

**The London Borough of Merton (Eastfields No. 1)
Compulsory Purchase Order 2022
(APP/PCU/CPOP/T5720/3303017)**

**The London Borough of Merton (High Path No. 1)
Compulsory Purchase Order 2022
(APP/PCU/CPOP/T5720/3303018)**

**The London Borough of Merton (Ravensbury No. 1)
Compulsory Purchase Order 2022
(APP/PCU/CPOP/T5720/3303020)**

Proof of Evidence of Tara Butler

dated 26 January 2024

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1 INTRODUCTION

1.1 QUALIFICATIONS AND EXPERIENCE

- 1.1.1 I, Tara Butler, am the Head of Future Merton within the London Borough of Merton (the **Council**). I have over twenty years' experience in the planning and regeneration sector in London. I have been in this role since approximately 2014 and have worked for Merton Council in various planning policy and regeneration roles since 2004. I have worked as part of the Council's team on the Clarion Housing Group's (**Clarion**) regeneration proposals for 10 years, since Clarion first approached the Council in 2013/14. Specifically, I managed the Council's team in producing the Estates Local Plan between 2014 and 2018, including conducting extensive public consultations with residents on the Estates, with neighbours and statutory consultees. I played a leading role in the examination in public of the Estates Local Plan, representing the Council in the public hearings with the Planning Inspectors. I have been extensively involved with the various planning applications and development of the Estates since 2017, recruiting and managing dedicated development management case officers for the multiple planning applications and playing a leading role in Section 106 negotiations and delivery. Previously I worked in planning policy and environment roles at the RICS. I have a BSc in Natural Science from Trinity College Dublin and an MPhil in Urban Planning from the Bartlett Faculty of the Built Environment at University College London. Accordingly, I have extensive experience in estate regeneration specific to this project and the application of the associated national and local planning policy.
- 1.1.2 This proof of evidence is made in support of the London Borough of Merton (High Path No 1) Compulsory Purchase Order 2022 (the **High Path CPO**), the London Borough of Merton (Eastfields No 1) Compulsory Purchase Order 2022 (the **Eastfields CPO**) and the London Borough of Merton (Ravensbury No 1) Compulsory Purchase Order 2022 (the **Ravensbury CPO**) (together, **the CPOs**) in connection with the wider Merton Estates Regeneration Programme (also referred to in the proof of evidence as the **Scheme**).
- 1.1.3 The facts and matters set out in this proof of evidence are within my own knowledge. The facts set out below are true to the best of my knowledge and belief. Where reference is made to facts which are outside my knowledge, I set out the source of my information and I believe such information to be true.

- 1.1.4 I have been assisted by other professional advisors and other officers of the Council with the preparation of this proof of evidence, some of whom will also provide evidence to the inquiry.

1.2 INVOLVEMENT WITH THE SCHEME

1.2.1 I have been working on the Merton Estates Regeneration Programme as part of my role at the Council for 10 years, since Clarion first approached the Council in 2013/14. During this time my role has involved:

- (a) Supporting the Council and Clarion in determining the most effective planning policy route for estate regeneration to deliver Decent Homes at Eastfields, High Path and Ravensbury;
- (b) Managing the team between 2014 and 2018 to create the Development Plan Document specifically to guide regeneration in the three Estates, Merton's Estates Local Plan. This included:
 - i commissioning consultants and working with colleagues, Clarion and others to develop the necessary evidence. This included evidence specific to each estate and ranging from energy efficiency, flood risk, urban design, travel and other relevant factors;
 - ii leading on more than nine months of public consultation across multiple stages in line with the Town and Country Planning (Local Development)(England) Regulations 2012 and the Council's Statement of Community Involvement;
 - iii Considering consultation feedback and integrating it as appropriate into the Estates Local Plan;
 - iv Managing the team that appraised the emerging Estates Local Plan for sustainability and equalities impacts, commissioning and managing consultants where appropriate;
 - v Liaising with the Planning Inspectorate before and after submission to the Secretary of State for the examination in public, recruiting the Inspectors' Programme Officer and arranging all aspects of the examination in public;
 - vi Playing a leading role in representing the Council at the Estates Local Plan examination in public in 2017; and

- vii Undertaking all liaison with councillors throughout the four-year process including leading on the necessary committee reports for Estates Local Plan submission, adoption and regeneration delivery;
- (c) Recruiting and managing experienced development management officers to process all planning applications connected with the estate regeneration from 2017 onwards, in multiple phases;
- (d) Playing a leading role in Section 106 negotiation, representing the Council, to secure a signed Section 106 in 2019 in connection with the outline planning permissions for the three Estates;
- (e) Being part of the officer team at Planning Applications Committee for outline planning applications across all three Estates in 2018 and again in 2023;
- (f) Working as part of the Local Planning Authority with Clarion and their advisers as applicants to deliver planning permissions from start to completion (from 2017 onwards). This included leading the planning policy team input into planning decisions, discharging planning conditions and Section 106 obligations to enable development to progress according to its agreed plans;
- (g) From 2017/18, working with other regeneration specialists in the Council and outside to ensure the delivery of the estate regeneration, including inputting the “in principle” decision for compulsory purchase in 2018 and playing a leading role towards the delivery of the CPOs in 2022 and since; and
- (h) Working across the Council and with Clarion on consideration of Clarion’s programme-level delivery as Clarion reported in 2021 and progressing the Council’s continued support for estate regeneration, including the variation to the Council’s Stock Transfer Agreement with Clarion.

1.2.2 Throughout my time working on the Merton Estates Regeneration Programme I have been working alongside the Council’s Assistant Director of Sustainable Communities, James McGinlay, its Head of Future Merton, Paul McGarry and its Head of Housing Needs, Elliot Brunton. I have worked particularly closely with former Clarion senior managers Paul Quinn, Chris Rolfe, Daniela Adamo, Tim Sargeant and currently Brian Ham at Clarion.

1.3 SCOPE OF EVIDENCE

1.3.1 My evidence provides:

- (a) Section 2 - Evolution of the Scheme;
- (b) Section 3 – The CPO for each Estate and the purpose of the CPOs;
- (c) Section 4 – Planning policy;
- (d) Section 5 - An outline of the planning history of the Merton Estates Regeneration Programme;
- (e) Section 6 – Housing needs in the borough;
- (f) Section 7 – How the scheme will help meet housing need;
- (g) Section 8 – Equalities and human rights;
- (h) Section 9 – Response to objections which raise town planning issues;
- (i) Section 10 – Conclusion.

2 EVOLUTION OF THE SCHEME

2.1 Early stages of the scheme

- 2.1.1 In 2010 the Council's social housing stock of approximately 14,000 homes - which included properties within the three Estates - was transferred to Clarion, then known as Circle Housing Merton Priory, (for consistency I will refer to Clarion as Clarion throughout this proof of evidence).
- 2.1.2 The Stock Transfer Agreement dated 22nd March 2010 included a legal obligation requiring Clarion to undertake a programme of property improvements to bring the transferred stock in line with the requirements of the Government's Decent Homes Standard (the Decent Homes Programme).
- 2.1.3 When Clarion acquired responsibility for all of the Council's housing stock in 2010, they committed to improving the accommodation as well as the quality of life for residents. However, in working towards this goal, stock condition surveys undertaken identified that significant refurbishment and maintenance was required.
- 2.1.4 Therefore Clarion began a comprehensive review across all the various housing estates for which it was responsible (which included the three Estates), to determine whether refurbishment was the best solution or whether it might be more sustainable to replace homes with new properties.
- 2.1.5 Clarion undertook structural and technical surveys and financial planning work, which concluded that while refurbishment to deliver Decent Homes was the preferred option for some of the housing estates, other estates required significant refurbishment, significant ongoing maintenance work and financial investment to raise – and keep – the housing stock to the required standard. Whilst incremental refurbishment works would improve the internal housing quality to some degree in the short to medium term, comprehensive regeneration and redevelopment was determined to be the most effective way of delivering long term energy efficient Decent Homes which would also deal with the high levels of overcrowding some residents were experiencing, as well as providing other tangible benefits including additional homes, quality green spaces, public realm and other amenities to support residents.
- 2.1.6 In 2013 Clarion began considering regeneration-based alternatives to deliver Decent Homes for the housing stock on the three Estates and approached the Council for dialogue which continued into 2014.

Since 2014, the Council has been exploring the regeneration of the Estates in consultation with residents, the Mayor of London's office, Transport for London, Clarion and other interested parties. Since 2014 Clarion has also been actively consulting and engaging with residents and homeowners on the Estates about the possibility of regeneration.

- 2.1.7 As well as active engagement, the Council has analysed the evidence provided by Clarion to support the case for regeneration . This evidence remains available online to support the Merton Council's Estates Local Plan (development plan document) and includes housing needs (including overcrowding), socio economic analyses, urban design reviews, energy appraisals, asbestos survey and the case for regeneration.
- 2.1.8 The Council and Clarion signed the 10 Commitments in September 2014 (CD 8.1) which have provided the backbone of the project to ensure that residents remain at the heart of decision-making.
- 2.1.9 In July 2014, Full Council voted on a report (CD 5.1) to take the Estate regeneration forward. The decisions included:
- (a) To note an update on the due diligence undertaken by the Council to explore Clarion's evidence for considering Estate regeneration;
 - (b) To suspend the Stock Transfer Agreement obligation for 18 months that required Clarion to carry out Decent Homes works across the three Estates; and
 - (c) To adopt a Local Development Scheme which would produce a Development Plan Document, Merton's 'Estates Local Plan' (CD 6.6) whose geographic coverage was specifically for the three Estates of Eastfields, High Path and Ravensbury. The case for regeneration embedded in the Estates Local Plan and throughout the regeneration programme is that the three estates are linked for deliverability, with the High Path Estate helping to fund regeneration at the Ravensbury and Eastfields Estates.
- 2.1.10 The Estates Local Plan is an essential tool in shaping and managing the redevelopment process of Eastfields, High Path and Ravensbury to create new, well-designed, high-quality neighbourhoods aimed at fundamentally improving the quality of life for existing and future generations living in the area.

- 2.1.11 The Estate Local Plan's purpose is to guide any redevelopment proposals for the three estates that come forward within the next 10-15 years. This Estates Local Plan is design-led and pitched at a high level; specific building details have been and will continue to be developed at planning permission stage and determined by the Council through the planning application process. The Estates Local Plan links the development of the three estates in terms of deliverability.
- 2.1.12 Between September and November 2014 the Council consulted residents of the three Estates, statutory consultees and other parties on issues and options, including the evidence referred to above on energy, socio economic matters, urban design and the case for regeneration.
- 2.1.13 As part of the case for regeneration (High Path CD 8.20, Ravensbury CD 8.21 and Eastfields CD 8.22), the Council considered three options for the Estates, which were consulted on with residents and also assessed as part of the sustainability appraisal:
- (a) Option 1: refurbish all existing properties to Decent Homes standards;
 - (b) Option 2: refurbish all properties to an Enhanced Standard (i.e. above Decent Homes), including internal and external works; or
 - (c) Option 3: Full regeneration of the Eastfields and High Path Estates and partial regeneration of the Ravensbury Estate to provide modern energy efficient homes for existing and new residents, additional amenities and quality surroundings and landscaping.
- 2.1.14 The evidence and consultation feedback supported the case for regeneration.
- 2.1.15 In summer 2015, Clarion had published its offer to residents, non-residents and tenants (CD 8.2) for those living on the three Estates, which was key to delivering the commitment to keep existing communities together and for existing residents to have a guaranteed and equal right to return to a new home in the regenerated neighbourhood. In January 2016 the Council resolved to consult on the draft Estates Local Plan (Regulation 18) and also resolved to finalise a revised delivery timetable for the implementation of the Decent Homes Programme on the Estates with Clarion. Having both Clarion's Offer available for the draft Estates Local Plan consultation

helped residents to have a more complete picture of what estate regeneration would mean for them and their household.

- 2.1.16 An important aspect of the development of the Estates Local Plan was the invaluable input we received from residents and community groups who were keen to have a hand in shaping the look and feel of their estates. Regulation 18 consultation took place between February and March 2016.
- 2.1.17 Following submission to the Secretary of State and an Examination in Public with a two day hearing in 2017, the Estates Local Plan was formally adopted by the Council as part of the statutory Development Plan in February 2018 (CD 6.6).
- 2.1.18 The Council supports the regeneration of the three Estates as this will provide a range of benefits including homes built to modern, energy efficient standards, high quality well-designed neighbourhoods, a wider housing mix to help address overcrowding, more private space for residents, better quality green spaces and community facilities. Estate regeneration is also an opportunity to provide much needed new homes by making more efficient use of brownfield land, improving the quantity, quality and mix of new homes on each of the three Estates and to support the local economy both during the construction phase and at the High Path Estate, by providing additional commercial floorspace to support businesses and jobs.
- 2.1.19 It is the Council's view, supported by Clarion's evidence and the Council's Estates Local Plan, that whilst incremental refurbishment and Decent Homes works would improve the internal housing quality of existing homes to some degree in the short to medium term, regeneration provides an opportunity to deliver comparatively more significant positive changes to the three neighbourhoods and a once in a generation opportunity to improve the quality of life for current and future residents.
- 2.1.20 The Council's resolutions in February 2018 both for the Estates Local Plan adoption (CD 5.4) and the Delivery of Clarion's Estate Regeneration project was that regeneration would provide the best deal for Merton's residents. The case for regeneration demonstrated that comprehensive well-planned regeneration of Eastfields, High Path and Ravensbury Estates was considered a better option than the continued piecemeal renovations to maintain the Decent Homes Standards. Regeneration would not only see the three estates transformed with new high quality energy efficient homes for existing residents that are easier and cheaper to heat, but also deliver over 1,000 much needed new homes.

- 2.1.21 The Estates Local Plan ensures that for years to come, there will be a sound and consistent approach to guiding regeneration of the Eastfields, High Path and Ravensbury Estates, to ensure a bright future for these neighbourhoods. Key to the Council's support was the signing of the 10 Commitments in 2014, the evidence and support for estate regeneration as the preferred option during community consultation and the nature of Clarion's Offer, which helped to keep communities together and ensured equality of access for homeowners and social housing tenants to remain on the Estates.
- 2.1.22 As the Estates Local Plan envisages comprehensive regeneration of the Eastfields and High Path Estates and partial regeneration of the Ravensbury Estate, Clarion need to control all landholdings within the Estates Local Plan areas to deliver regeneration and in the form of the relevant planning permissions. Clarion has been consulting residents since 2013 and working with property owners proactively since 2015, following the publication of Clarion's Offer, to buy back the remaining homes that they do not already own: at the start of regeneration Clarion owned approximately 60% of properties in Eastfields and High Path and over 80% of properties in Ravensbury. Clarion have bought back many properties across the three Estates but require compulsory purchase order to secure the remaining rights needed to deliver the regeneration. Clarion is indemnifying the Council's costs in securing the CPOs through a CPO Indemnity Agreement signed between the two parties so as to avoid unnecessary burdens to the wider Council budget.

