



Future Merton
London Borough of Merton
Civic Centre
London Road
Morden
SM4 5DX

Your reference Local Plan Consultation Stage 3 Response
Telephone 020 7399 5884
Email Victoria.Bennion@eu.jll.com

6th September 2021

Dear Sir/Madam,

RESPONSE TO MERTON LOCAL PLAN CONSULTATION STAGE 3 TO PROMOTE RESIDENTIAL DEVELOPMENT AT THE IMO CAR WASH SITE, 57 HIGH PATH, MERTON, SW19 2JY

This Supporting Statement is prepared on behalf of our client, 57 High Path Limited. It is submitted to the London Borough of Merton as part of the Stage 3 Draft Local Plan Consultation in response to draft Policy EC13.3 'Protection of Scattered Employment Sites' and to support and promote the allocation of the IMO Car Wash Site, 57 High Path, Merton for residential development and therefore included in its emerging Local Plan.

The purpose of this stage of the Plan and subsequent examination is to consider whether the Plan complies with the legal requirements, the Duty to Co-operate, and whether it is legally sound. The Council is seeking views on whether the Plan is legally compliant and meets the test of 'soundness' set out in the NPPF paragraph 35. Plans are 'sound' if they are:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework.

We previously provided representations and put forward this Site for allocation in response to the Stage 2a Consultation in January 2021, however, the Site has not been taken forward by the London Borough of Merton as part of the Stage 3 Consultation. This Supporting Statement continues to promote the Site for allocation and reaffirms why the London Borough of Merton should allocate the Site for residential development. The Site can be delivered in the first five years of the new Local Plan period.

Site Location and Description

The Site is located within the London Borough of Merton and is approximately 0.1 hectares in area. The Site is a commercial site in operation as an automated car wash, which features a large car park car wash (sui generis) and is situated between High Path and Merantun Way (A24). The Site is located between South Wimbledon Town Centre to the northwest and Colliers Wood Town Centre to the northeast, circa 500m to each respectively.

Following recent planning permissions on the adjoining and neighbouring sites along High Path and Station Road for residential development this Site would also be a suitable location for a residential development and should therefore be considered for allocation within the London Borough of Merton Local Plan.

General Approach

57 High Path Limited supports the rationale behind the New Local Plan and the further clarity it will provide to both applicants and decision makers. 57 High Path Limited has reviewed the questionnaire prepared by the Council and consider that many of the questions posed show ambition and recognition of the challenges that London and London Borough of Merton are facing. In particular, the acknowledgement of the need to ensure consistency with the London Plan and the need to tackle the housing crisis are welcomed. However, 57 High Path Limited are concerned that draft Employment Policy EC13.3 requires additional thought and revision, our comments are set out herein and also seek to promote the IMO Site for exemption of the draft policy and allocation for residential development. Our comments reflect our previous representations submitted as part of the Stage 2a Consultation and comment on the soundness of the Local Plan in its current form.

London Borough of Merton's Housing Delivery

The London Borough of Merton's Housing Delivery Study was published in April 2021, this study indicates that Merton has seen housing delivery exceed the relevant London Plan target over the last fifteen years as a whole, exceeding the number of homes required (equal to 5,735 homes) by around 1,700 homes since 2005. The rate of housing delivery has averaged 495 homes over the 15-year period. However, the study goes on to state that *"the new London Plan (2021) requires a significant uplift in housing delivery in Merton to now be delivered. Housing delivery needs to increase by an average of 458 dwellings a year (equal to an almost 100% increase) to what has been achieved over the last 10 years. This needs to be achieved effectively through intensification within Merton's existing neighbourhoods"*.

Although Merton have been exceeding the number of homes required, housing delivery with London Borough of Merton needs to increase significantly in order to meet the new housing need. In accordance with the new 'standard method' for assessing housing need, the minimum Local Housing Need for Merton is 1,519 dwellings per annum. The uncapped need would be higher still at 1,819 dpa based on household growth and an upward adjustment of 68% to improve affordability. The Housing Delivery Study confirms that the minimum requirement for a new Local Plan in Merton is thus to deliver 9180 dwellings (918 dpa) over the 2019-29 period. The rate of housing delivery in the London Borough of Merton has been relatively low. Over the last decade from the beginning of the previous recession in 2009 up to the latest monitoring year, housing stock growth

has been equal to around 0.4% per annum. Over the 10-year period, Merton has had one of the lowest rates of delivery of any of the London Boroughs. It has seen a rate of housing delivery over the last decade, which is half the London average, and a more than 40% below the national average.

