



FutureMerton team  
London Borough of Merton  
London Road  
Morden SM4 5DX

By email: [future.merton@merton.gov.uk](mailto:future.merton@merton.gov.uk)

## Commercial Development

Transport for London  
3<sup>rd</sup> Floor Wing Over Station  
55 Broadway  
London  
SW1H 0BD

Phone: 0207 126 3157  
Email: [rosannasterry@tfl.gov.uk](mailto:rosannasterry@tfl.gov.uk)

4 January 2019

Dear Sir/Madam,

### RE: Merton Local Plan 2020, Stage 2 consultation

Thank you for the opportunity to comment on the London Borough of Merton's (LBM) draft Local Plan 2020 (Stage 2). Please note that the responses below represent the views of the Transport for London Commercial Development (TfL CD) planning team in its capacity as a landowner in the borough only, and do not form part of any representations that may be made by TfL in its statutory role as the strategic transport authority for London or in respect of land-use planning and transport policy matters.

#### TfL CD Objectives

TfL owns around 5,700 acres of land across London, including buildings, land attached to tube, railway and bus stations, highways and work-sites. Following cuts to TfL's government grant, and in a continuing period of public sector austerity, we are looking at ambitious and creative ways to make the most of our commercial estate. In doing so, our key objectives are to meet the Mayor of London's twin targets of delivering significant long-term revenues from development to reinvest in the transport network and providing new housing and, importantly, genuinely affordable homes across the capital.

We have prepared an ambitious commercial strategy that considers our entire estate. TfL owns or controls land with significant potential to contribute towards new homes, affordable housing, workspace and transport improvements in the LBM area.

Given TfL CD's land interests in the area and the major benefits that development can deliver, particularly in terms of new housing provision, it is critical for there to be a Local Plan in place that will enable such opportunities to be optimised. Our representations in respect of the Merton Local Plan 2020 are set out below.

#### TfL CD Representations

The National Planning Policy Framework (NPPF 2018) Annex 1: Implementation sets out that plans will have to be prepared in line with the 2018 version if they are submitted post 24 January 2019. As such, the policies in this plan must be considered against the 2018 version of the NPPF.

The draft London Plan sets out that the potential of London's growth corridors and Opportunity Areas must be maximised. Passing reference is made to the Opportunity Areas in Merton, but it is considered that more emphasis should be put on the potential of these areas to meet or exceed indicative guidelines for new homes and jobs as set out in the draft London Plan to fully realise their

growth potential. Support for growth in Opportunity Areas should be included in policy, this could go into Policy LP H4.2 and/or Policy Ec7.1.

## Strategic Objectives

### **Spatial Vision**

The objective for South Wimbledon to become a thriving Local Centre, continued support for improvement of Colliers Wood and the reference to the significant positive change which will happen in Morden town centre is supported.

### **Strategic Objective 3: Housing**

TfL CD supports the broad aims of this objective to deliver high density new homes and associated infrastructure and social facilities that respect and enhance the local character of the area, in places with good public transport access, in line with Policy H1 of the Draft London Plan. The optimisation of sites, making efficient use of land and provision of higher density development will contribute to a significant increase in housing provision to meet the needs of the borough.

### **Strategic Objective 5: Infrastructure**

The Mayor's Transport Strategy advocates that 80% of trips across London by 2041 should be made by public transport, and TfL CD is committed to delivering development opportunities which help to maximise public transport use and minimise car-dependent development. As such, this objective is supported.

## Health and Wellbeing

### **Policy HW2.1 – Health and wellbeing**

The reference to encouraging active transport use is considered positive, however it would be useful if this could be clarified as relating in particular to walking and cycling.

## Housing

TfL CD supports the use of precision manufactured homes, which can increase the rate of building and assist in speeding up housing supply. This is in line with the London Housing Strategy and the London Affordable Housing and Viability SPG which supports greater use of precision manufacturing in building homes across London, including for Build to Rent products. In line with the above we suggest that policies advocate for the provision of high quality precision manufactured homes within the borough.