2.2 Funding and deliverability

- 2.2.1 Since the suspension of Decent Homes across the three Estates in 2014, the Council and Clarion have worked closely together across multiple workstreams to ensure the delivery of the Merton Estates Regeneration Programme as envisaged in the Estates Local Plan.
- 2.2.2 One of the workstreams is for the Council to ensure they are satisfied that Clarion's programme level financial strategy supporting the Merton Estate Regeneration Programme is robust and transparently discussed with the Council to anticipate any potential issues, particularly given the long-term nature of estate regeneration over multiple economic cycles.
- 2.2.3 The 2018 Estates Local Plan process and subsequent planning application processes require regular financial viability reviews of all or parts of the Merton Estates Regeneration Programme. The Council's Estates Local Plan 2018 established the principles that all three Estates should be delivered together on a linked financial and

delivery model whereby the surplus value generated by the regeneration of the High Path Estate would cross-subsidise the regeneration of the Eastfields and Ravensbury Estates (which were identified as financially unviable considered in isolation). The three outline planning permissions for each Estate granted in April 2019 (Eastfields 17/P1717 (CD 7.15); High Path 17/P1721 (CD 7.3) and Ravensbury 17/P1718 (CD 7.13)) are bound by a single section 106 agreement (CD 7.22) which follows the linked viability principle. In addition to scrutinising the financial viability for the specific purpose of planning permission, the Council and Clarion also work together at a programme level and the Council employ independent financial consultants, SQW, to scrutinise Clarion's programme-level financial strategy to deliver the Merton Estates Regeneration Programme.

2.2.4 Extensive and forensic financial and assessment carried out between the Council and Clarion in 2020 and 2021 reviewed the programme level viability position to ensure it continued to be robust and to identify additional options for generating additional value to support the Scheme.

2.2.5 In late 2021 Merton's Cabinet and cross-party councillors scrutiny panel considered an extensive report on the Merton Estates Regeneration Programme including transparent reporting of the financial inputs and strategy of Clarion's programme (CD 5.6). Based on the findings of this extensive review, Merton's Cabinet resolved to confirm the Council's support for Clarion's delivery of the Scheme to improve the lives of existing residents and provide new homes and agree the following amendments to the 2010 Stock Transfer Agreement between Clarion and the Council to:

- (a) suspend the Council's eligibility to the 5% sales clawback mechanism for former Council properties on the estate as long as the MERP is in the course of being delivered and remains in a programme-level deficit. The 2010 Stock Transfer Agreement between the Council and Clarion contains a sales clawback mechanism requiring Clarion to pay the Council 5% of the value of any private sale home built on former Council land. As reported to councillors in September 2021 (CD 5.6) suspending the 5% clawback mechanism for new private homes within the three Estates is valued at circa c72.7million. If the Scheme's financial performance reaches break even or greater than the Council will resume receiving the 5% sales clawback on the sale of former Council properties within the Estates;

- (b) commit Clarion to delivering Decent Homes Standard upgrades if regeneration delivery was not progressed according to milestones to be set out in the new Stock Transfer Agreement; and
- (c) set out how both parties would proactively manage and monitor delivery, opportunities and risks, including open book business plan progress updates, monitoring and risk management.

2.2.6 Resulting from the extensive review, the same report to the councillors in late 2021 also noted that Clarion would also work to create additional value through proposed scheme revisions and that different options for building more homes at the High Path Estate had been tested as part of the review which would improve the programme's financial position.

2.2.7 To this end, in 2022 Clarion progressed pre application consultation with residents and others on a new outline scheme for later phases of the High Path Estate to create additional homes compared to the Extant High Path Outline Permission from April 2019. In January 2023, Clarion submitted revisions to later Phases 4-7B of the 2019 outline planning permission for the High Path Estate (new reference 22/P3686) including to add up to 568 additional homes of which at least 227 homes would be affordable. These revisions were unanimously resolved for approval by Merton's Development and Planning Applications Committee in June 2023 (CD 5.9) and are currently with the GLA for Stage 2 consideration. More detail on the High Path Phases 4-7B Application is contained in later sections of this proof.

2.2.8 As reported to councillors in 2021 the combined effect of suspending the 5% sales clawback and providing additional homes in High Path Phase 4-7 will improve the financial strategy for delivering the 15-year programme. The Council and Clarion are continuing to work closely together on funding and delivery.

3 THE ORDER FOR EACH ESTATE AND THE PURPOSE OF THE CPOS

3.1 Introduction

3.1.1 As noted above, this proof of evidence relates to three CPOs. The Order Land pursuant to the CPOs include:

- (a) Phase 1 of the Eastfields Estate;
- (b) Phases 2 and 3 of the High Path Estate; and
- (c) Phases 2 to 4 of the Ravensbury Estate.

3.1.2 Please note that the intention is to seek further compulsory purchase orders in respect of Eastfields Phases 2 to 4 and High Path Phases 4-7B in the future prior to commencement of those phases as and when it is necessary to acquire all remaining interests.

3.2 Council resolutions on the CPOs

3.2.1 On 15 January 2018, the Council's Cabinet resolved 'in-principle' for the Council to use its compulsory purchase powers, if necessary, to bring forward the Scheme (CD 5.2). This resolution was ratified by Full Council on 7 February 2018 (CD 5.3).

3.2.2 On 2 February 2022 Full Council subsequently resolved that, in line with the statutory framework governing the making of the CPOs under S.226 of the 1990 Act and the Council's constitution, full Council's further ratification was not required in order to make future orders to carry out the Scheme (CD 5.7).

3.2.3 On 21 March 2022 Cabinet then subsequently passed a resolution for the Council to make the CPOs (CD 5.8). The intention is that future compulsory purchase orders will be made in the future in relation to the Eastfields Estate and the High Path Estate when the relevant land for future phases is required.

3.2.4 On 13 June 2022 the CPOs were made. In terms of this, I observe firstly that single ownership and control of the Order Lands is vital to enable the Merton Estates Regeneration Programme to proceed. As already stated, Clarion has been working to acquire properties since 2013, and particularly after Clarion's Offer was published in 2015. It is not considered likely that Clarion would be able to acquire all the necessary interests by agreement within a reasonable period. The Council was therefore satisfied that the use of compulsory purchase powers was necessary and justifiable in the public interest, as such the process of compulsory purchase was considered necessary.

3.3 The Eastfields CPO

- 3.3.1 The Eastfields CPO (CD 3.1) was made in conjunction with the Ravensbury CPO and the High Path CPO and which are the first compulsory purchase orders being brought forward to deliver the Merton Estates Regeneration Programme.
- 3.3.2 The nature of design at the Eastfields Estate means that it is the only Estate without an on-site “Kickstart phase” in which to build new homes without having to demolish existing parts of the Estate. The Kickstart phases for the High Path Estate and the Ravensbury Estate allowed 134 homes and 21 homes respectively to be built which allowed existing Estate residents to move into before the demolition of homes. Although not part of the Merton Estate Regeneration Programme, Clarion have purchased a site approximately 1km away in Colliers Wood, adapted an existing planning permission and have already started on site to build approximately 98 homes which the Eastfields Estate residents can chose to move into voluntarily (for example if they wanted a home earlier than the Eastfields Estate regeneration could deliver). Although this is within LB Merton, this site is not on the Eastfields Estate. and is not part of the Merton Estates Regeneration Programme or the Eastfields CPO.
- 3.3.3 The Eastfields Order Land comprises Phase 1 of the Eastfields Estate and includes all the new homes being proposed as part of that phase, together with the replacement ball-court and recreational facility agreement pursuant to the planning permission and section 106 agreement (discussed below). The Eastfields CPO relates to land comprising part of the Eastfields Estate and includes the land shown shaded pink, edged red or shaded blue on the Order Map (the **Eastfields Order Land**) (CD 3.2).
- 3.3.4 Clarion published its Residents’ Offer (this was in parallel with the production of the Council’s Estates Local Plan) in 2015. Many properties at the Eastfields Estate have been acquired through successful negotiation (please see the proofs of evidence from Clarke Vallance and Iona McConnell). At this time interests identified in the Schedule to the Eastfields CPO and the Order Map remain outstanding and need to be acquired in order to be able to deliver the new homes granted permission for Eastfields Phase 1.
- 3.3.5 As there are no third party interests to be acquired in order to construct sub-phase 1A, Clarion has procured a contractor to start on site in December 2023.

3.4 The High Path CPO

- 3.4.1 The High Path CPO (CD 1.1) was made in conjunction with the Ravensbury CPO and the Eastfields CPO and which are the first compulsory purchase orders being brought forward in respect of the Scheme. Estate regeneration is already underway at the High Path Estate as 'Kickstart' Phase 1 (134 homes) was built on former garage land and existing residents from the Estate have already been able to move into these new homes.
- 3.4.2 The High Path CPO relates to land comprising part of the High Path Estate and includes the land shown shaded pink, edged red or shaded blue on the Order Map (the **High Path Order Land**) (CD 1.2). The High Path Order Land comprises Phases 2 and 3 of the High Path Estate and includes all the new homes being proposed as part of those phases, together with the replacement ball-court and recreational facility agreement required pursuant to the planning permission and section 106 agreement (discussed below).
- 3.4.3 Clarion published its Residents' Offer (this was in parallel with the production of the Council's Estates Local Plan) in 2015. Many properties at High Path have been acquired through successful negotiation (see evidence of Clarke Vallance and Iona McConnell). At this time interests identified in the Schedule to the High Path CPO and the Order Map remain outstanding and need to be acquired in order to be able to deliver the new homes granted permission for High Path Phases 2 and 3. Full details of the owners and their outstanding interests, together with the new rights that need to be acquired, are contained in the Schedule and shown on the Order Map. Clarion has successfully negotiated the purchase of all other interests in the High Path Order Land to facilitate the delivery of High Path Phase 2 and Phase 3.

3.5 The Ravensbury CPO

- 3.5.1 The Ravensbury Order (CD 2.1) was made in conjunction with the High Path CPO and the Eastfields CPO and which are the first compulsory purchase orders being brought forward in respect of the Scheme. Estate regeneration is already underway at the Ravensbury Estate as Phase 1 (21 homes) was built on former garage land and existing residents from the Estate have already been able to move into these new homes. Phase 2 is under construction; the Ravensbury CPO is still required in respect of this phase primarily in relation to a strip of unregistered land and in respect of third party rights over this Phase.
- 3.5.2 The Ravensbury CPO relates to land that is part of the Ravensbury Estate and includes the land shown shaded pink or edged red on the

Order Map (the **Ravensbury Order Land**) (CD 2.2). The Ravensbury Order Land includes all the new homes being proposed as part of Ravensbury Phases 2 to 4.

- 3.5.3 Clarion published its Residents' Offer (this was in parallel with the production of the Council's Estates Local Plan) in 2015. Many properties at Ravensbury have been acquired through successful negotiation (see evidence of Clarke Vallance and Iona McConnell). At this time interests identified in the Schedule to the Ravensbury CPO and the Order Map remain outstanding and need to be acquired in order to be able to deliver the new homes granted permission for Ravensbury Phases 2 to 4. Full details of the owners and their outstanding interests, together with the new rights that need to be acquired, are contained in the Schedule and shown on the Order Map. Clarion has successfully negotiated the purchase of all other interests in the Order Land to facilitate the delivery of Ravensbury Phases 2 to 4.
- 3.5.4 In order for the 2022 Scheme to be delivered on the Ravensbury Estate, as at January 2024, one outstanding property interest remains to be acquired. Following the Ravensbury CPO being made, Clarion continued its efforts to seek to acquire all interests voluntarily. Since the Ravensbury CPO was made, the following three property interests within the Ravensbury Estate which are listed within the CPO Schedule to the Ravensbury CPO have been acquired by Clarion by agreement: 26 Ravensbury Grove; 32 Ravensbury Grove; and 14 Hatfield Close.

3.6 **The purpose of the CPOs**

- 3.6.1 As stated above, 10 years ago the Council resolved to deliver Decent Homes via estate regeneration of Eastfields, High Path and Ravensbury. As well as providing energy efficient new homes, public realm and facilities built to modern standards for existing residents, estate regeneration also presents the opportunity to build additional homes, helping to address the overcrowding of existing households and help meet housing needs.
- 3.6.2 There is a real and present need for new housing, both in London generally and also specifically in the London Borough of Merton. Indeed, the Estates Local Plan (CD 6.6) expressly recognises the position in the following terms (at paragraph 1.20): "There is a substantial demand for new homes in London and the south-east. Increasing the supply of new homes to meet housing needs is a longstanding and well documented policy driver for successive governments".

- 3.6.3 It is against this backdrop that the Council resolved to pursue the Scheme, with the intention being that the Estates Local Plan will help deliver new homes for existing and future residents, helping Merton to meet its share of London's new homes of all types, sizes and tenures' (paragraph 1.20).
- 3.6.4 In this regard the London Plan 2021 (defined later) identifies a level of housing need of 52,300 new homes per annum across London, with a need of 918 homes per annum within Merton.
- 3.6.5 As such the Council is exercising its powers under section 226(1) of the 1990 Act (CD 12.1) because it has not been possible for Clarion to acquire by agreement all interests that are required to deliver the Merton Estates Regeneration Programme, despite substantial progress being made since negotiations started in 2013, and it is not certain that Clarion will be able to acquire the remaining land by agreement.

4 PLANNING POLICY

4.1 Introduction

4.1.1 The CPO Guidance (CD 12.6) provides that authorities should demonstrate that proposals are consistent with planning policy. Notwithstanding that planning permissions have already been granted for the relevant phases relating to the CPOs and the Scheme as a whole, and therefore there are no planning impediments to carry out the Scheme in respect of the phases which are the subject of each of the CPOs, I address at a high level the compliance of the development with policy at a national, regional and local level.

4.1.2 A comprehensive appraisal of the Scheme and all relevant planning policy is set out in the Officer's reports for each outline planning application (17/P1717; 17/P1721 and 17/P1718) to the Council's Planning Committee on 8 March 2018 (CD 5.5) and also on 15 June 2023 in relation to High Path Phases 4-7 only (CD 5.9). I have provided a summary below in respect of each strand of planning policy which is applicable and have commented on how these policy objectives are being secured through the delivery of the Merton Estates Regeneration Programme.

4.2 The Development Plan

4.2.1 Section 70(2) of the 1990 Act (CD 12.2) and Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) (CD 12.5) require that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

4.2.2 The National Planning Policy Framework (**NPPF**) December 2023 (CD 6.1) reconfirms the statutory requirement set out in Section 38(6) relating to the determination of planning applications and also confirms that the NPPF should be taken into account as a material planning consideration in planning decisions.