The lower housing provision is in part a reflection of the geography of Merton which does not benefit from large areas of brownfield land which is readily available for development, Furthermore, the protections afforded through planning policies for open space and employment land also prevents a high rate of housing delivery within the borough. Although the Council is seeking to increase housing delivery the emerging Local Plan, the Housing Delivery Study 2021 confirms that the emerging Plan is unlikely to meet this housing need through the existing site allocations and considers that a considerable quantum of residential development will be brought forward through 'windfall' development schemes, in particular on small sites within existing residential areas within Merton. Merton's Five-Year Housing Supply 2020 confirms that Merton will rely on 15% of their Housing Supply to come through their windfall allocation, this is higher than the 11% proposed to come from Allocations in order.

It is clearly evident that in order for Merton to meet the increased minimum housing requirement of 918 dpa, additional sites should be allocated for residential development instead of heavily relying on windfall sites to achieve the required need. We do not consider that a heavier reliance on windfall sites compared to the reliance of allocated sites is **justified** within the local plan and therefore cannot be considered **sound**.

Furthermore, we believe that Merton's proposed stepped trajectory for housing delivery is not realistic and is unsustainable. Although we acknowledge that there has been a high increase in the housing target, there isn't the evidence to justify this stepped delivery and allowing the delay in meeting the required housing provision is not sustainable. Merton does not need to rely on a stepped trajectory to meeting the required housing need when it could seek to support an increase in the allocation of sites for residential development and promote the release of employment sites for residential use. The Council should not delay meeting significant housing needs and therefore it is considered that the proposed stepped trajectory is not **justified** and therefore not considered sound.

Our client 57 High Path Limited would therefore request your support in allocating the IMO Car Wash site for residential development to aid and meet the increased housing need.

Suitability for Residential Development

The Site is a suitable location for residential use. It lies in an accessible location with schools, shops, business and community uses nearby. The Site is well connected to the surrounding road network, encompassed by several regional scale roads. On the south of the site, the A24 connects the Site to London City Centre and to Gatwick Airport. North and west of the Site is the A238 and A219 are key routes that lead to New Malden and Wimbledon.

The Site has a Public Transport Accessibility Level (PTAL) rating of 4. It is well served by buses and is in close proximity to the South Wimbledon and Colliers Wood London Underground stations. There are a number of local buses which run directly along Merton High Street and Merantun Way.

The character of the area is changing to have an increased residential emphasis. Residential development at the Site would complement both the existing and emerging residential development in the immediate and surrounding area. The surrounding area is subject of significant transformation proposals with both the High Path Estate and the Harris Academy School. As such, the immediate surrounding area is recognised as an area where intensification and redevelopment are supported.

The Site has the potential to provide a residential development providing circa 50 residential units. A draft Site Allocation Wi17 sheet had been prepared and submitted as part of the Stage 2a Consultation in January 2021 for your consideration to allocate the Site for residential development (please see Appendix 1). The Council confirmed within in the Members Summary dated 3rd March 2021 that 57 High Path was put forward for a residential allocation, but consider that the Site cannot be allocated now, specifically commenting *“cannot be taken forward at this time; the Local Plan has been subject to three public consultations”*. This response to stated that they will not be taking forward proposed allocation of the IMO site is not **justified**. An explanation for exclusion of the Site from allocation has not been provided and can therefore not be considered **sound**. An appropriate strategy providing a reasonable alternative to allocating the Site based on proportionate evidence has also not been demonstrated and can therefore not be considered **justified** and does not meet the tests of soundness.

This site would form the last area of regeneration within the local area, given the recent planning permissions on adjoining sites and therefore by not allocating this site for residential development would limit the overall emerging residential development character of the area. The NPPF and the London Plan supports proposals to use employment land for homes in areas of high housing demand and therefore, preventing the allocation of the IMO site for residential is not **consistent with national policy** and not considered sound.

Policy EC13.3 ‘Protection of Scattered Employment Sites’

The IMO Site is not currently proposed to be allocated within the Emerging Merton Local Plan, however, according to emerging Policy EC13.3 (previously referred to as Policy EC7.2 of the Stage 2a Consultation) ‘Scattered Employment Sites’, the Sui Generis automated car wash site would be considered a ‘Scattered Employment Site’ and therefore the Council would seek to retain this for employment use.