### **Policy H4.2 – Housing provision**

TfL CD consider that “transport hubs and sites with high public transport accessibility” should be identified as sites with particular support for location of new homes, as required by Draft London Plan Policy H1.

### **Policy H4 – Housing choice**

TfL CD supports the ‘fast track route’ set out in the Mayor of London's Affordable Housing and Viability SPG (2017). We would note however, that the SPG sets out that where a public landowner has an agreement in place with the Mayor to provide 50% affordable homes across a portfolio of sites, individual sites which meet or exceed the 35% affordable housing threshold and required tenure split may be considered under the fast track route (para 2.34), and this could be better reflected in the table. The London Living Rent is defined in the London Affordable Housing and Viability SPG as an intermediate product and not as a low cost rent product as set out in the table.

Paragraph 4.1.16 states that all affordable housing provided within the borough will be subject to nomination agreements with Merton's Partner Register Providers. This will only relate to Build to Rent products if the LPA has an intermediate or DMR waiting list; if the LPA does have these lists

they should agree with the applicant a process for providing priority access to the DMR units for those on the waiting list.

More clarity on the difference between the draft London Plan 35% habitable room requirement and the LBM 35% per unit requirement should be provided.

#### **Policy H4.3 – Housing mix**

It is not clear to what extent planning applications should reflect the table set out in the policy. In addition, different areas in the borough may have different housing mix proportions; if schemes are to reflect local needs and provide an appropriate mix (as per paragraph 4.3.3) it is considered that mix should be looked at on a site by site basis. It is acknowledged this is touched on in paragraph 4.3.10 but this should be made clear in the policy. Firmer policy on size of units for low cost rent could also be provided in line with draft London Plan Policy H12 (d).

#### **Policy H4.7 - Build to Rent**

TfL CD are supportive of the draft Local Plan's inclusion of a policy on build to rent developments. However, the policy is considered overly restrictive and not in line with the draft London Plan Policy H13 which allows for all units to be provided at Discount Market Rent. The LBM policy states that 70% must be low cost rented housing, which the London Affordable Housing and Viability SPG identifies is social rent or affordable rent. This requirement would undermine the intent of the Build to Rent concept which allows for the Built to Rent product to be managed by the provider rather than a registered provider, and as the units can be more easily tenure blind, there is a better capacity to "pepper pot" the affordable products through the development.

London Plan Policy 3.8 sets out that boroughs should ensure that practical support to sustain the contribution of PRS, whilst the draft London Plan Policy SD6 sets out that the particular suitability of town centres for Build to Rent. We therefore consider that policies should follow this approach and set out that town centres are suitable locations for Build to Rent products.

### **Design**

#### **Policy LP D5.1 – Public Realm and Policy D5.2**

TfL CD strongly supports the principles advocated within Policy LP D5.1 (Public Realm) criterion (c) which states that the public realm should be designed with priority for pedestrians and cyclists in mind and encourage greater walking and cycling around the area. Policy D5.2 also sets out the requirement for proposals to create urban layouts based on a permeable and easily navigable network of recognisable streets and spaces that link in seamlessly with surrounding development and facilitate walking, cycling and use of public transport (although criteria a and b do seem to be slightly repetitive in part). Both of these approaches align with the objectives of the Mayor's Transport Strategy and the Draft London Plan Policy T1, which sets out an expectation that development proposals support the Mayor's strategic target of 80% of all trips in London being made by foot, cycle or public transport by 2041. TfL CD strongly support this aim to achieve this significant modal shift.

Opportunity Areas are expected to aspire to more ambitious mode share targets, this could also be reflected in this policy.

More detailed reference could be made however to the potential of optimising densities and building heights in areas with a high PTAL and/or adjacent to transport hubs, as advocated by draft London Plan Policy H1.

The justification section could reference how public transport, walking and cycling provision are at the heart of planning for Opportunity Areas, a number of which are within the borough.