4.2.3 Section 38(2) of the Planning and Compulsory Purchase Act 2004 (as amended) defines the Development Plan for any area of Greater London as follows; Merton's development plan is contained in brackets:

- (a) the Spatial development strategy; (The New London Plan adopted 02 March 2021 (the **London Plan**) (CD 6.2);

(b) the Development Plan documents (taken as a whole) which have been adopted or approved in relation to that area; In Merton and in relation to this scheme these are:

i The **Core Planning Strategy** adopted July 2011(CD 6.3);

ii Merton's **Sites and Policies Plan** adopted July 2014 (CD 6.4);

iiiThe **Estates Local Plan** adopted February 2018 (CD 6.6);

(c) the neighbourhood development plans which have been made in relation to that area (none have been made in Merton).

4.2.4 Paragraph 48 of the NPPF states that weight may be given to planning policies in emerging plans according to their stage of preparation; i.e. the more advanced its preparation, the greater the weight that may be given. The following planning policy documents are in the process of being prepared:

(a) the draft New Local Plan submitted to the Secretary of State on 2 December 2021 for examination-in-public (the **Draft Local Plan**, CD 6.7).

4.2.5 As of January 2024, the planning inspectors are considering revisions to the draft Local Plan made during the course of the examination alongside additional clarification and information that they requested. Subject to the Inspectors' feedback, the next stage will be a post-hearings consultation, inspectors report and, if found sound, adoption.

4.3 **National Planning Policy Framework (NPPF)**

4.3.1 The revised NPPF was published in December 2023.

4.3.2 As national policy, the document aims for sustainable development to strengthen and support the economy, communities, and the environment (paragraphs 7 and 8).

4.3.3 Paragraph 8 of the NPPF defines the three over-arching objectives of the planning system to deliver sustainable development:

(a) Economic – helping to build a strong economy by ensuring that enough of the right type of land is available in the right places;

(b) Social – supporting communities by ensuring that a sufficient number and range of homes can be provided and fostering a well-designed and safe built environment; and

- (c) Environmental – protecting and enhancing the environment by making effective use of land, helping to improve biodiversity, using natural resources prudently and minimising waste and pollution.

4.3.4 Throughout the NPPF is the principle of “making effective use of land”. “Making effective use of land” is contained in the environmental objective listed above (para 8), in the presumption in favour of sustainable development, albeit relating to plan-making (para 11) and as a Section 11 (paras 123-130) of the NPPF. I am of the view that all Estates will meet the NPPF aims and requirements of making effective use of land, particularly the High Path Estate.

The Eastfields Estate

4.3.5 As reflected in the NPPF and the London Plan, development should achieve a high standard of design and contribute to the distinctive character and amenity of the local area. The proposed development provides a sensitive design approach to the surrounding form, scale, materials, and architectural detailing. Having assessed the proposed development at great length, from inception via multiple pre-planning application meetings, Design Review panels and officers review, the delivery of the Outline Planning Application 17/P1717 (CD 7.15) and the Eastfields Phase 1 (22/P4430) detailed reserved matters (CD 7.20) would provide new homes in a wider variety of sizes and scales, more energy efficient buildings in a landscaped setting that would enrich the built environment and create places and buildings that are high quality, attractive, sustainable, easy to use, and safe.

The High Path Estate

4.3.6 As referenced above, the NPPF requires developments to make effective use of land. The High Path Estate regeneration in particular represents a more efficient use of land, aligning with the land use-based policy objectives of the Estates Local Plan and Core Planning Strategy Objectives 2011, in addition to the sustainable development mandate provided by the NPPF. Policy EP H4 acknowledges that the High Path Estate and most of the surrounding area streets are predominately residential. The High Path Estate is located adjacent to South Wimbledon Station on the London Underground northern line, within an area with a good-excellent level of Public Transport Accessibility (PTAL 4 – 6a). Development proposals must make more efficient use of land by providing schemes which are higher than the current density and result in improving the urban design quality of the Estate. Therefore, taking into consideration the good level of public transport accessibility, development proposals should contribute to

the delivery of a sustainable neighbourhood by building more and better-quality homes and demonstrate how the density responds to the local context, particularly in terms of design. Proposals should demonstrate graphically how density is sympathetic to the surrounding townscape and distributed in appropriate locations in a mix of buildings to deliver a variety of well-designed new homes and public spaces.

- 4.3.7 The principle of demolition, redevelopment and land uses were considered acceptable in the original outline permission for the High Path Estate which was considered to be in line with the NPPF, whereby intensification and higher density is supported.

The Ravensbury Estate

- 4.3.8 The outline planning permission (17/P1718) (CD 7.13) for the Ravensbury Estate had assessed layout, scale and access for approval, which was granted the Council's Planning Applications Committee for the erection of new buildings ranging from 2 to 4 storeys to provide up to 180 residential units, a replacement community centre (up to 160 sqm) new public realm, landscaping works, cycle parking spaces and car parking spaces, utility works and landscaping works. The reserved matters approval (CD 7.14) had then considered appearance and landscaping. The masterplan approval and the detailed reserved matters approval was assessed against the relevant policies of the NPPF, members of the planning applications committee and planning officers had considered the proposal to create welcomed public realm particularly by the canal and establish a desired area creating buildings that are high quality, attractive, sustainable, easy to use and safe.

Conclusion

- 4.3.9 The redevelopment of the Estates will meet the aims and requirements of the NPPF such as making effective use of land, managing flood risk, delivering sustainable development, achieving well-designed places, meeting the challenge of climate change, conserving and enhancing the natural environment and historical environment.

4.4 The London Plan

- 4.4.1 The framework for planning policy in London, including the London Borough of Merton, is set by the London Plan, published by the Greater London Authority on 2nd March 2021 (the **London Plan**) (CD 6.2). The London Plan is the statutory Spatial Development Strategy

for Greater London prepared by the Mayor of London (the **Mayor**) in accordance with the Greater London Authority Act 1999 (as amended) and associated regulations. The London Plan sets out a number of objectives:

- (a) building strong and inclusive communities;
- (b) making the best use of land;
- (c) creating a healthy city;
- (d) delivering the homes Londoners need;
- (e) growing a good economy; and
- (f) increasing efficiency and resilience.

4.4.2 The London Plan (Table 4.1) sets a 10 year target for net housing completions (2019/20 - 2028/29) for all London boroughs; Merton's share of London's housing need is identified as 9,180 homes. The London Plan encourages and offers support for the development by boroughs of suitable strategies to realise the potential of intensification areas.

4.4.3 The masterplan outline permission for the 3 x estate regeneration proposals provides a greater range of unit types and sizes across the developments and is considered wholly appropriate for the borough. The variety of units proposed would assist in creating a socially mixed and balanced community whilst meeting identified local needs, in accordance with the objectives the NPPF, London Plan Policy H10.

4.4.4 South Wimbledon, in which the High Path Estate sits, is identified in the London Plan as part of the Wimbledon / South Wimbledon Colliers Wood Opportunity Area, with an overall target of 5,000 homes and 6,000 jobs which supports its suitability for regeneration. Policy SD1 of the London Plan identifies opportunity areas as locations with development capacity to accommodate new housing, commercial development and infrastructure (of all types), linked to existing or potential improvements in public transport connectivity and capacity. London Plan policy SD1 identifies a number of key factors in decision making in these areas including seeking to optimise residential outputs and densities, providing necessary social and other infrastructure to sustain growth and where appropriate containing a mixture of uses. Decisions should support wider regeneration and should integrate development proposals to the surrounding areas.

- 4.4.5 The Development Plan as a whole supports the proposed intensification of the High Path Estate. The principle of development has been supported in the original outline permission of the 3 x estate regeneration projects, as it was considered careful and sensitive addition to the proposal that would accord with the objectives of the London Plan policies.

4.5 The Core Planning Strategy

- 4.5.1 The Core Planning Strategy (CD 6.3) forms part of the Council's Local Plan and sets out the spatial strategy for the Borough and the key elements of the planning framework.
- 4.5.2 Core Planning Strategy objective 2 is "to promote social cohesion and tackle deprivation by reducing inequalities" The strategy states that this will be achieved by (a) *Promoting socially mixed, sustainable, vibrant, safe and healthy communities especially where there are areas of deprivation*; the High Path and Eastfields Estates regeneration both meet this objective. It will also be delivered by (c.) *Regenerating Morden, Mitcham and Colliers Wood and South Wimbledon*; The Eastfields Estate is sited in the Mitcham neighbourhood; the High Path Estate in South Wimbledon and Ravensbury in Morden.
- 4.5.3 Strategic Objective 3 of the Core Planning Strategy is:
- "To provide new homes and infrastructure within Merton's town centres and residential areas, through physical regeneration and effective use of space. This will be achieved by a range of actions including through the delivery of higher density new homes that respect and enhance the local character of the area."
- 4.5.4 The objective states that the Council will deliver this by different clauses including (a) *Delivering higher 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*; as reflected in the High Path Estate regeneration.
- 4.5.5 The regeneration of each of the Estates also helps to meet other Core Planning Strategy objectives including those to reduce carbon (Strategic objective 1) to improve health outcome and create safe, attractive places (objective 5) and to make Merton well connected for travel (objective 7) and to promote high quality urban design and local environment (objective 8).

4.6 The Estates Local Plan

- 4.6.1 Since 2014 the Council has been exploring the regeneration of the High Path, Eastfields and Ravensbury Estates in consultation with residents, the Mayor of London, TfL, Clarion and other statutory consultees and stakeholders. This was carried out via the preparation of the Estates Local Plan, which started in 2014 and following extensive public consultation and an independent examination, was formally adopted in February 2018 (CD 6.6).
- 4.6.2 The Estates Local Plan's purpose is to shape and guide any redevelopment proposals on this and the other two estates that come forward within the next 10-15 years. The plan was adopted by the Council in February 2018 and is part of the Development Plan, it is therefore a material consideration in planning, for the delivery of new homes and to meet housing targets, improve the building fabric and to improve infrastructure on the estates.
- 4.6.3 When the Council transferred its housing stock to Clarion, part of the transfer agreement was for Clarion to improve the quality of accommodation up to Decent Homes standard. Clarion identified that the work required significant maintenance, refurbishment, and financial investment to achieve the required standard, and that the optimal way of delivering longer term sustainable Decent Homes standards was through regeneration which allows for the provision of new, well designed, energy-efficient homes that will meet the needs of residents now and in the future.
- 4.6.4 Paragraph 1.33 of the adopted Estates Local Plan states: *"It is the council's view, supported by Clarion Housing Group's evidence that whilst incremental refurbishment and Decent Homes works would improve the internal housing quality in the short to medium term, regeneration provides an opportunity to deliver comparatively more significant positive changes to the three neighbourhoods and a once in a generation opportunity to improve the quality of life for current and future residents."*
- 4.6.5 Chapter 2 of the Estates Local Plan sets out the vision, overall strategy and urban design principles covering the Estates. The vision for each Estate is set out in policy OEP1 and characterises the Eastfields Estate as a "contemporary compact neighbourhood"; the High Path Estate as "New London Vernacular" and the Ravensbury Estate as "suburban parkland setting", with a description of the vision for each.

- 4.6.6 Overarching policy OEP2 “Strategy” sets out that development proposals:
- (a) are consistent with a single linked regeneration programme for the Estates; and
 - (b) deliver regeneration of the whole of the Eastfields and High Path Estates and the partial regeneration of the Ravensbury Estate.
- 4.6.7 Chapter 3 of the Estates Local Plan sets out eight site-specific policies particular to each of the Estates: townscape; street network, movement and access, land use, open space, environmental protection, landscape and building heights. The Estates Local Plan and the policies within it were developed through the shared work between Clarion and the Council as well as community consultation.

The Eastfields Estate and Merton’s Estates Local Plan 2018

- 4.6.8 The proposed development is in accordance with the aims and objectives of the Estates Local Plan for the Eastfields Estate as a “contemporary compact neighbourhood”. The layout, scale and design of the proposed development better links the Estate with the surrounding neighbourhoods, providing a greater number and mix of well-designed and energy efficient homes, retaining the mature trees and central linear park and providing more playspace and active and passive recreational areas through landscaping.

The High Path Estate and Merton’s Estates Local Plan 2018

- 4.6.9 It is considered that the proposed regeneration at High Path Estate would provide considerable public benefits, including: the socio economic benefits of increased jobs and local spend; improved community facilities including a replacement better quality open space/play and recreation facilities including the large central green space; better quality homes for residents, including affordable provision; and environmental benefits such as carbon reduction and greater biodiversity.

The Ravensbury Estate and Merton’s Estates Local Plan 2018

- 4.6.10 The proposed scale, layout, design and materials of buildings throughout the Ravensbury Estate are well considered and relate well to the surrounding local context, particularly the nearby parks and tree canopy. Flood risk has been considered in the Scheme’s layout and details: from the location of buildings to the central swale and the

proposed floor levels of properties all of which mitigate against flood risk on and off the Estate.

4.7 The Sites and Policies Plan

4.7.1 Merton's Sites and Policies Plan 2014 is part of the Development Plan and contains detailed development management policies that provide the necessary details to guide development across the borough. The Committee reports and decision notices for each of the Outline Planning Permissions (17/P1717; 17/P1721 and amendments and 17/P1718 (and also outline planning application for High Path Phases 4-7B 22/P3686) demonstrate how detailed Sites and Policies Plan policies have been applied to each estate, for example policies to support the Estates' lighting strategy (policy DM.D2); policies to guide the noise and vibration mitigation strategy for each estate (policy DMEP2); policies to guide pollution control management (policy DM EP4); and policies to help manage flood risk (policies DMF1 and DM F2). The Committee reports and planning decision notices demonstrate how the Sites and Policies Plan policies are applied alongside other policies in the Development Plan for each Estate.

5 OUTLINE OF THE PLANNING HISTORY OF THE ESTATE REGENERATION

5.1 Introduction

5.1.1 The Merton Estates Regeneration Programme is across three estates and the regeneration programme for each individual Estate is broken down into separate phases as follows:

- (a) Eastfields: Phases 1-3;
- (b) High Path:
 - i Phase 1 (known as the kickstart phase);
 - ii Phases 2 –7;
- (c) Ravensbury
 - i Phase 1 (again, known as a kickstart phase);
 - ii Phases 2-4;

5.1.2 For the avoidance of doubt, the CPOs that are the subject of this Inquiry only relate to Eastfields Phase 1, High Path Phases 2 and 3, and Ravensbury Phases 2 to 4.

5.1.3 I have outlined the relevant planning history for each individual Estate below. This history is limited to only those matters that inform key considerations of the masterplan proposals; for example there have been extensive applications for Eastfields, most of which relate to discharge of planning conditions, which are not included here.