As previously stated, my client has already made written representations to request that the wording of Policy EC13.3 is amended. With the current wording of Policy EC13.3, the Council would consider the IMO automated car wash site (which only provides employment for two people) an employment generating use, any application for residential use on this site would be resisted unless it can be demonstrated that the three criteria set out in Policy EC13.3 can be met. The criteria to be met within the emerging policy are far too restrictive for such a small employment generating Sui Generis site and therefore more consideration needs to be given to the policy or in fact to the range of sites that are considered to fall under the ‘Scattered Employment Sites’ category.

The London Plan states that boroughs are encouraged to assess whether the release of land for alternative uses is more appropriate if demand cannot support employment uses in the existing locations. Furthermore,



the London Plan also highlights the need to release commercial land in locations that are well-connected by public transport, walking and cycling in order to contribute to other planning priorities including housing. Given that the IMO Site is located within a well-connected location and in an area where intensification and the redevelopment for residential use is supported, we believe that the Site should be exempt from the policy implications and in fact allocated for residential development.

The Policy in its current form is not in line with the objectives of the NPPF or the New London Plan (March 2021) which promotes the release of commercial land for residential development and therefore, in accordance with the Tests of Soundness within the NPPF, the Local Plan is not considered consistent with national policy and cannot be considered sound.

The policy needs to be reworded to exclude unallocated Sui Generis employment sites that only provide limited job opportunities from needing to meet the relevant criteria. In its current form, the Policy is too restrictive and should look to promote the release of Sui Generis sites to provide much needed residential development without the requirement of meeting the criteria of Draft Policy EC13.3.

Therefore, given that the draft employment policy is not in line with the objectives of the NPPF and the new London Plan which promotes the release of commercial land for residential use, the Draft Local Plan cannot be considered sound as it is unable to meet test d) of the Tests of Soundness listed within the NPPF as draft policy is not **consistent with national policy**. In order to be consistent with national policy, the Local Plan should support and promote the release of commercial land for residential use.

Conclusion

57 High Path Limited welcomes the opportunity to comment on the London Borough of Merton's approach to bringing forward a New Local Plan and supports the general direction and intention of their approach. However, at present we do not consider that the draft Local Plan is sound, and a number of amendments are required in order to support housing delivery on small sites and to support the release of scattered employment sites.

We strongly recommend that London Borough of Merton amend the wording of Policy EC13.3 'Protection of Scattered Employment Sites' to exclude sites within Sui Generis use which provide limited employment opportunities. Furthermore, we would also recommend that the London Borough of Merton also include the IMO Car Wash Site within their emerging Local Plan as a site allocated for residential development. The Site is in single ownership and control and, as such, is available for redevelopment.

Currently, we believe that the Draft Local Plan does not meet all four tests of Soundness as listed in Paragraph 35 of the NPPF. Specifically, the prevention of the allocation of the IMO site is not **justified** and given the draft employment policy is too restrictive in terms of protecting Sui Generis employment sites, this is not **consistent with national policy** in supporting the use of employment land for homes in areas of high housing demand.



We trust that our comments and proposed Site Allocation Wi17 will be duly reconsidered as the New Local Plan is examined by the Inspector. Should you wish to discuss these comments or require any further information please do not hesitate to contact Victoria Bennion on 0207 399 5884.