### **Policy LP D5.1 – Tall Buildings**

TfL CD is supportive of the approach to allow tall buildings in the town centre of Colliers Wood, Morden and Wimbledon (subject to accordance with the outlined criteria). However, the policy should be more flexible on tall buildings outside of these areas to accord with the National Planning Policy Framework (2018) and the draft London Plan, and to allow the suitability of tall buildings in LBM to be assessed on a case by case basis. Draft London Plan Policy D6 supports a case by case approach to determining optimal development densities, depending on location specific criteria including local context, local infrastructure capacity and existing and planned connectivity and accessibility. As such, a more flexible approach should be adopted, to determine appropriate height and density on a case by case basis.

TfL is bringing forward potential developments in the LBM area which have excellent connections to public transport and development on such sites should be optimised in line with the objectives set out in the draft London Plan (Policy D6 and Policy GG2) and paragraph 123 of the NPPF. For example, South Wimbledon Station (see below on site allocations) has a high level of accessibility, but is not included in the list of places suitable for tall buildings. It is also not clear the extent to which the policy has followed the route advised in draft London Plan Policy D2 and Policy D8.

TfL CD would wish to promote criteria identifying areas suitable for tall buildings to include transport hubs and areas of high transport accessibility where development densities may be optimised in line with Draft London Plan guidance.

### **Policy D5.3 – Design considerations in all developments**

The justification to this policy (paragraph 5.3.4) notes that the 50m<sup>2</sup> requirement is benchmarked against a standard 3-bed family house. As there can be houses with less than 3 bedrooms, would it not be more appropriate to propose what the minimum for a 2 bed house would be and work up from there?

### **Policy D5.5 – Managing heritage assets**

A distinction should be made between designated and non-designated heritage assets in the policy itself in line with NPPF 2018 paragraph 193 – 198.

## Infrastructure

### **Policy IN6.1 – Social and community infrastructure**

Criterion C states that the Council will require new development to provide for any necessary infrastructure. It is suggested that this wording makes it clear that this is necessary infrastructure as a direct consequence of that new development in line with the Community Infrastructure Levy Regulations 2010. Criteria (c) and (e) could potentially be merged.

In addition, we would suggest that the policy should make specific reference to include sustainable transport infrastructure, to ensure that developments located in areas well served by public transport will be prioritised. It should also be clarified that the reference to “necessary infrastructure” can relate to both existing infrastructure and planned infrastructure, to be provided as part of proposals. The justification section mentions transport infrastructure, but it should be included in the policy as well.

### **Policy IN6.2 – Delivering social and community infrastructure**

Paragraph 6.2.6 in the justification text notes that for the change of use of D1 use class, the applicant must market the building for 30 months unless agreed with the Council. This is considered an excessive time period which could unnecessarily stymie development; would suggest that 12 months is a more reasonable time period (as per Policy Tc7.7) but that the timescale could still be subject to agreement with the Council, particularly where the building has been demonstrated to be of a specific community value. This also applies to Policy Ec 7.3: Offices in town centres, Ec7.4: Protection of scattered employment sites and Policy TC7.11: culture, arts and tourism development.

## Economy

### **Policy Ec7.1 – Economic Development**

This policy refers to locating 'town centre type uses' in Major and District Centres, and Policy Ec 7.2 also refers to support for the provision of a range of office in town centres or in areas with good access to public transport and services, with certain measures required to reduce reliance on car travel. TfL CD support this approach, as this will help to minimise the need to travel by private car, which as mentioned above is something TfL strongly encourage. However, it is considered that this policy (Ec7.1) should refer to the potential for intensifying employment land uses, including the co-location of industrial uses with residential where suitable. Co-location is an innovative land use approach which can help protect existing industrial land, whilst also contributing towards meeting identified housing need through on-site residential development, promoting a creative and effective use of available land.

We also believe that there are similar opportunities for the co-location of housing development with transport infrastructure e.g. 'over station development' at railway and bus stations and depots, which should also be included in the Local Plan.