5.1.4 In my view there are no planning impediments to delivering the developments in respect of the Scheme.

5.2 The Planning Position of the Eastfields Estate

5.2.1 The Eastfields Estate is situated in the Mitcham Eastfields area of the Borough and is located approximately 300m walking distance from Mitcham Eastfields Railway Station, and within walking distance of Mitcham town centre.

5.2.2 The Eastfields Estate is bounded to the north by Acacia Road opposite St Mark's Secondary School and a purpose built BMX track ; to the east by Long Bolstead Recreation Ground; to the south by Streatham Park Cemetery; and to the west by residential dwellings fronting onto the adjacent Hammond Avenue. The Recreation Ground and cemetery have mature trees and shrubs and provide a pleasant

outlook, although they form a barrier to movement into the south and east.

- 5.2.3 Eastfields is a wholly residential housing estate, built late 1960s and completed in the early 1970s in the Wimpey No Files prefabricated construction method. The Estate accommodates 466 homes across 3-storey blocks surrounding a communal green space internal to the Estate. At the rear of many of the blocks, backing on to the central green space, are small fenced private gardens. Existing homes are limited to three bed houses or one bed flats and the blocks are of a monolithic design with a single shared roof and poor energy efficiency.
- 5.2.4 Outline planning permission was granted on 29 April 2019 for Phases 1-3 of the Eastfields Estate regeneration planning reference 17/P1717 as varied by a section 73 permission dated 15 March 2022 planning reference 21/P4078) (CD 7.17) with all matters reserved, except in relation to parameter plans, for the comprehensive regeneration of the Eastfields Estate (the **Eastfields Outline Permission**).
- 5.2.5 The Eastfields Outline Permission will support the construction of up to 800 new homes across up to three phases and in a wide range of housing types and sizes. The new homes will be built to modern energy efficiency standards and thereby entirely replacing the existing 466 homes on the estate which are very inefficient in their energy performance and consist of only two housing types: one bed flats or three bed houses. The mature trees and open spaces at the centre of the site are largely retained and additional landscaping is incorporated in a central linear park layout which doubles as a swale, biodiversity area, playspaces and recreation. To the north east will be a new ball court and gym and up to 275sqm floorspace on the ground floor at the centre of the site will provide non-residential floorspace which could be used as a shop or a community centre for the Estate; the lack of community space within the Estate was something residents raised at the Estates Local Plan consultations. The look and feel of the estate will be substantially improved by the new urban design, moving away from the fortress-like current layout and towards a more integrated and inclusive design that provides a wider range of housing types and layouts.
- 5.2.6 In terms of the consultation that was undertaken for the Eastfields Outline Permission, the Council sent letters to 8,323 property addresses in Merton, advertising the three outline planning applications at the Eastfields, High Path and Ravensbury Estates for

public consultation. Of these property addresses, 927 neighbouring property addresses surrounding Eastfields were written to. Officers in my team erected 10 site notices within nearby adjoining streets and main interchanges and main public areas within the Estate. Alongside this the Council's officers also consulted both internal/external statutory and non-statutory consultees.

5.2.7 A single section 106 Agreement dated April 2019 for the Eastfields, High Path and Ravensbury Outline Permissions (High Path and Ravensbury defined below) contained obligations across 20 schedules, with Schedule 15 specific to the Eastfields Estate. This overarching section 106 agreement, including the 16 schedules common to the Estates, is discussed in more detail below; the obligations secured within it that are specific to the Eastfields Estate are set out in Schedule 15 and include:

- (a) Replacement of the existing Eastfields ball court and provision of the Eastfields Estate recreational facility;
- (b) Residential travel plan;
- (c) Refuse Strategy;
- (d) Traffic calming measures; and
- (e) District Heating Network.

5.2.8 The Eastfields Outline Permission has been amended by the following consents:

- (a) A non-material amendment dated 29 November 2021 planning reference 21/P3691 (CD 7.16) amending the description of development; and
- (b) A non-material amendment dated 4 October 2023 planning reference 23/P0518 in respect of condition 3 (list of approved drawings), 7 (energy and sustainability strategy), 23 (energy centre), 38 (combined heat and power), 39 (district heat networks) and 40 (district heat networks) (CD 7.19).

5.2.9 Reserved matters for Eastfields Phase 1, to which the Eastfields CPO relates was granted on 29 April 2022 planning reference 21/P4430 (CD 7.20) as amended by non-material amendment dated 31 January 2023 planning reference 22/P3041 (CD 7.21) (**Eastfields Phase 1 Reserved Matters**).

- 5.2.10 The Eastfields Phase 1 Reserved Matters permits 201 homes to be delivered in five sub-phases (1A to 1E). The phasing strategy has evolved since considered at outline application stage in order to speed up the delivery of new homes for existing residents, and to reduce the number of households who will need to be temporarily re-housed.
- 5.2.11 The Eastfields Phase 1 Reserved Matters will demolish 63-110 Clay Avenue; 1-60 Pains Close; 1-44 Potter Close; and 1-12 Thrupp Close and build 201 new homes of different sizes and types, including wheelchair user housing. 71% of the new homes will be affordable and the 29% private homes are all for existing homeowners on the Eastfields Estate. Eastfields Phase 1 also provides new active playspace and 173sqm of flexible community floorspace towards the centre of the site and to the east, adjacent to Long Bolstead Recreation Ground it provides an outdoor gym. The landscaping includes formal and informal play spaces and part of the central linear park, including swale and space for informal recreation
- 5.2.12 A copy of the current phasing plan relating to the Eastfields Outline Permission can be found at CD 4.7.
- 5.2.13 As there are no third party interests to be acquired in respect of the construction of sub-phase 1A of the Eastfields Estate, Clarion has since procured a contractor to start on phase 1A in October 2023.
- 5.2.14 Reserved matters applications for Eastfields Phases 2 and 3 are still required to be submitted pursuant to the Eastfields Outline Permission.

5.3 The Planning Position of the High Path Estate

- 5.3.1 The High Path Estate is situated in South Wimbledon located directly adjacent to the South Wimbledon Underground Station on the Northern Line. The Estate currently comprises 608 residential dwellings in a mixture of tower blocks, flats, maisonettes, and terraced houses and accommodates a mix of tenures including private ownership (as a result of right to buy) and affordable housing. The number of storeys across the site ranges from 1 to 12.
- 5.3.2 The High Path Estate is bounded to the north by Merton High Street; to the east by Abbey Road; to the south by High Path road; and to the west by Morden Road.
- 5.3.3 A detailed Phase 1 'kickstart' permission granted on 5 October 2017 for High Path Phase 1 (planning reference 16/P3738) for 134 new

homes (the **High Path Phase 1 Permission**, CD 7.1) has been built out in full and is now substantially occupied, all by existing residents from the existing High Path estate.

- 5.3.4 Outline planning permission for the whole remainder of the High Path estate, High Path Phases 2-7 planning reference 17/P1721, was granted on 29 April 2019 (CD 7.3) (subject to variations with references 21/P1932 granted to 19 July 2019, 21/P2806 granted on 21 January 2022, 22/P1740 granted on 14 October 2022 and reference 23/P0515 granted on 4 October 2023) with all matters reserved, except in relation to parameter plans, for the comprehensive regeneration of the High Path Estate (the **Extant High Path Outline Permission**).
- 5.3.5 The Extant High Path Outline Permission for Phases 2-7 with all matters reserved provided an illustrative masterplan setting out how the development could be brought forward. The permission provided for the demolition of existing buildings on the Estate and up to 1,570 new homes, up to 9,900 sqm of commercial and community floorspace, a large new neighbourhood park lying at the centre of the site and provision of children's play space, landscaping and public realm enhancements.
- 5.3.6 The High Path Outline Permission set out improvements to the Estate's energy performance including a combined heat and power centre to support the energy supply for the whole Estate, once built. As part of the landscaping and servicing improvements within the Estate, the permission also provided for a new form of underground refuse waste storage and collection. A Design Code accompanying the application was secured as part of delivery, requiring subsequent Reserved Matters to comply with the quality set out within the Design Code. The Design Code sets out 10 distinct character areas within the whole Estate, each with a distinctive vision, building typology, design principles and materials. The parameter plans established the locations of development, including the large linear publicly accessible park at the heart of the site and the essential links between and across the new estate, opening it up to the surrounding area.
- 5.3.7 As mentioned above, a single overarching section 106 Agreement dated April 2019 for the Eastfields, High Path and Ravensbury Outline Permissions (defined below) contained obligations across 20 schedules. This overarching section 106 agreement, including the 16 schedules common to the Estates, discussed in more detail below;

the obligations secured within it that are specific to the High Path Estate are set out in schedule 16 and include:

- (a) High Path bus stop relocation and bus capacity improvements;
- (b) High Path pedestrian and cycle route improvements;
- (c) Primary healthcare;
- (d) Replacement of the existing High Path ball court and provision of the new High Path recreational facility;
- (e) Waiting and loading bays;
- (f) Refuse strategy;
- (g) District Heating Network;
- (h) Transport impact assessment and residential and workplace travel plans; and
- (i) Electric vehicle charging points.

5.3.8 The Extant High Path Outline Permission permits the redevelopment of the High Path CPO land. A copy of the current phasing plan relating to the Extant High Path Outline Permission can be found at CD 4.1(a) and (b).

5.3.9 In terms of the consultation that was undertaken for the Extant High Path Outline Permission the Council wrote to 8,323 property addresses in Merton, advertising the three outline planning applications at the Eastfields, High Path and Ravensbury Estates for public consultation. Of these property addresses, 3,176 neighbouring property addresses surrounding High Path Estate were written to. The Council team erected a total of 20 site notices within nearby adjoining streets and main interchanges and main public areas within the High Path Estate. Alongside this the Council's officers also consulted both internal/external statutory and non-statutory consultees.

5.3.10 **High Path Phase 2** (planning reference 19/P1852, CD 7.8) was granted permission by Reserved Matters on 3rd October 2019 for a wholly residential scheme of 113 homes (105 apartments and 8 houses), 82% affordable. Most of the homes (105 apartments) will be in three blocks creating a continuation of the already built Phase 1 fronting the High Path Estate thereby enclosing the first landscaped courtyard, including children's play space. The demolition of the

existing tower block at Marsh Court is required for the construction of the majority of High Path Phase 2. The eight houses are sited adjacent to the listed homes at Rodney Place and fronting existing homes on Abbey Road, requiring the demolition of the existing Lovell House. Again, these homes are for existing residents on the Estate to move into as their permanent home, which will also help facilitate the rest of the High Path Estate regeneration.

5.3.11 On 31st March 2022 **High Path Phase 2A** (planning reference 22/P0085 (CD 7.9)) was granted Reserved Matters permission for the demolition of the Nelson Grove Road Garages.

5.3.12 Reserved matters approval was also granted on 12 December 2022 planning reference 22/P2199 for **High Path Phase 3A** for the demolition of the existing houses at 50-60 Pincott Road and the provision of a multi-use games court including associated landscaping, lighting and highways work (CD 7.10).

5.3.13 A reserved matters application for **High Path Phases 3B and 3C** (which will include demolition of the buildings in High Path Phase 4) was validated on 10 January 2023 and allocated reference number 22/P3688 for:

"Demolition and site clearance and the construction of buildings for residential dwellings (and associated communal open space and play space), non-residential floor space, an energy centre, public open space comprising a new public square, public realm and landscaping works, cycle and car parking spaces together with associated highways and utilities works including underground refuse stores."

5.3.14 High Path Phase 3B and 3C will be updated following Government confirmation of the requirements of the fire safety (second staircase) regulations.

5.3.15 In 2022 Clarion undertook extensive pre-application consultation and on 18 January 2023 a new outline planning application for High Path Phases 4 to 7B was validated with reference number 22/P3686. It revises High Path Phases 4-7 only of the existing outline planning permission 17/P1721 by providing up to additional +568 homes, of which a minimum 227 homes (40%) would be affordable, and enhanced or similar benefits to the Extant High Path Outline Permission 17/P1721. The new outline application relates to phases 4-7B (based on the illustrative phasing) (the **High Path Phases 4-7B Application**).

- 5.3.16 On 15 June 2023, the Council's Development and Planning Applications Committee unanimously resolved to grant planning permission for the High Path Phases 4-7B Application subject to conditions and planning obligations being secured (CD 5.9). As at the date of this proof, the High Path Phases 4-7B Application is now going through GLA Stage 2 review. A variation of the section 106 agreement dated 29 April 2019 for the Eastfields, High Path and Ravensbury Outline Permissions is currently being negotiated by the Council and Clarion to bind the new outline permission to be granted pursuant to the High Path Phases 4-7B Application.
- 5.3.17 This High Path Phases 4-7B Application does not cover the same geographic area as High Path Phases 2 and 3 which relate to the High Path CPO.

5.4 The Planning Position of the Ravensbury Estate

- 5.4.1 The Ravensbury Estate is situated to the south of the London Borough of Merton within the Ravensbury ward, to the south-east of Morden district town centre in the Morden area of the Borough. The Estate has a PTAL rating of 1b to 3 across the Estate. Morden Underground Station with access to the Northern Line located approximately 1 mile (15-minute walk) to the west of the Estate.
- 5.4.2 The Ravensbury Estate is bound by the A239 Morden Road and then the National Trust's Morden Hall Park on the northern and western edges and Ravensbury Park, including the river Wandle, on the southern and eastern edges. It comprised 192 homes, of which 91 are to be retained and the remainder (most of which are constructed as prefabricated Orlit homes) will be demolished and replaced by the regeneration.
- 5.4.3 Full 'kickstart' planning permission was granted on 9 May 2017 for Phase 1 of the Ravensbury Estate planning reference 16/P1968 (CD 7.12) to provide 21 homes, which have been built and occupied by existing residents.
- 5.4.4 Outline planning permission was granted on 29 April 2019 for Ravensbury Phases 2-4 (the remainder) of the Ravensbury Estate regeneration (planning reference: 17/P1718 (CD 7.13) (the **Ravensbury Outline Permission**). The permission demolishes the existing buildings and permits up to 180 homes of a scale and massing in 2-4 storeys across the Estate, reflecting the scale of nearby homes and the surrounding tree canopy visible in neighbouring Ravensbury Park and Morden Hall Park. The new public realm, landscaping and Design Codes set out in the

Ravensbury Outline Permission will make the Estate more resilient to flood risk than the existing buildings, reflecting its location close to the river Wandle. The existing community centre will be replaced by up to 160sqm of new, well designed community floorspace remaining at the heart of the Estate.