Yours faithfully,

Victoria Bennion

Senior Planning Consultant – Planning, Development and Heritage

JLL



APPENDIX 1: Site Allocation Wi17: 57 High Path

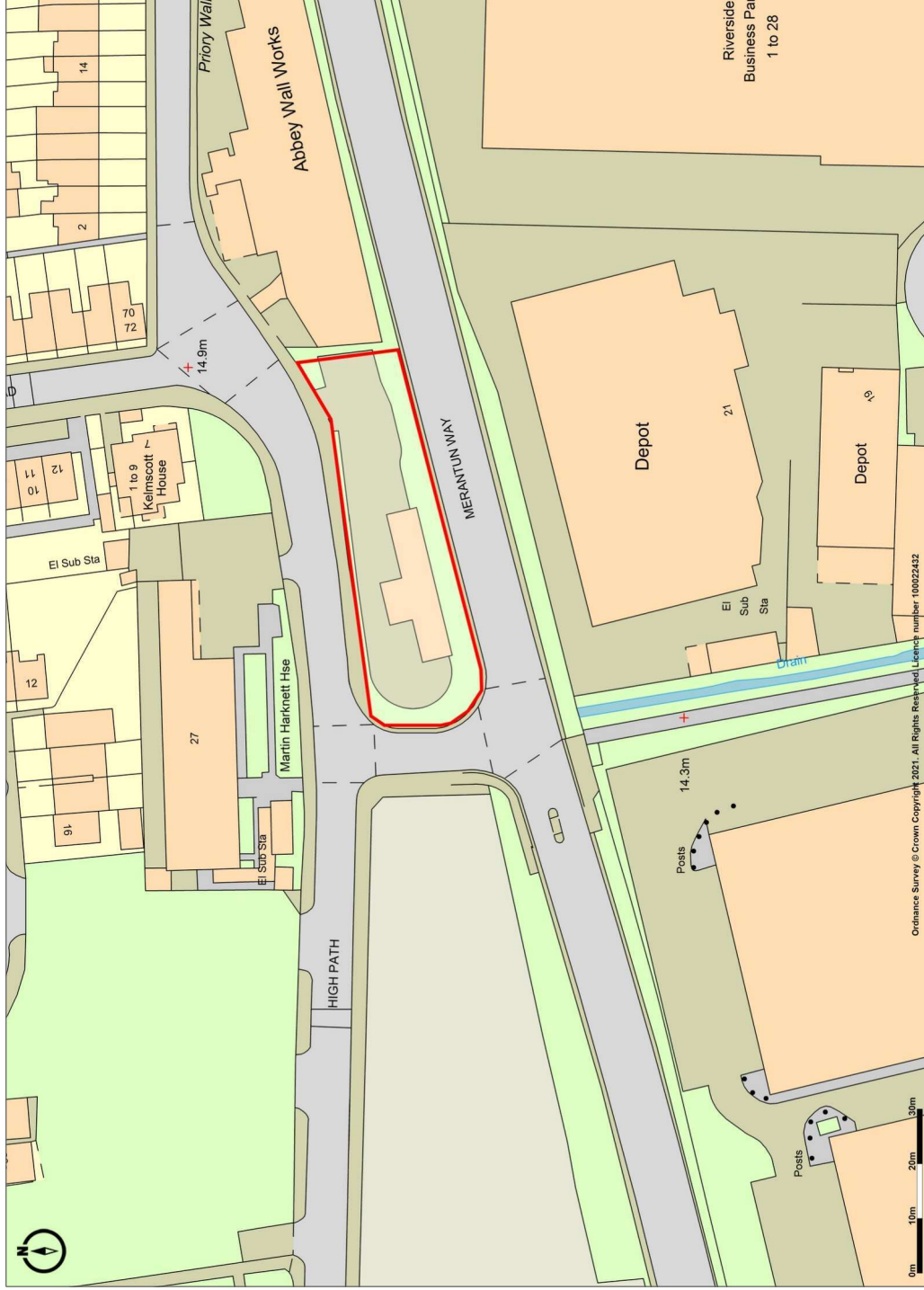
Site Wi17 - 57 High Path, Merton, SW19 2JY	
Ward: Abbey	
Site Description: The Site is a commercial site in operation as an automated car wash, which features a large car park car wash (Sui Generis) and is situated between Station Road and Merantun Way (A24). The site is located between South Wimbledon Town Centre to the northwest and Colliers Wood Town Centre to the northeast, circa 500m to each respectively. The site is adjoining Brookfarm House where an application for a six-storey residential-led scheme is currently under consideration and also Abbey Wall Works where consent has been granted for further residential-led development.	
Site Area: 0.1ha	
Existing Uses: Automated Car Wash (Sui Generis)	
Site Allocation: Residential	
Site deliverability: 57 High Path Limited owned site. Delivery 2-3 years	
Design and accessibility guidance: Development of the site provides several opportunities of the delivery of new homes in an accessible sustainable location, providing new services and homes at a landmark location in the South Wimbledon area. Development should reflect the changing character of the area and maximise development on this brownfield site. Design should take its cues from the recently completed school as well as consented development to the east whilst seeking to create a buffer to the busy road to the south.	
The Site Location	
Impacts Listed Buildings or undesignated heritage assets	No
Impacts on Conservation Area	No
Impacts on Archaeological Priority Area	Yes
Impacts a Scheduled Ancient Monument	No
Impacts on flooding from all sources	The site is in Flood Zone 1 (low probability of flooding)
Is in a Town Centre	No
Is in an Opportunity Area	No
Impacts a designated open space	No
Public Transport Accessibility Level (PTAL)	PTAL 4 good access to public transport



APPENDIX 2: Wi17 Site Allocation Location Map

Site Allocation Wi17 - 57 High Path

Site Location Plan



Promapv2
LANDMARK INFORMATION
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Plotted Scale - 1:1250. Paper Size - A4

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