We are supportive of the recognition that interim uses can play a role in creating vitality in areas. However, this policy does not recognise the opportunity that 'meanwhile sites' can play in the provision of housing. The provision of modular housing on meanwhile sites is encouraged by draft London Plan policy H4. These modular developments are of high quality and can be used to meet specific housing needs on sites where permanent development is unlikely to come forward in the short term.

### **Policy TC7.6 - Location and scale of development in Merton's town centres and neighbourhood parades**

This policy/justification should reflect that the NPPF 2018 paragraph 85 states that planning policies should recognise that residential development often plays an important role in ensuring the vitality of centre and encourage residential development on appropriate sites. This could also be reflected in Policy Tc7.7, where above shops or above train stations may be suitable for residential development.

In addition, we request that the scope of this policy is amended to make reference to the suitability of tall buildings on sites in town centre and with a high PTAL level.

### **Shopping areas and important shopping frontages**

The table setting out important frontages in specific centres is empty for South Wimbledon, it is queried why this is the case?

Town centre policies could go further to promote mixed use, residential led development in town centres, particularly adjacent to or above transport infrastructure. Policy could also refer to the potential for conversion and/or redevelopment of retail and other town centre uses to residential, including vacant units where the retail offer and function of the town centre is not detrimentally impacted as a result.

### **Policy Tc7.11 – Culture, arts and tourism development**

This policy states the Council will support proposals for cultural and tourism development which are likely to generate a large number of visitors in either Merton's town centres or other areas of the borough which have high levels of accessibility (PTAL level 3 or above) and are within close proximity to additional services for employees and visitors. TfL CD endorse this approach.

## Environment

### **Policy 08.1 – Open Space, Green Infrastructure and Nature Conservation**

This policy states that the Council will protect and enhance open spaces, green infrastructure and area of nature conservation. It should be made clear that this relates to open space with some value, otherwise this could be read as restricting development on all open spaces (for example a car park) which has no specific value and so could impact on delivery of housing. The same point applies to Policy 08.2 as well.

Criterion (b) is supported as it promotes improved access to open space and nature, in line with the objectives of the Mayor's Transport Strategy and the Draft London Plan Policy T1.

#### **Policy 08.3 – Biodiversity and nature conservation**

Criterion (a) should be worded more positively in line with paragraph 16 of the NPPF 2018 and a distinction should be made between the different levels of designation.

With regard to Criterion (e) it is considered that the wording "any ecological damage" is imprecise, and the wording should be amended to reflect NPPF 2018 paragraph 175 which refers to significant harm to biodiversity.

#### **Policy 08.4 – Protection of Trees**

Criterion (e) and (f) should be joined together to create a more logical criterion.

#### **Policy F8.8 – Sustainable drainage systems**

Not all developments are required to consider Sustainable Drainage Systems in line with paragraphs 163 – 165 of the NPPF 2018.

#### **Policy P.8.9 – Improving air quality and minimising pollution**

With regard to Criterion (b) the draft London Plan only requires major development to achieve the Air Quality Neutral standard, but paragraph 9.1.9 of the draft London Plan recognises that it may not always be possible in practice for developments to achieve Air Quality Neutral standards or to acceptably minimise impacts using on-site measures alone. If a development can demonstrate that it has exploited all relevant on-site measures it may be possible to make the development acceptable through additional mitigation or offsetting payments.

Criterion (d) should more accurately reflect the NPPF, which does not preclude noise-sensitive development near noise generating land uses as long as the noise can be mitigated appropriately. This is particularly pertinent in the case of development near railway lines.

#### **Policy CC8.11 – Reducing energy use and carbon emissions**

Criterion (a) requires evidence and justifications to be provided in order to demonstrate how the emissions savings have been maximised at each level of the hierarchy and justification and evidence provided for why more saving cannot be achieved at each level of the hierarchy. It is considered that the wording underlined is not required, by virtue of demonstrating how you have maximised emission savings the reasoning for why more saving cannot be achieved is covered.

It is also not clear where the proposed figures set out in criterion (b) for minor development have come from. It is queried whether minor developments should be subject to these requirements (and those set out in Policy CC8.12) given the draft London Plan Policy S12 is referring to major development. In addition, the Ministerial Statement in 2015 set out that from the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.