5.4.5 In terms of the consultation that was undertaken for the Ravensbury Outline Permission, the Council wrote to 8,323 property addresses within Merton advertising the three outline Planning applications at the Ravensbury, Eastfields and High Path Estates. Of these, 653 neighbouring property addresses in proximity to the Ravensbury Estate were consulted on this application. Officers in my team visited the Estate to put up the notices to be sure there was comprehensive coverage and that the notices were put up in a timely manner. We erected a total of 10 site notices within nearby adjoining streets and main interchanges and main public areas within the Estate (refer to the highlighted areas which shows where we placed site notices). Alongside this LBM officers also consulted both internal/external statutory and non-statutory consultees.

5.4.6 As mentioned above, a single section 106 Agreement dated April 2019 for the Eastfields, High Path and Ravensbury Outline Permissions contained obligations across 20 schedules. This overarching section 106 agreement. including the 16 schedule common to the Estates. is discussed in more detail below; the obligations secured within it that are specific to the Ravensbury Estate are set out in , schedules 17 and 20 and include:

- (a) Ravensbury pedestrian and cycle route improvements;
- (b) Traffic Calming measures;
- (c) Re provision of the existing Ravensbury community centre;
- (d) Access to Ravensbury Park;
- (e) River Wandle footbridge; and
- (f) Floodplain mitigation strategy.

5.4.7 At the time of writing, planning permission has been granted for the whole regeneration of the Ravensbury Estate following approval of Reserved Matters for the remaining phases 2-4 on 9 December 2019 for 179 new homes (reference: 19/P1845) (CD 7.14). Construction has begun on Ravensbury Phase 2.

5.5 Overarching Section 106 Agreement

- 5.5.1 As already described in Section 2 of this proof, the Council's Estates Local Plan 2018 established the principle of a linked financial and delivery model whereby the surplus value generated by the regeneration of the High Path Estate would cross-subsidise the regeneration of the Eastfields and Ravensbury Estates.
- 5.5.2 In line with this planning policy principle, Clarion submitted a detailed Financial Viability Appraisal to support the Council's assessment of all outline planning applications for the Estates, which was scrutinised by the Council's independent viability assessors as part of the planning application process. The three outline planning applications (Eastfields Outline Permission, High Outline Permission and the Ravensbury Outline Permission (together the **Outline Permissions**) granted in 2019 were subject to a section 106 dated 29th April 2019 (the **Extant OPA S106 Agreement**) (CD 7.22). The Extant OPA S106 Agreement was a single legal agreement as all three Estates are bound together for development viability and delivery reasons.
- 5.5.3 The Extant OPA S106 Agreement is structured to have 20 schedules, of which 16 schedules are in common to the Estates and the remainder are schedules are specific to each Estate. Collective obligations common to the Estates include:
- (a) Scheme linking to ensure delivery of the Estates;
 - (b) Affordable housing numbers and mix across all estates, the timing and contents of financial viability reappraisals during the lifetime of the Merton Estates Regeneration Programme;
 - (c) Delivery, management, maintenance and access of Estate roads;
 - (d) Open space and landscaping delivery, management, maintenance and access;
 - (e) Securing highways and bus stop improvements;
 - (f) Parking management plans, Controlled Parking Zones, Car Clubs membership and bays and car free development;
 - (g) Noise and air quality during construction;
 - (h) Delivery and services management plan;
 - (i) Utility diversions; and

(j) Lifts.

5.5.4 Due to the long-term and phased nature of development, many of the section 106 clauses start with Clarion supplying an overarching plan to set out how the clause (e.g. open spaces, estate roads, parking controls, delivering and servicing etc) will be delivered across the whole of the relevant Estate and then per Phase. Where relevant, the obligations detail temporary measures to be used for early Phases until the final Phase was built and the whole overarching plan could be delivered across the whole Estate.

5.5.5 In terms of the viability, the Extant OPA S106 Agreement obligates Clarion to submit a series of Affordable Housing Reappraisals through the lifetime of the Merton Estates Regeneration Programme, linked to a number of cumulative homes across the Estates. As such, the Estates are linked in terms of viability through the Extant OPA S106 Agreement. Schedule 18, paragraphs 1 & 2 entitled 'Scheme Linking' provides the appropriate link mechanism to ensure the regeneration of the Estates are delivered together and in a timely manner.

5.5.6 The Council has commissioned SQW who are independent viability assessors that have been involved with undertaking financial viability review for the Merton Estate Regeneration Programme since the original outline planning applications for the Estates were submitted back in 2017. SQW have provided independent financial review relating to the planning stages and deed of variation and the review of the programme level financial strategy, as set out earlier in Section 2 of this proof.

5.6 In conclusion, all three Estates have outline planning permissions and, aside from High Path Phase 3B and 3C, the necessary Reserved Matters approvals to progress development. Kickstart Phase 1 sites have already been constructed and occupied by existing residents from within the estates at High Path and Ravensbury, thereby freeing up homes in phase 2 onwards for demolition. Eastfields Phase 1 has started ground preparation works and, once complete, will also be occupied by existing residents from within the Estate. The Extant OPA S106 Agreement and the relevant planning conditions for each permission help to guide each de In my view there are no planning impediments to the delivery of the regeneration of each of the three Estates.

6 HOUSING NEED IN THE BOROUGH

6.1 Introduction

- 6.1.1 As previously stated in section 4, the London Plan sets out the strategic framework for development in all London boroughs. Within the London Plan, the Mayor sets out designations, planning policy requirements, targets, and instructions that boroughs must include in their Local Plans. The Local Plan must also be in 'general conformity' with the London Plan.
- 6.1.2 The NPPF expects local authorities to significantly boost the supply of housing. NPPF Section 11 points out the importance of sustainable development which involves seeking positive improvements in the quality of the built environment including widening the choice of high-quality homes. The NPPF recognises that to create sustainable, inclusive and diverse communities, a mix of housing based on demographic trends, market trends and the needs of different groups should be provided.
- 6.1.3 Paragraph 124 of the NPPF also recognises that planning policies and decisions should support development that makes efficient use of land, taking into account the need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places.
- 6.1.4 Merton's housing requirement has significantly increased from 411 new homes per year from 2016 to 2026 in the London Plan 2016. The increased requirement of a minimum of 918 new homes for the London Plan 2021 period 2019/20-2028/29 was based on analysis of land availability and capacity across Merton. The Greater London Authority identified significant capacity for residential growth in Merton's Opportunity Area, which are expected to contribute 5,000 new homes and 6,000 new jobs between 2019 and 2041. The High Path Estate and the Ravensbury Estate are located within the London Plan's Colliers Wood / South Wimbledon / Wimbledon Opportunity Area.
- 6.1.5 The London Plan 2021 sets a strategic target for 50% of all new housing supply to be delivered as affordable housing over the plan period, taking account of all sources of supply, including estate regeneration schemes. Section 4 of this brief summarises the London Plan policies including those relating to housing needs.

6.2 Current housing needs in Merton

6.2.1 The housing requirement for the Council set out in the London Plan 2021 is based on the London Strategic Housing and Land Availability Assessment (CD 10.4) and the London Strategic Housing Market Assessment (CD 10.5). The housing requirement and available supply was examined in more detail in the Council's Strategic Housing Market Assessment 2019 (**SHNA**) (CD 10.6), Housing Viability Study 2020 (This evidence informed the housing policies in the Council's New Local Plan (CD 6.7) to encourage the delivery of a minimum of 12,085 new homes between 2021 and 2038.

6.2.2 Merton's housing requirement, which is set out in the London Plan 2021, is 9,180 homes for the period 2019/20 to 2028/29 or 918 homes per annum. For the period 2029/30 to 2033/34 the housing requirement is 474 homes per annum and for the period 2034/35 to 2037/38 it increases to 548 homes per annum. The Council's draft New Local Plan aims to meet the housing need by delivering a minimum of 12,085 additional homes from 2021 to 2038 in a stepped trajectory as set out below.

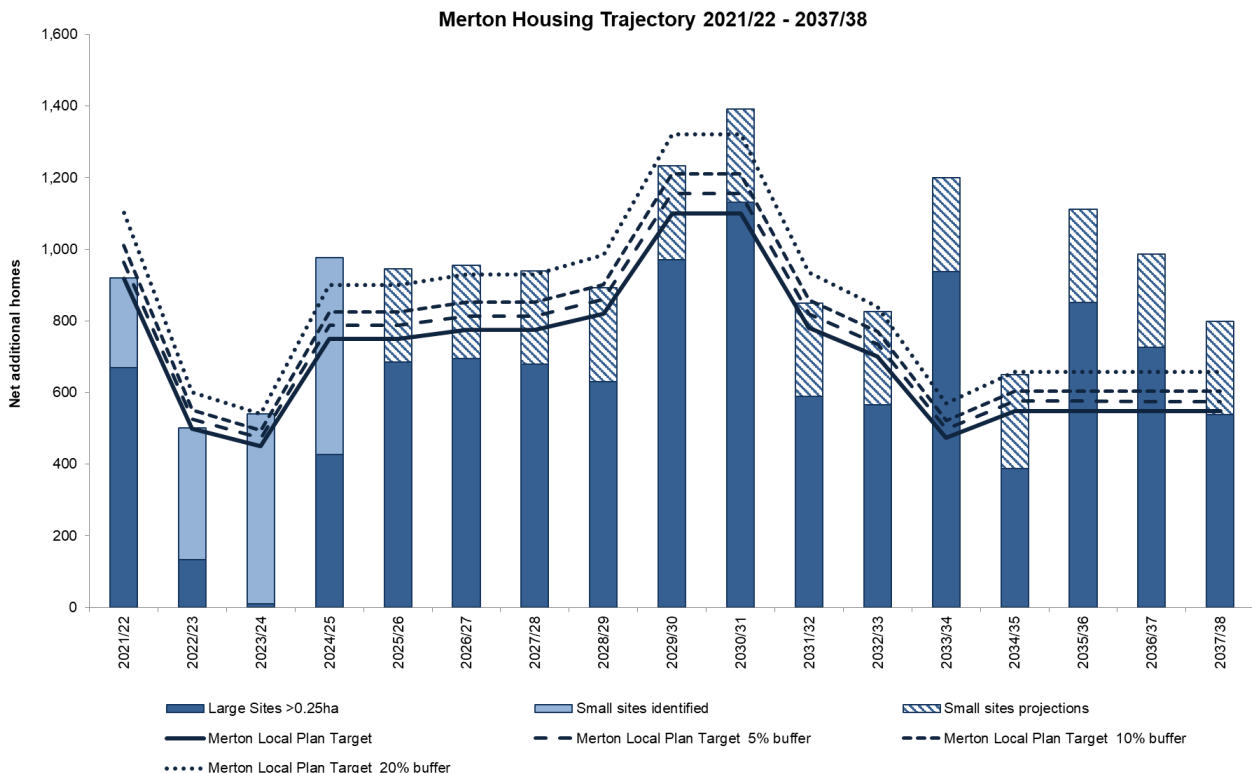


Figure 1 - Merton Housing Trajectory 2021/22-2037/38

6.2.3 Merton's SHNA (identifies a notable and pressing need for affordable housing in all parts of Merton for between 878 to 1,084 affordable homes per year and that the demand for affordable housing

significantly outstrips supply. Merton's Local Plan Viability Study (2020) (notes that where viability is already on the margins, other policy requirements may need to be reduced to compensate for these costs.

- 6.2.4 Policy DM H3 in Merton's Sites and Policies Plan (2014) (CD 6.4) sets out an affordable housing tenure split requirement of 60% social and affordable rent and 40% for intermediate rent or sale. The Council's New Local Plan sets out an affordable housing tenure split policy requirement of 70% low cost rented and 30% intermediate. This is in conformity with London Plan Policy H6.
- 6.2.5 Merton's SHNA indicates that for affordable housing need is more heavily skewed towards smaller dwellings, and affordable home ownership sits somewhere in between the market and affordable (rented) housing but closer to the affordable rented sector. For market housing the need is skewed more heavily towards three and four bedroomed homes. Merton's SHNA supports the introduction of a 70 / 30 split between low cost rented and intermediate which better benefits people most in need and reflects the unmet affordable housing need to be addressed.
- 6.2.6 The reason that Merton's affordable housing need is so great is predominantly due to the fact that Merton is a borough of small sites, which generally don't have to provide affordable housing. On average over the last 12 years more than 90% of the planning applications for new homes submitted to the Council were for sites of less than 10 homes. As the London Plan and the Council's previous policy only applied to developments of 10 homes or more, this means that very few developments were eligible to provide affordable housing through the planning system.

6.3 Housing supply challenges in Merton

- 6.3.1 Data released by central governmentⁱ found that the number of planning applications received in the quarter ending June 2023 was 11% lower than the previous year. Nationally, housing experts are forecasting a major drop in housebuilding, driven by high interest rates and building cost inflation, and data from the Greater London Authority (GLA)ⁱⁱ (is beginning to see these trends taking hold amongst developers. New planning figures reveal that between April and June 2023, there was a 41 per cent decline in the number of homes on major planning applications referred to the Mayor compared to the same period in 2022, and a 53 per cent reduction compared to 2022.

- 6.3.2 The Government's own dataⁱⁱⁱ paints a picture of a sector squeezed to its limits, with national figures showing that the cost of construction materials has gone up 33 per cent since the start of 2021 and 40 per cent since 2020. Across the country, the Home Builders Federation^{iv} has predicted that Government failure on housebuilding may mean levels of building dropping to the lowest level since World War II.
- 6.3.3 As previously stated, Merton is a borough of small sites, which present their own unique challenges to housing delivery. The high number of small sites is due to fragmented land ownership; the borough was largely previously developed since the Victorian/Edwardian eras and particularly as Metroland inter-war suburbia. High land values make land assembly for large sites less viable. Over 90% of the planning applications for new homes received by Merton as a Local Planning Authority over the last 12 years have been for sites of fewer than 10 homes. Smaller sites are more challenging to construct, are more sensitive to construction cost rises and, as previously stated, are not required to provide affordable housing.
- 6.3.4 The competition for land from different uses is affecting affordable housing delivery in Merton. There are several sites that have recently attracted interest from parties with an interest in developing non-residential uses, or indeed for continuation of the existing use, these include:
- (a) Benedict Wharf, Mitcham, which had outline planning permission granted for 850 new homes but the owner does not plan to build out the permission because of changes in business circumstances which mean they will continue to use the site for waste management; and
 - (b) 579-589 Kingston Road, Raynes Park, which has planning permission for 118 home scheme, a 124 home scheme and CIL paid on a 99 home scheme, but the owners have recently submitted an application for self-storage on the site.

