

- 2.12 **NPPF 85(b)** requires that planning policies ...” *define the extent of Town Centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre”.*
- 2.13 In accord with the **NPPF**, the draft Local Plan policy defines a range of uses to be permitted, but the requirement to pass all the criteria tests (i) – (vi) will be challenging to meet and risks undermining any positive or flexible strategy for the town centre, as required by national policy (see above). There is again a lack of evidential justification for such an overly restrictive approach.
- 2.14 Food and drink / leisure and entertainment uses (along with others such as offices and residential) are part of an increasingly diverse and very dynamic market which helps to create an “experiential” offer in town centres. Facilitating their provision therefore represents an effective means of supporting the vitality and viability of town centres, whereas undue restriction risks the opposing outcome.
- 2.15 **Draft Policy Tc 7.10 (a)** is therefore unduly restrictive and inflexible and therefore in terms of the soundness test is unlikely to be effective, justified or consistent with national planning policy.
- 2.16 **Draft Policy Tc 7.10 (a)** should be revised to be less restrictive in terms of the likely mix, size and characteristics of units and focus instead on the other amenity based criteria as set out at **Tc 7.10 (b)-(e)**.

3 WIMBLEDON TOWN CENTRE

3.1 **Draft Policy N3.6** deals with Wimbledon Town Centre. **N3.6** (d) set out that....

“ Respecting views from Wimbledon Hill through the town centre and beyond, with taller developments set away from the historic core, located at the station, St George’s Road and Broadway East”.

3.2 We consider that to the areas referred to above, should be added “**Broadway Central and Hartfield**”. These central areas have seen taller refurbishments (e.g. Pinnacle House) and planning permissions consented for taller developments, have excellent PTAL ratings (typically 6b –the highest rating) and will be important in securing Wimbledon’s economic growth (offices, residential, tourism, visitors, leisure), especially in a pre Crossrail 2 world. These developments will also be critical in helping Wimbledon secure Metropolitan Centre status.

3.3 Our client has concurrently submitted representations to Future Wimbledon Town Centre Masterplan, which also call for the Victoria Crescent/Piazza site to be included in the tall buildings area of the Town Centre.

4 VICTORIA CRESCENT/PIAZZA

4.1 **Draft Site Wi11** deals with Victoria Crescent/Piazza (39-59 The Broadway, 1-11 Victoria Crescent/Piazza Wimbledon). Victoria Crescent/Piazza is owned by F&C Commercial Property Holdings Ltd and is asset managed on their behalf by our clients BMO Real Estate Partners.

4.2 The scheme represents one of the largest existing and retail/leisure offers in the Town Centre and is an important asset in the F&C portfolio.

4.3 BMO Real Estate Partners are considering future mixed use redevelopment options for the site. These options focus on a combination of retail, leisure, commercial and residential uses. Given the site's excellent PTAL rating of 6B, such an intensification of the site, accords with the optimisation sought in **draft New London Plan** policies such as **Draft Policy SD6**

4.4 Our client generally supports the Council's proposed site allocation set out at **draft Wi11**. However, it wishes to see the wording at the beginning of the proposed allocation to be amended as in line with most other site allocations references, namely (***our bold italics***)

“Any of the following or an appropriate mix of town centre type uses including retail (use classes A1-A4), offices (use classes B1a) assembly and leisure (use classes D2) hotel (use class C1) with the re-provision of public realm. The priority for the site should be town centre uses. There may be some scope for residential on upper floors facing Hartfield Road where this improves viability”.

4.5 The London Borough of Merton owns the adjacent surface car park. BMO continue to discuss with LB Merton, in its role as landowner, the potential to work together to deliver a complementary redevelopment of the two sites, optimising site layout, access, design and uses.

5 CONCLUSIONS

- 5.1 We have reviewed key relevant sections of the draft Local Plan in the above representations on behalf of BMO Real Estate Partners.
- 5.2 By not commenting on all other aspects of the draft Local Plan, it should not be taken to represent necessary agreement with all other policies contained within the draft Plan.
- 5.3 We consider that the draft Wimbledon Town Centre policies (**N 3.6**) and site allocations policies contained in **draft Site Wi11** are to be supported (subject to our comments set out above on tall buildings and the additional wording at the beginning of Wi11), providing a positive strategy for the future vitality and viability of Wimbledon Town Centre.
- 5.4 However, we consider key aspects of the specific retail and leisure Town Centre policies – **draft Tc 7.7 and Tc 7.10** – risk, for the reasons we have specified, being found “*unsound*”, but could be made “*sound*” subject to the responses as set out in these representations.
- 5.5 On the basis of these representations, we look forward on BMO’s behalf, to the opportunity to make future representations and recommendations to the emerging Local Plan as it progresses to submission stage.
- 5.6 We therefore take this opportunity to request that we are kept fully informed of the progress of the emerging Local Plan.