Have the requirements set out in Policy CC8.11 to Policy CC8.15 been viability tested?

## Our Places

### **Policy N3.1 – Colliers Wood**

It is understood that Colliers Wood Station is located within the District Centre, which is supported. TfL CD also support criterion (c) which supports the redevelopment of retail outlets to provide homes above shops, although it is queried why this is restricted to single or two storeys.

Criterion (g) supports development which helps to optimise housing potential and quality, traffic flow and the public realm and criterion (h) supports improvements to the Wandle Trail and other transport infrastructure that will help to reduce road congestion and improve the public realm, particularly for pedestrians and cyclists. TfL CD endorse this intent.

### **Site CW1 – Baltic Close, 194-196 High Street Colliers Wood**

This site allocation is supported.

### **Site allocation CW4 - Colliers Wood Station and 2-24 Christchurch Road**

This site comprises the Grade II Listed station and adjacent commercial premises. The site is available, developable and deliverable for residential or mixed use development, subject to feasibility studies (taking into account the listed nature of the station). The site allocation is supported, however it is queried why the proposed site allocation uses do not include D1 or D2, which are suitable Town Centre uses in line with the definition in the NPPF. It appears that this also conflicts with Policy EC7.1 C(i-iii) which directs town centre type uses (including leisure) to District Centres, including Colliers Wood, and Policy Tc7.7 which also clarifies that leisure uses are appropriate in secondary shopping frontages (which is the case at this site).

It should also be noted that there is part of the site which is not located within Flood Zone 2, although the majority of the site is.

### **Policy N3.3 - Morden**

Morden has been identified as one of the major growth and housing opportunity areas in south west London by the Mayor of London, TfL and the London Borough of Merton (LBM). There are currently a series of adopted documents which together establish the regeneration context of Morden town centre and specific sites within it. These include the 2009 Vision for Morden, the 2014 Morden Station Planning Brief, 2014 Site Allocations Local Plan and the 2015 designation of Morden Town Centre as a Housing Zone.

TfL are a substantial landowner within Morden town centre, and have identified land assets within this area as having the potential to deliver a substantial amount of development. LBM is also a substantial landowner with Morden Town Centre. Both organisations have been working together to identify the feasibility of potential aggregation of land assets to enable wider comprehensive regeneration proposals.

TfL CD are committed to investing in significant regeneration through intensified development. With respect to this, TfL CD strongly supports the strategic proposals for Morden town centre. In particular these are supported by draft London Plan Policy GG2 which sets out that those involved in planning and development should proactively explore the potential to intensify the use of land, including public land, to support additional homes and workspaces, promoting high density development, particularly on sites that are well connected by public transport.

Due to the above, and as the town centre is designated as an area for housing intensification, TfL CD are particularly supportive of the requirement for high density development in order to intensify the use of the land at this key location.

It is critical that the LBM Local Plan 2020 continues to build upon the work done to date to establish a strong and robust policy framework in which to facilitate effective regeneration of the entire

Morden town centre. In our previous consultation response we suggested that the entire town centre should be covered by a site specific allocation and policy/set of policies, setting out clearly the parameters for regeneration and based upon a set of properly informed masterplanning principles that would need to be developed and consulted upon over the course of the plan preparation. The designation and site allocation does not necessarily mean that all buildings/sites within the town centre would be redeveloped, however it is important that the study area includes the entire town centre so that a fully informed set of masterplan principles can be developed, including the possibility for the inclusion of areas that could come forwards as later phases in the future. The area that is included in the Wider Morden Town centre Area and the specific Morden Regeneration Zone are supported.

TfL would like to continue to work productively with LBM to ensure an optimum policy and site allocation is presented in the final version of the Local Plan.