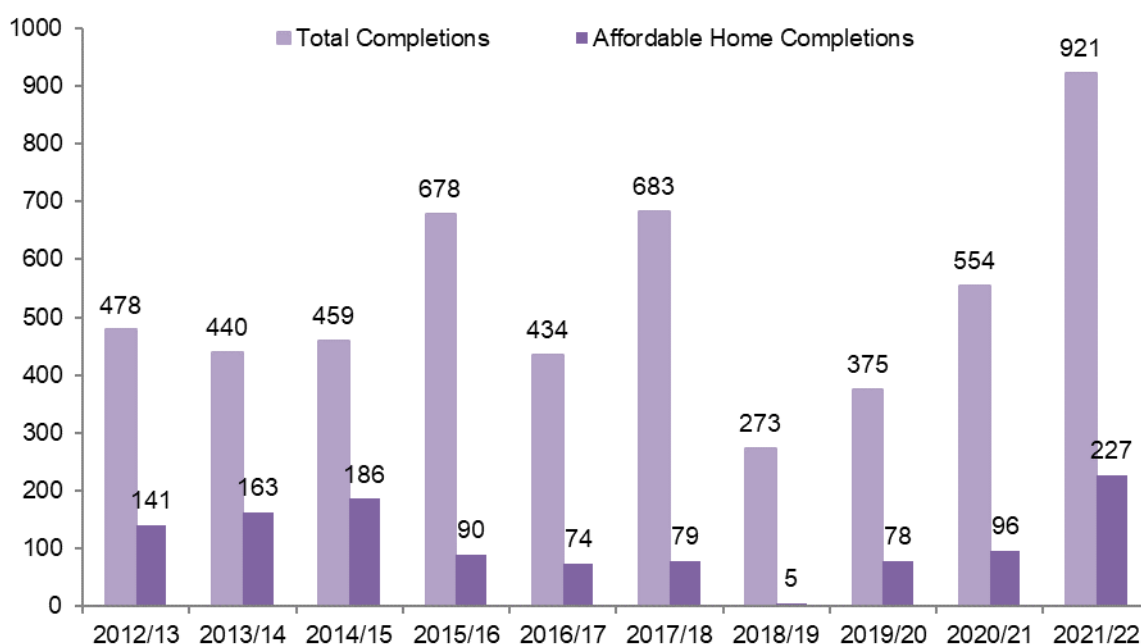
6.4 Conclusion

- 6.4.1 In simple terms, Merton is constrained, there is a lack of additional development land; and therefore, where large sites are brought forward, these sites drive overall housing delivery. Merton's Strategic Housing Needs Assessment concluded that there is a considerable need to provide as much affordable housing as viably possible, in part because of historic challenges in delivery.

6.4.2 As at January 2024 Merton cannot demonstrate a five-year supply against the adopted London Plan 2021 housing requirement for the period 2023/24-2027/28. Merton has the equivalent of 4.75 years supply (CD 8.31)

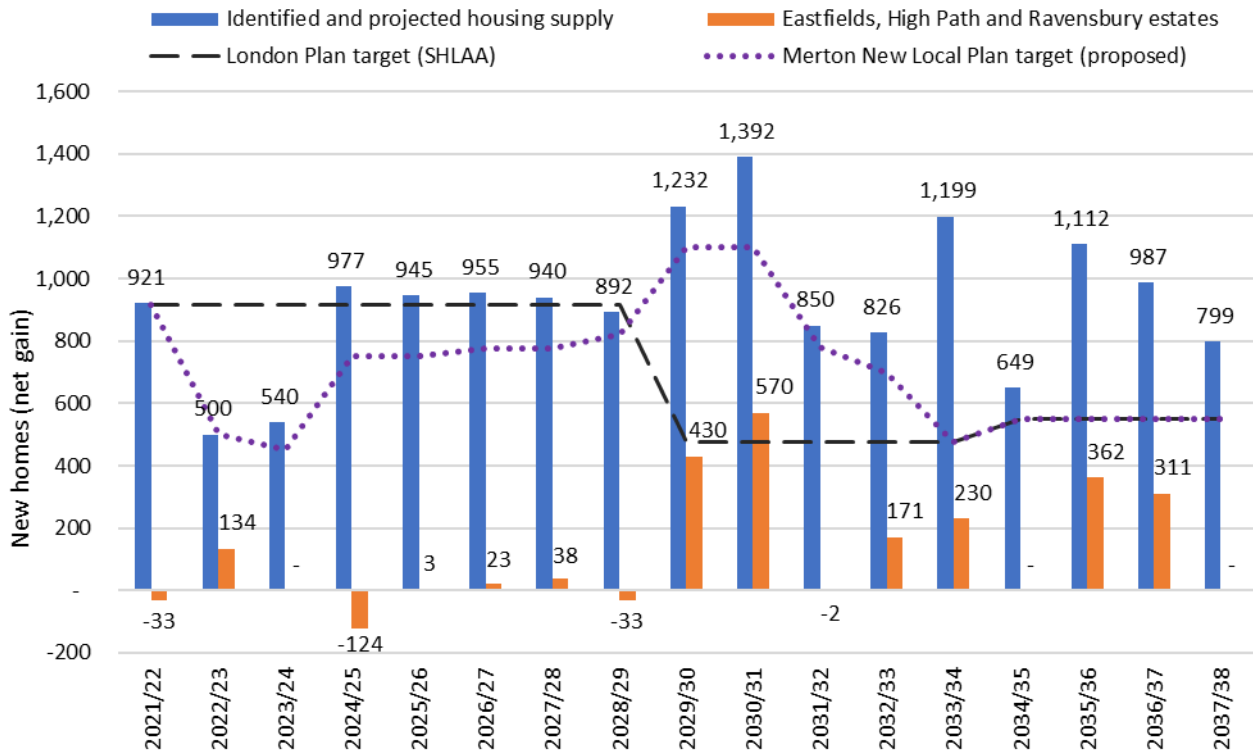
6.4.3 Merton’s Core Planning Strategy 2011 sets a borough wide affordable housing target of 40% of new homes. The below summarises housing delivery over the past 10 years. It shows that over that period 4,630 new homes were completed, of which 1,139 (22%) were affordable housing.

6.4.4 **Affordable Home Completions 2012-2022**



6.4.5 The regeneration of the Eastfields, High Path and Ravensbury Estates will make a significant contribution to meeting the housing need over the next 15 years in Merton. The graph and table below show the extent to which the new homes built on the Estates make up total projected completions of new homes until 2037/38. Whilst the demolitions and early phases do not contribute to the five-year housing supply, from 2029/30 onwards the Estates comprise up to 41% of annual projected housing supply.

Merton Housing Trajectory and Estates Regeneration



Calendar year	Identified and projected housing supply	Merton New Local Plan target (proposed)	London Plan target (SHLAA)	Eastfields, High Path and Ravensbury estates	% of projected net gain that estates contribute	% of London Plan target that the estates deliver
2021/22	921	918	918	-33	-4%	-4%
2022/23	500	500	918	134	27%	15%
2023/24	540	450	918	0	0%	0%
2024/25	977	750	918	-124	-13%	-14%
2025/26	945	750	918	3	0%	0%
2026/27	955	775	918	23	2%	3%
2027/28	940	775	918	38	4%	4%
2028/29	892	820	918	-33	-4%	-4%
2029/30	1,232	1,100	474	430	35%	91%
2030/31	1,392	1,100	474	570	41%	120%
2031/32	850	780	474	-2	0%	0%
2032/33	826	700	474	171	21%	36%
2033/34	1,199	474	474	230	19%	49%
2034/35	649	548	548	0	0%	0%
2035/36	1,112	548	548	362	33%	66%
2036/37	987	548	548	311	32%	57%
2037/38	799	548	548	0	0%	0%

Total	15,715	12,084	11,906	2,080	13%	17%
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6.4.6 Whilst the Council will be positive and proactive about meeting the housing need, it should be noted that there is a limit to what can be achieved by the Council by itself. It is clear from the 'root cause' analysis that many of the barriers to housing delivery are outside of the control of the local authority and lack of provision is due to a myriad of reasons. The analysis also highlights the importance of working collaboratively and positively with key stakeholders and neighbours in order to make any meaningful difference to housing delivery challenge.

7 HOW THE SCHEME WILL HELP MEET HOUSING NEED

7.1 Introduction

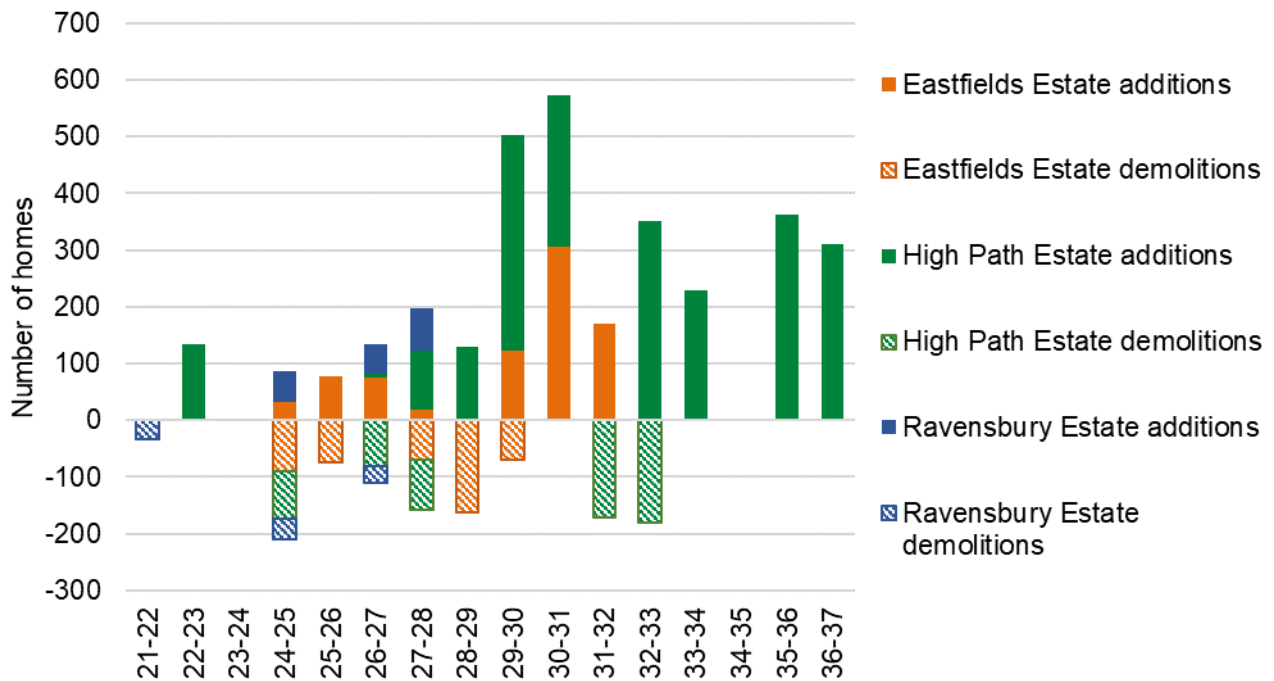
7.1.1 The Council is not a stock owning authority and therefore relies on Registered Providers, such as Clarion, to deliver new affordable housing in Merton. The Council has supported the regeneration of the Eastfields, High Path and Ravensbury Estates since 2014. This is an opportunity to meet the housing need through providing access to decent homes for existing residents and new affordable and private homes for other residents in Merton.

7.1.2 The Merton Estates Regeneration Programme envisages the provision of up to 3,272 new homes (subject to the grant of the new outline application for the High Path Estate (see below)). The breakdown of these new homes is as follows:

- (a) High Path Phase 1 (Kickstart): 134 homes;
- (b) High Path Phases 2 –7: up to 2,138 homes;
- (c) Ravensbury Phase 1 (Kickstart): 21 homes;
- (d) Ravensbury Phases 2-4: up to 179 homes; and
- (e) Eastfields: up to 800 homes.

7.1.3 The phasing of the Merton Estates Regeneration Programme is shown in the graph below:

Clarion Estate Regeneration phasing (updated August 2023)



7.2 The Scheme as a whole

7.2.1 There is a need to increase housing delivery in Merton to meet local housing needs and comply with wider policy requirements set out in the London Plan and by national government. However, Merton is a relatively constrained borough in terms of land for new homes which does not have significant brownfield development land, significant large sites or many regeneration opportunities. As mentioned above, the regeneration of the Eastfields, High Path and Ravensbury estates will provide a major contribution towards meeting Merton's housing need in the medium to long term and improving the lives of current and future residents.

7.2.2 Key drivers:

- (a) Improving homes and neighbourhoods (supporting the development of new homes to modern energy efficiency standards, helping to reduce residents' fuel and repair bills. Improving the building fabric, pavements, roads, drains, street lighting, parks and landscaping to create neighbourhoods that will last).
- (b) Delivering new homes (deliver new homes to help Merton to meet need for new homes of all types, sizes and tenures)

- (c) Delivering regeneration across the Estates (new homes will be delivered as part of a single comprehensive programme to viably deliver regeneration on the Estates).

7.2.3 The Merton Estates Regeneration Programme will provide high quality well-designed neighbourhoods, wider housing mix, more private space for residents, better quality green spaces and community facilities and job opportunities. It will also make more efficient use of brownfield land, improve the quality, quantity and mix of new homes at the Eastfields, High Path and Ravensbury Estates.

7.2.4 Assessment of the quantum and mix of affordable housing has had regard to this Local Plan policy requirement and the agreed section 106 obligations ensure that the development will provide affordable housing on a like-for-like tenure for returning residents.

7.2.5 Access to decent homes: national and regional guidance acknowledged that being able to access decent affordable accommodation is a major factor in improving health and wellbeing (including mental health). Accommodation standards and affordability have a strong influence on other issues which contribute to quality of life, including health (including mental health) and wellbeing, crime, education and skills.

7.3 Eastfields Phase 1

7.3.1 As per the Eastfields Outline Permission, the redevelopment of the whole of the Eastfields Estate will create 800 new homes and enhance the local area with new retail, leisure, office and community spaces.

7.3.2 Eastfield Phase 1 (of which the Eastfields Order Land forms part), will facilitate the delivery of 201 new homes on the Eastfields Estate of which 143 (71%) will be affordable rented/social rented and 58 new homes will be private homes to replace existing private homes for resident homeowners. All of these new homes will be delivered on the Order Land. The overall forecasted break down of Phases in the Eastfields Estate is:

- (a) Phase 1: 201 Homes (143 affordable and 58 private homes);
- (b) Phase 2: 125 Homes (122 affordable homes and 3 private homes);
- (c) Phase 3 474 Homes (467 private homes and 7 replacement homes).

7.3.3 All 466 existing dwellings (comprising 221 private and 245 affordable units) on the Eastfields Estate are proposed to be demolished and redeveloped. Homes to be demolished as part of Eastfields Phase 1 include 78 affordable/tenanted units and 74 private units. The core elements of the Eastfields Estate regeneration are as follows:

- (a) demolition of 466 existing homes;
- (b) construction of up to 800 residential units (use class C3);
- (c) a minimum total of 262 affordable units are to be delivered in Phases 1-3 as required by the section 106 agreement related to the Eastfields Outline Permission (defined below);

7.4 High Path Phases 2 and 3

7.4.1 The High Path Estate is located in the London Plan Wimbledon / South Wimbledon / Colliers Wood Opportunity Area for growth in housing and employment. The development of the High Path Estate will comprise up to 2,272 dwellings and up to 7,200sq m of non-residential floorspace (subject to the grant of the new outline application for the High Path Estate). The breakdown is as follows:

- (a) Phase 1 – 134 dwellings (81 of which are affordable) – construction complete and building occupied;
- (b) Phase 2 – 113 dwellings (95 of which are affordable) and 187 sqm of non-residential floorspace – Reserved Matters granted;
- (c) Phase 3 – 374 dwellings and 1,811 sqm of non-residential floorspace (to be approved pursuant to the pending reserved matters application); and
- (d) Phases 4-7 – up to 1,651 dwellings and 5,000 sqm of non-residential floorspace pursuant to the Application.

7.4.2 All of the 608 dwellings existing prior to the commencement of the Scheme on the High Path Estate are proposed to be demolished in due course, with 78 units proposed to be demolished as part of High Path Phase 2 and 88 units as part of High Path Phase 3.

7.4.3 Throughout the Scheme there will be no loss of social/affordable housing, indeed, the Scheme will increase the number affordable homes within the High Path Estate as the developer addresses historic overcrowding in the three Estates, when rehousing the existing social/affordable tenants.

7.5 Ravensbury Phases 2-4

- 7.5.1 The Ravensbury Estate is located in the London Plan Opportunity Area for growth in housing and employment. The overall break down of Phases in the Ravensbury Estate is:
- (a) Phase 1: 21 homes (complete)
 - (b) Phase 2: 54 Homes; (under construction)
 - (c) Phase 3: 51 Homes; and
 - (d) Phase 4: 74 Homes.
- 7.5.2 Of the 192 original dwellings on the Ravensbury Estate, 101 are proposed to be demolished and the land upon which they are situated will be redeveloped. 97 of these existing dwellings will be demolished as part of Ravensbury Phases 2-4 of the Ravensbury Estate regeneration. The remaining 4 properties were demolished as part of Phase 1 of the regeneration of Ravensbury Estate.
- 7.5.3 91 properties on the Ravensbury Estate will be retained. These comprise a three and four storey 'walk up' maisonette flat / block (known as Ravensbury Court) (59 properties), which lies on the eastern side of Ravensbury Grove, 22 properties on Hengelo Gardens and 10 properties on Ravensbury Grove. All of these properties are built using brick and traditional methods of construction and they are all in sufficiently good condition that redevelopment is not required.
- 7.5.4 100 of the 179 new homes in Ravensbury Phases 2-4 will be affordable housing units, which comprises 55.9% on a unit basis or 57.3% on a habitable room basis.

7.6 Conclusion in respect of housing need

- 7.6.1 The regeneration of the Eastfields, High Path and Ravensbury Estates will make a significant contribution to meeting the housing need in Merton, in particular the affordable housing need. The proposals also ensure that these large brownfield sites are optimised for their housing potential. The needs of current residents are addressed by providing them with new homes that meet the Decent Homes standard and are appropriate for their requirements. A substantial amount of new housing will also be provided for other Merton residents.

8 EQUALITIES AND HUMAN RIGHTS

8.1 Introduction

8.1.1 This section of my proof provides details in respect of how the Council has had regard to its public sector equality duty and to human rights in respect of the CPOs, as well as a justification of the Scheme in relation to human rights legislation.

8.2 Equalities

8.2.1 Section 149 of the Equality Act 2010 (the **Equality Act**) binds all public sector acquiring authorities by the Public Sector Equality Duty. The Public Sector Equality Duty requires the Council to, in exercising the Council's functions have due regard to the need to:

- (a) eliminate *unlawful discrimination, harassment, victimisation*;
- (b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it*;
- (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it*.

8.2.2 The CPO Guidance (CD 12.6) states that "*In performing their public functions, acquiring authorities must have due regard to the need to meet these three aims of the Equality Act 2010.*"

8.2.3 The Equality Act also introduced nine Protected Characteristics; Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex and Sexual orientation.

8.2.4 The Equality Act sets out that having due regard for advancing equality involves:

- (a) removing or minimising disadvantages suffered by people due to their protected characteristics;
- (b) taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and
- (c) encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

- 8.2.5 The Equality Act states that meeting different needs involves taking steps to take account of the impact of different experiences (for example, addressing different forms of disability). It requires public bodies to be proactive in eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations. The Duty may involve treating some people more favourably than others.
- 8.2.6 The Council has carefully considered and had regard to the Public Sector Equality Duty throughout the Merton Estate Regeneration Programme process. The Council commissioned an independent consultant to undertake an equalities impact assessment to inform the production of the Estates Local Plan, alongside the sustainability appraisal, to ensure the Public Sector Equality Duty is fully discharged.
- 8.2.7 The Equality Act requires the Council to have a '*continuing and ongoing regard*' for this duty. It can show this regard in a range of ways as the Equality Act is not prescriptive on this matter, but the most common is to conduct Equalities Impact Assessment (**EqIA**) at key decision points.
- 8.2.8 In preparing the Estates Local Plan, officers carried out an EqIA (contained within the Sustainability Appraisal) (CD 8.28).
- 8.2.9 EqIAs (dated March 2022) have also been undertaken to re-examine the equalities impacts of the Scheme as a whole, with specific assessments carried out for each Estate forming part of the CPOs.(High Path CD 8.11 Ravensbury CD 8.15 Eastfields CD 8.19) (the **2022 EqIA**).
- 8.2.10 **Estates Local Plan: Equality Impact Assessment 2016-18**
- 8.2.11 The Council commissioned independent consultants to undertake an equality impact assessment which informed the production of the Estates Local Plan. This EqIA was prepared alongside the sustainability appraisal and strategic environmental assessment which also informed the Estates Local Plan.
- 8.2.12 To ensure a rigorous approach to identifying equalities issues, a specific indicator SO20 on "Diversity and Equality" was also added to the Estates Local Plan Sustainability Appraisal framework, in addition to the other sustainability appraisal objectives which include equality issues, such as SO16 *Housing - Contribute to meeting Merton's housing needs, increasing the opportunity for people to live in a decent and affordable home* SO17 *Access to Activities - Enhance opportunities for culture, leisure and social activities within the estate*

and / or by improving access to facilities SO18 Social Deprivation - To contribute to reducing poverty and encouraging social inclusion SO19 Health and Wellbeing - To improve the health and wellbeing of residents and reduce health inequalities.

- 8.2.13 This EqlA also assessed Clarion's progress against the 2014 "10 Commitments" and incorporated Clarion's own equalities impact assessment of their proposals, including their consultation process and Clarion's Offer. This helped to assess the Scheme for equalities issues, noting that a key expectation of the regeneration proposals that come forward was the commitment to keeping the existing community together in each neighbourhood, and for existing residents to have a guaranteed right to return to a new home in their regenerated neighbourhood.
- 8.2.14 The findings of the Estates Local Plan sustainability appraisal and equalities impact assessment showed that the Merton Estate Regeneration Programme will result in major positive impacts for the issues of housing, access to activities and social deprivation. Minor positive impacts are achieved for diversity and equality and education and skills.
- 8.2.15 The Merton Estates Regeneration Programme will enable existing and future housing needs to be met in terms of size and tenure, particularly affordable housing need, as identified in the Housing Market Assessment of the Estate Regeneration Areas, February 2017. All existing affordable housing will be re-provided on each Estate with no net loss of affordable habitable rooms or floorspace.
- 8.2.16 The redevelopment will offer the opportunity to diversify the housing mix enabling a broader cross section of groups within the community to be catered for, including the young, elderly and vulnerable groups.
- 8.2.17 The provision of new community space and improved accessibility within the Estates and to the wider area will help to promote community cohesion.
- 8.2.18 Regeneration is likely to have a positive effect on socioeconomic inequalities, offering the opportunity for the education and skills of the population to be improved through the regeneration of the area and the potential increase in opportunities for training and new skills both in the construction and operation of the development.
- 8.2.19 The level of impact was uncertain at the Estates Local Plan stage with regards to health and wellbeing and services and facilities. The Estates are relatively well served by social infrastructure including

schools, health, leisure and community facilities. An assessment of the impact of the increase in population upon the existing facilities will be required as part of the planning process.

8.2.20 The new accommodation is likely to improve the health and general wellbeing of residents as a result of more efficient, warmer, well-maintained homes. However, there will be significant disruption to residents as a result of the redevelopment. The phasing and decanting will need to be carefully considered to minimise adverse impacts upon residents.

8.2.21 The opportunity for new layouts within the Estates that the Merton Estates Regeneration Programme will provide, should ensure that accessibility to and within the Estates is improved for all.

8.2.22 In conclusion, the Estates Local Plan equalities impact assessment assessed all of the policies within the Estates Local Plan as having a neutral or positive effect on people with protected characteristics, thus influencing the planning permissions that comply with policies in the Estates Local Plan.

8.2.23 **The Scheme: equalities impact assessments 2022**

8.2.24 The 2022 EqIA concludes broadly that the impacts of the Scheme will be positive:

(a) it provides an opportunity to reduce overcrowding amongst its tenanted households. Overcrowding is proportionately more likely to affect households from the BAME community and so the regeneration provides an opportunity to address inequality in this area. Significant amenity and size improvements will be provided for residents, with all new homes built to current space standards with private outdoor space; and

(b) the regeneration is an opportunity to provide new lifetime homes for all tenants, this will enable older tenants (and homeowners) to remain independent in their own homes for longer. In accordance with planning policy and building regulations, unlike existing homes, all new homes are designed to accommodate adaptations for wheelchair use; all new homes can be adapted to meet the specific needs of disabled residents and 10% of all new homes will be adapted for wheelchair users.

8.2.25 The report to Merton's Cabinet on the use of compulsory purchase powers (March 2022) (CD 5.8) reported to councillors that steps are

being taken to ensure that the acquisition and relocation processes are applied in a fair and non-discriminatory way. However, it is acknowledged that the process of redeveloping the Estates itself is likely to have a negative impact on older, disabled and vulnerable residents, due to the requirements to move house, potentially more than once, if temporary accommodation is necessary during the construction period. The greatest impact on equalities will be the mechanics of the Estates' regeneration including: the residents' offer; moving existing residents into new homes; addressing overcrowding; and minimising disruption during this extensive process.

- 8.2.26 The report noted that Clarion has committed to designing the construction phases to minimise the need to "double decant" and where at all possible older, vulnerable or disabled tenants will only be asked to move once, straight into a new home. Help will be provided to assist with such moves.
- 8.2.27 In promoting the CPOs and delivering Phase 2 and 3 of the High Path Estate regeneration, Phases 2 to and 4 of the Ravensbury Estate regeneration and Phase 1 of the Eastfields Estate regeneration, the Council and Clarion will seek to keep the existing community together with existing residents having a guaranteed right to return to a new home in their regeneration neighbourhood. The 10 Commitments and Clarion's Offer (assessed in the Estates Local Plan EqIA) provide a strong mechanism to achieve this.

8.3 Human Rights

- 8.3.1 The Human Rights Act 1998 (the **1998 Act**) places direct obligations on public bodies such as the Council to demonstrate that the use of compulsory purchase powers is in the public interest and that the use of such powers is proportionate to the ends being pursued.
- 8.3.2 As an acquisition under the 1998 Act will extinguish third party rights, the Council will need to ensure that it does not contravene the rights of individuals under the European Convention on Human Rights (the **ECHR**).
- 8.3.3 Section 6 of the 1998 Act makes it lawful for the Council to act in any way which is incompatible with a right under the ECHR. As set out in Article 1 of the First Protocol to the ECHR, every person is entitled to the peaceful enjoyment of his or her possessions and no one shall be deprived of those possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

- 8.3.4 In order to avoid contravening individual human rights by making a compulsory purchase order, it must be demonstrated that the compulsory purchase order is in the public interest and that it is necessary and proportionate to make the compulsory purchase order.
- 8.3.5 As set out in the March 2022 CPOs report to Council officers have carefully considered the balance to be struck between individual rights and the wider public interest in recommending the decision to support the CPOs. Having regard to the matters set out above a compelling case in the public interest exists for the making and confirmation of the CPOs. Interference with Human Rights, to the extent that there is any, is considered to be justified in order to secure the economic, social and environmental benefits which the Scheme and the CPOs specifically will bring, namely the creation of new, well designed, high quality neighbourhoods aimed at fundamentally improving the quality of life for existing and future generations living in the area. This coupled with the significant level of public consultation, and a robust, fair offer to residents in the Estates means the Scheme and the CPOs specifically minimises the interference with the rights of those affected.
- 8.3.6 Section 10 of each of the Statement of Reasons (High Path CD 1.3 Ravensbury CD 2.3 and Eastfields CD 3.3) and sections 7, 9 and 10 of each of the Statements of Case (CD High Path CD 1.4 Ravensbury CD 2.4 and Eastfields CD 3.4) addresses human rights issues in more detail.
- 8.3.7 In conclusion, the 2022 EqIA found that the Scheme is broadly positive in terms of equalities impacts. Due regard has also been had to the public sector equality duty and adequate equalities impact assessment have been carried out to understand the impact of the 2022 CPOs on those affected. Steps are being taken to ensure that the acquisition and relocation processes are applied in a fair and non-discriminatory manner. Steps will also be taken to minimise the adverse effects on protected groups during construction and any such effects suffered by surrounding ethnic minority businesses. The proposals will bring a range of benefits to disabled and other protected groups including in relation to enhanced access, housing provision and lifetime homes.

9 RESPONSE TO OBJECTIONS WHICH RAISE TOWN PLANNING ISSUES

9.1 Introduction

9.1.1 In this section I have considered objections received in respect of the High Path CPO which raise town planning related issues and I set out my responses to these accordingly under the following themes:

- (a) Height, scale and massing of the High Path Estate;
- (b) Impacts on neighbouring amenity (Daylight / sunlight);
- (c) Transport Impacts including parking;
- (d) Infrastructure;
- (e) Standard of accommodation; and
- (f) Construction impacts, including dust, noise, vibration and construction traffic impacts.

9.1.2 For the avoidance of doubt, please see separately witness statements from Clarke Vallance and Iona McConnell, which also address objections raised to the CPOs.