#### ***Morden Station, Morden Station Offices and Retail Units, Morden Station Surface Car Park and Sainsbury's (Peel House) Car Park***

Morden Station Offices and Retail Units, Morden Station Surface Car Park and Sainsbury's (Peel House) Car Park each benefit from existing site allocations within the 2014 Local Plan. TfL support the inclusion of the three existing site allocations and the Underground Station as a single allocation. This will enable the consideration of the regeneration of the site as part of a wider comprehensive masterplanning exercise to provide a range of uses including residential, retail and community uses. The London Underground operational assets will need to be safeguarded, with scope for the consolidation of uses to allow a more efficient use of the site.

#### ***York Close Car Park***

York Close Car Park benefits from an existing site allocation within the 2014 Local Plan, and the proposed site allocation in the Local Plan 2020 for residential use is supported, as is the inclusion of the site as part of a wider masterplanning exercise of the Wider Morden Town Centre Area.

#### ***Morden Depot***

This site comprises a 5.64ha parcel of land, currently in use as a London Underground operational facility along with an ancillary parcel of land to the north. The site is included in the Wider Morden Town centre Area and represents a large piece of brownfield land in an accessible location. TfL have identified that in the future there may be potential to reconfigure the site in a more efficient manner to enable redevelopment of parts of the site. Should this be feasible, the site could have the potential to deliver a substantial amount of development, subject to the safeguarding of the operational facilities. This is something that will continue to be explored, however it is not considered this would be a shorter term aspiration. As such, its inclusion in the Wider Morden Town centre Area, and not as part of a site allocation, is supported.

#### **Policy N3.5 – South Wimbledon**

The general intent of this policy is supported, in particular the proposal for a new Local Centre at the heart of the South Wimbledon, focussed around the underground station and junction and the reference to support for suitable redevelopment of the South Wimbledon Station. It is noted that the policy entry states that public space and a secondary public entrance to the underground station is encouraged, which is considered appropriate. Reference should also be made to the potential for residential development above the shops and station, in line with policies in the draft London Plan and NPPF 2018.

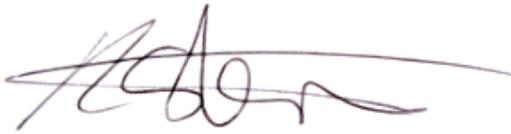
#### ***South Wimbledon Station and 1-7 Morden Road***

This site comprises the Grade II Listed station and adjacent commercial premises. The site is available, developable and deliverable for residential or mixed use development, subject to feasibility studies (taking into account the listed nature of the station). A site allocation should be considered for this site.

Concluding Remarks

We trust that we have provided sufficient information for the Council to be able to consider our representation in respect of the Stage 2 Local Plan consultation and would appreciate if you could confirm receipt of this letter. Should you have any queries or require any additional information, please do not hesitate to get in touch.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Rosie Sterry', with a long horizontal flourish extending to the right.

Rosie Sterry

**Principal Planner, Commercial Development**

Email: [rosannasterry@tfl.gov.uk](mailto:rosannasterry@tfl.gov.uk)

Direct line: 0207 126 3157

01/02/2019

Transport section

**Policy T6.4 – Supporting an inclusive and better connected transport network**

**Policy T6.6 – Transport impacts of development**

TfL CD support these policies, particularly how these policies align with the objectives of the Mayor's Transport Strategy and the Draft London Plan Policy T1, which sets out an expectation that development proposals support the Mayor's strategic target of 80% of all trips in London being made by foot, cycle or public transport by 2041. TfL CD strongly support this aim to achieve this significant modal shift.

**Policy T6.5 – Sustainable and active travel**

Criterion b) requires that schemes allocate a proportion of cycle parking spaces to users of non-standard cycles. The proportion of cycle parking spaces to be allocated for non-standard cycles should be specified to provide clarity on what is expected of a developer. It is appreciated that the final amount is likely to be done on a case by case basis, but some understanding of what would be expected would be useful.

**Policy T6.7 – Car parking and servicing**

It is considered overly onerous to limit all retail and leisure development to short stay use. This should be considered on a case by case basis.

**Policy T6.8 – Transport infrastructure**

It is considered that criterion ai) and aii) contradict each other; if the site no longer serves any operational need now or in the future then equivalent alternative provision would not be necessary.