9.2 Height, scale and massing of the High Path Estate

Table 1: Response to objections

Objections received	Officers response
<p><u>23 Norfolk House, Nelson Grove</u></p> <p>The objection relating to 23 Norfolk House, Nelson Grove, raised concerns asserting that present plans appear to be overbearing in height, mass and scale along with loss of mature public realm and private garden trees. A number of other objections related to issues arising from the height, scale and mass of the development pursuant to the High Path CPO, primarily loss of light. Issues relating to loss of light are discussed below.</p>	<p>After submission to the Council, the High Path Outline Application 17/P1721 underwent public consultation where residents raised objections including on height, scale and massing. As a result of residents' consultation feedback, feedback from the Design Review Panel and the Council's Urban Design & Conservation officers and statutory consultees, the High Path Estate outline proposal underwent some amendments to reduce height, scale and massing. The following points below show the assessment and finding from the outline permission Phases 2 – 7.</p> <p>A number of the building parameter heights proposed at 10 storeys had</p>

been reduced to 9 storeys, particularly those closest to the station along Merton Road in line with the Estates Local Plan Policy EP8. Furthermore, the solid mass which was created by the longitudinal form of architecture being proposed around the station needed a visual break, in order to appear less intrusive, which has now been taken into consideration in the final outline proposal.

Of particular importance were also the lower properties on the north side of Merton High Street which are up to 3-storeys high. It was considered necessary to also reduce the proposed parameter heights facing Merton High Street closest to the Station, from 10-storeys to 7-storeys, to allow for a better transition between the existing townscape and the proposed taller buildings.

The other significant change has been to interrupt the bulk of the applicant's original plans. When perceived from Merton Road in the north, at the junction with The High Street, the buildings behind the station were at 10-storeys high, and a continuous span arguably appeared intrusive to the existing townscape. Clarion was advised of this concern and revised their plans to create visual breaks in the elevation of the buildings in that very prominent and sensitive location close to the Listed Station.

The revised plans were received by the Council which show the reduction in heights, scale, massing and visual breaks in the elevations. Officers were satisfied that the development would be in line with Policy EPH8 of the Estates Local Plan and other relevant policies of the development plan and is therefore considered acceptable in this regard.

In terms of High Path Phases 4 – 7,

	<p>these parts of the Estate are not included within High Path Phase 2-3 CPO. However, when officers assessed the original outline planning permission for Phases 4 – 7, the overall height, scale and massing was taken into consideration for the Estate as a whole (i.e. considering the surrounding permissions at Phases 2 and 3). The points raised above concluded that the proposal was appropriately designed through significant communication with the residents, applicants design team, the Council and the design review panel. The purpose of this was to ensure the overall height, scale and massing of the proposals would not have a detrimental impact on the character and appearance of the Estate, the wider area or have an adverse impact on neighbouring amenities.</p>
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9.3 Impacts on neighbouring amenity (including Daylight / Sunlight)

9.3.1 Whilst 'rights to light' is not a material planning consideration, I have addressed below the objections received in respect of the following addresses which make reference to the impact of the loss of sun and/or daylight and why these impacts are acceptable in planning terms:

Table 2: Response to objections on neighbouring amenity (including daylight / sunlight)

Objections received	Officers response
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Objections received	Officers response
<p>The objections from the following properties below raised concerns relating to Impact from the loss of sunlight and/or daylight.</p> <ul style="list-style-type: none"> • Trafalgar Public House; • 8 Hudson Court and 22 Ryder House; • 42 -72 Abbey Road; 	<p>A detailed Daylight / Sunlight survey and report was submitted with the Extant High Path Outline Permission Phases 2 – 7 at the planning application stage. It had considered the potential daylight, sunlight and overshadowing effects of the proposals on surrounding residential properties. The methodology used follows Building Research Establishment (BRE) best practice guidance and examines a number of recognized factors including Vertical Sky Components and Average Daylight factors.</p> <p>The BRE Guide contains two tests, which measure daylight to windows. The first test is the Vertical Sky Component (VSC) (expressed as a percentage of the sky visible from the centre of a window).</p> <p>The second test is daylight distribution; the BRE guide states that where room layouts are known, the impact on the day lighting distribution can be found by plotting the ‘no skyline’ in each of the main rooms.</p> <p>Overall, the proposals meet the discretionary BRE criteria. Please see CD 7.25in respect of the daylight/sunlight assessment that was undertaken for the masterplan outline permission reference 17/P1721.</p>
<p><u>23 Norfolk House, Nelson Grove Road</u></p>	<p>Based on the maximum parameters determined as part of the Extant High Path Outline Permission and following the daylight and sunlight assessment, it was considered that the proposals would be acceptable in planning terms</p>

Objections received	Officers response
	on matters relating to daylight/sunlight.
<u>Flat 3, Kent House</u>	Following consultation with local residents and the applicants the Extant High Path Outline Permission was able to achieve a successful outcome in ensuring sufficient levels of daylight and sunlight would be maintained for existing neighbouring properties.

9.3.2 Please note that evidence in respect of the analysis and negotiations to acquire legal rights to light are dealt with separately in the Proof of Evidence from Clarke Vallance.

9.4 Transport Impacts including parking

Table 3: Response to objections on transport impacts

Objections received	Officers response
<p><u>23 Norfolk House, Nelson Grove Road</u></p> <p>The objection relating to 23 Norfolk House, Nelson Grove Road questioned the development enhancement due to reliance on public transport, with future residents being dependant on overcrowded tube line toward central London or bus services which are slow to get to other destinations, and of course are inappropriate for the number of workers in the area whom use vans for their building / plumbing / electrical and waste transfer businesses or taxi and vehicle recovery owner businesses that are at present accommodated in the houses sought to be acquired.</p>	<p>In terms of public transport use for both underground and bus networks, there is adequate and frequent service that would suitably accommodate the uplift of new residents arising from the new development. TfL have scored the High Path Estate between Public Transport Accessibility Level (PTAL) rating of 4 – 6a, this means that the High Path Estate in general has good to excellent public transport access. The area close to South Wimbledon Station in particular is considered to be excellent (level 6a) in which case the access and level of service would continue to provide good standard of public transport for existing and new residents of the Estate and nearby neighbouring residents. The Extant OPA S106 Agreement contains Schedule 16 for High Path which secures a number of measures to improve transport capacity at High Path including</p>

Objections received	Officers response
	bus capacity improvements, travel plans, cycle parking and electric vehicle charging points.

9.5 Standard of accommodation

Table 4: Response to objections on standard of accommodation

Objections received	Officers response
<p><u>23 Norfolk House, Nelson Grove Road</u></p> <p>The objection relating to 23 Norfolk House, Nelson Grove Road raised the following concerns:</p> <p>Replacement dwellings proposed do not in all cases have such size and layout of accommodation including storage and circulating areas, and separated areas such as kitchens, which the likes of Covid-19 have shown that safe separation within family houses and unnecessary mixing in households and interruptions arising enabling working from home or study at home less practical to carry out. This observation also applies to many of the flat units in Marsh Court and others. Additionally, replacement flats not only are of an inappropriate and undersized layout but have been built to a means that the likes of storage cupboards or shelves cannot be affixed to walls in reasonable locations.</p>	<p>The proposals have been tested against local and national policies and guidance to ensure that new residential development is of a high standard of design both internally and externally and also 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.</p> <p>In accordance with the Mayor’s Housing SPG , any development will need to be of the highest standards of design and provide high quality residential accommodation that is well designed, and delivers an appropriate mix of units, with sufficient play and amenity space.</p> <p>Whilst the outline permission for the High Path Estate was illustrative and details of the internal layout would emerge in separate reserved matters applications, the Council's officers were able to determine in the illustrative design of the outline permission that the proposal could be built to acceptable standards in terms of layout, size, internal head height and comprising of acceptable levels of dual aspect windows. Furthermore, the Council's officers were able to determine the details of High Path Phase 1 and Phase 2 and were satisfied with the internal room standards/sizes to ensure</p>

Objections received	Officers response
	a high standard of accommodation was provided in accordance with the minimum space standards set out in the London Plan.

9.6 **Construction impacts, including dust, noise, vibration and construction traffic impacts**

Table 5: Response to objections on construction impacts

Objections received	Officers response
<p><u>Horse and Groom Public House</u></p> <p>The objection from the Horse and Groom Public House raised the following concerns:</p> <p>The proposed regeneration immediately borders the property and there are concerns about the adverse impacts of dust, noise, vibration and additional construction traffic and/or any temporary road closures during the construction phase of the development which would have a negative impact on trade and wider business.</p>	<p>The Council's officers note that this is an important matter, particularly as the proposed regeneration has a phased development timeline that would last circa 15 years. Planning officers and members of the Planning Applications Committee have imposed conditions that would ensure the dust, noise and vibration levels arising from the proposed development are controlled and managed appropriately. As such condition 23 attached to the Extant High Path Outline Permission Phases 2 – 7 requires the applicants to provide further details for discharge of conditions at each phase. As such this would ensure the demolition and construction stage are appropriately controlled in terms of;</p> <ul style="list-style-type: none"> - hours of operation; - the parking of vehicles of site operatives and visitors; " loading and unloading of plant and materials; - storage of plant and materials; - public viewing, where appropriate; - wheel washing facilities; - measures to control the emission

Objections received	Officers response
	<p>of noise and vibration;</p> <ul style="list-style-type: none"> - measures to control the emission of dust and dirt; - a scheme for recycling/disposing of waste; - the measures proposed to reduce and remove risks to the water environment and reduce flood risk; - a full Logistics Plan, which demonstrates how the impact of demolition / construction vehicles would be minimised; and - an Air Quality & Dust Management Plan (AQDMP) to identify the steps and procedures that will be implemented to minimise the creation and impact of dust and other air emissions resulting from the site preparation, demolition, groundwork and construction phases of the development.
<p>The current and any future owner of the Property enjoy prescriptive access rights (with and without vehicles) over Haywood Close that have been obtained through long use. These rights facilitate access to the rear of the property for amongst other matters staff and customer parking. It is understood that these existing rights will need to be overridden as part of the regeneration proposals but if similar alternative access rights are not formalised it will mean that access to the</p> <p>rear of the property will be permanently lost and this will likely lead to the closure of the public</p>	<p>In terms of the proposed development causing restriction of access (this adjoining property would be close to High Path Phase 3), officers do not consider that there would be any future access restrictions. The proposal for the High Path Phase 3 reserved matters application, which is currently pending planning decision, seeks to enhance the current restricted access on the rear side of South Wimbledon Station accessed via Morden Road. This would open out into a new regeneration area, which would provide a new side link street called 'Lady Emma Walk'. This element of the proposal would provide a selection of shops and services to the public and would connect with the rear of the</p>

Objections received	Officers response
house, the loss of jobs and the loss of a community asset.	Estate. The proposal acknowledges the current rear service access for the public house and does not propose to limit this access. In fact, this part of the initiative would result in an enhancement of the space at the rear, which would lead to improved access for servicing of the rear of the commercial properties along Merton High Street.

10 CONCLUSION

- 10.1 As is explained above, I have been working on the Merton Estates Regeneration Programme since it started in 2013/14. My role has involved leading the team on the production of the Council's Estates Local Plan 2014-2018, recruiting and managing the development management case officers who lead on the assessment of the Estates regeneration planning applications from 2017 to the current date, representing the Council for the outline schemes at Planning Committee alongside the case officers, monitoring the project deliverability and financial viability and acting as a link between the Council as Local Planning Authority and in its other roles. I have had a particular focus on assessing the current proposals to ensure that they will bring social, economic and environmental benefits to the Borough whilst also meeting the objectives of planning policy. The Council is satisfied that the Merton Estates Regeneration Programme will provide much needed benefits to existing and future residents in these areas which will ultimately promote all of the objectives of the planning policy I have noted above.
- 10.2 The Development Plan as a whole supports the whole regeneration of Eastfields and High Path Estates and the partial regeneration of Ravensbury Estate, in accordance with the Council's Estates Local Plan. Merton's Estates Local Plan provides the policy backbone to link the delivery of the three estates, which is also secured as a key clause in the Extant OPA S106 Agreement covering the Outline Permissions for all three estates – the regeneration of all three estates will be delivered together, and under one financial strategy. The overarching strategy for the development of each Estate was supported in the three Outline Permissions and these have been informed by residents feedback and accord with the objectives of the Estates Local Plan 2018 and London Plan Policies 2021. The principle of development as discussed in the main body of this report should be therefore supported.
- 10.3 The proposal is Merton's largest regeneration project and makes a substantial contribution to helping to meet housing need. Following lengthy Local Plan and pre-planning meetings and multiple rounds of consultation with local residents and the wider community over many years, the Merton Estates Regeneration Programme will provide a range of planning and housing benefits secured in financial and non-financial commitments as part of the Extant OPA S106 Agreement that benefit existing and future residents.
- 10.4 The proposals represent a form of development which would be acceptable in providing energy efficient homes for existing and new residents, a new neighbourhood park, improved cycle, pedestrian and vehicular access, high standard public realm, landscaping and non-residential/community spaces. As set out in this report, the proposals, providing a greater number, range, type

and size of homes for existing and future residents, including affordable homes.

- 10.5 In view of Development Plan policies, guidance set out in the NPPF and an assessment of other material considerations, officers are satisfied that the Scheme has met in principle the requirements for a development of this size and scale in relation to the planning issues considered under the main assessment section of this report.
- 10.6 The Council is satisfied that there will be no planning impediment to the delivery of the regeneration of the relevant phases for each of the CPOs. Clarion has invested a substantial amount of resource and time into the Merton Estates Regeneration Programme and is committed to its delivery.

11 STATEMENT OF TRUTH AND DECLARATION

11.1 Statement of Truth

11.1.1 I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

11.2 Declaration

11.2.1 I confirm that my report has drawn attention to all material facts which are relevant and have affected my professional opinion.

11.2.2 I confirm that I understand and have complied with my duty to the inquiry as an expert witness which overrides any duty to those instructing or paying me, that I have given my evidence impartially and objectively, and that I will continue to comply with that duty as required.

11.2.3 I confirm that I am not instructed under any conditional or other success based fee arrangement.

11.2.4 I confirm that I have no conflicts of interest.

11.2.5 I confirm that I am aware of and have complied with the requirements of the rules, protocols and directions of the inquiry.



Signed: _____

Dated: 26 January 2024

TARA BUTLER

ⁱ See the Government's report dated 7 September 2023 ([Planning applications in England: April to June 2023 - statistical release - GOV.UK \(www.gov.uk\)](#)).

ⁱⁱ See report published on the Mayor of London's website on 11 August 2023 ([Mayor convenes Housing Taskforce as he warns of house building 'grinding to halt' under perfect storm of pressures | London City Hall](#)).

ⁱⁱⁱ See the Government's Monthly Statistics of Building Materials and Components – July 2023

^{iv} See the Home Builders Federation 'Planning for Economic Failure: Estimating the impact of Government planning interventions' (March 2023)