

**Tara Butler**

Future Merton Team  
Merton Council  
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**Department: Planning**

Our reference: LDF24/LDD08/LP04/HA01

Date: 06 September 2021

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

Dear Tara,

**Statement of general conformity with the London Plan (Planning and Compulsory Purchase Act 2004, Section 24(4)(a) (as amended));  
Greater London Authority Acts 1999 and 2007;  
Town and Country Planning (Local Development) (England) Regulations 2012**

**RE: Merton New Local Plan Publication Stage 3 consultation**

Thank you for consulting the Mayor of London on the proposed Merton new Local Plan Publication Stage 3. As you are aware, all Development Plan Documents in London must be in general conformity with the London Plan under section 24 (1)(b) of the Planning and Compulsory Purchase Act 2004. The Mayor has afforded me delegated authority to make detailed comments which are set out below. Transport for London (TfL) have also provided comments, which I endorse, and which are attached at Annex 1.

The Mayor provided comments on the earlier Merton New Local Plan Stage 2a consultation on 1 February 2021 (Ref: LDF24/LDD08/LP03/HA01). This letter follows on from that earlier advice and sets out where you should make further amendments so that the draft Plan is consistent with the London Plan 2021 (LP2021). The London Plan 2021 was formally published on the 2 March 2021, and now forms part of Merton's Development Plan and contains the most up-to-date policies.

**General**

The focus of the draft Plan is centred on addressing climate change, health and well-being and growing inequalities and this emphasis is well aligned to the Mayor's good growth objectives.

The Mayor welcomes the close working between GLA and Merton officers which has led to positively addressing a number of concerns raised in his earlier response. This included Merton's earlier proposed approach to affordable housing, Build to Rent housing and housing numbers. These elements of the draft Plan have been amended and incorporated into this version of the draft Plan. They are now consistent with the LP2021.

The Wimbledon/South Wimbledon/Colliers Wood Opportunity Area (OA) is identified as the main focus for growth over the plan period. This version of the draft Plan now clearly defines the boundary of the OA and recognises that the indicative figures for growth set out in Table 2.1 of the LP2021 for the delivery of 5,000 new homes and 6,000 new jobs up to 2041, form the starting point for assessing the true capacity of the area to accommodate growth, which is consistent with paragraph 2.1.1 of the LP2021. These amendments address our previous comments and are noted, welcomed and mean that in this respect the draft Plan is aligned with the LP2021.

Outside of the OA, Mitcham, Raynes Park, Wimbledon Chase and Wimbledon Village have been considered and assessed for their potential to contribute towards the ambitions and delivery of the draft Plan.

The Plan period runs for 15 years from 2021/22 until 2035/36, and this clarity is noted and welcomed.

While a number of the comments the Mayor made in response to the Regulation 18 2a consultation in February have been positively addressed, there remains an unresolved matter in relation to Merton's approach to tall buildings. As currently written the draft Plan doesn't identify on maps, locations which are considered suitable for tall buildings and nor have appropriate/maximum building heights been set out within those areas. This means that the approach is not consistent with Policy D9 of the LP2021 and for that reason the Mayor considers that the draft Plan is not currently in general conformity with the LP2021.

GLA officers are keen to continue to offer their support to assist in resolving this matter as they have done with other issues identified earlier on as part of draft Plan's preparation.

## **Housing**

The draft Plan has been positively amended in light of the Mayor's most recent comments related to housing and these are noted and welcomed.

Policy H11.2 of the draft Plan is clear that Merton intends to deliver 11,732 new homes over the Plan period, which runs from 2021/22 until 2035/36. Merton's housing target, as set out in Table 4.2 of the LP2021 is for the delivery of 9,180 new homes from 2019 until 2029 and this is reflected in the draft Plan. Merton's intention to adopt a stepped housing target is supported in paragraph 4.1.10 of the LP2021 which states that targets can be achieved gradually and boroughs are encouraged to set out a realistic and, where appropriate, stepped housing delivery target over a ten year period. Paragraph 11.2.7 of the draft Plan makes it completely clear that the proposed stepped target would be able to achieve the Mayor's housing target and will also take account of a backlog of unmet delivery in previous years. The draft Plan could be clearer on what actions Merton would take in the event of under delivery.

Part d of Policy H11.2 recognises and reflects the borough's small sites target for housing as set out in Table 4.2 of the LP2021 for the delivery of 261 new homes a year and this is welcome. Beyond 2029, Merton are basing their target on numbers taken from the London Strategic Housing and Land Availability Assessment (SHLAA) 2017 which follows the guidance in paragraph 4.1.11 of the LP2021. The housing trajectory on page 349 of the draft Plan illustrates clearly the borough's proposed stepped housing target. Beyond 2029 Merton should roll forward their small sites target and include this in the figures so that the approach follows the guidance in the LP2021. Merton should

make it explicitly clear whether or not the small sites target has been rolled forward beyond 2029. Additional housing that could be delivered as a result of any committed infrastructure improvements should also be included in the target beyond 2029.

### **Affordable Housing**

The Mayor raised a number of concerns in relation to Merton's proposed approach to affordable housing in response to the Regulation 18 2a Local Plan consultation. GLA and Merton officers have worked constructively together, and the Mayor is pleased that these matters have now been resolved in this version of the draft Plan.

The Mayor welcomes that the draft Plan in Policy H11.1 reflects his strategic target that 50% of all new homes should be affordable and that this should be based on gross residential development which is in accordance with Policy H5 of the LP2021 which sets out the Mayor's threshold approach to affordable housing.

The draft Plan in Policy H11.1 now makes it explicitly clear that Merton are applying the Mayor's threshold approach in line with Policy H5 of the LP2021 and this is noted and welcomed.

Merton's proposed tenure split is for 70% low cost rented and 30% intermediate housing which is consistent with Policy H6 of the LP2021 which seeks a minimum of 30% each of low cost rented and intermediate homes, and the remaining 40% to be determined by boroughs and based on local evidence. The draft Plan could make it clearer that in order to follow the Fast Track Route, planning applications for new homes must meet the borough's tenure split requirements too. This is set out clearly in Policy H5C of the LP2021 and should be reflected in the draft Plan.

### **Build to rent**

The potential non-conformity issues relating to build to rent housing raised in the Mayor's response to the earlier version of the draft Plan have been addressed positively and this is recognised and welcomed. The proposed approach to build to rent housing is now consistent with Policy H11 of the LP2021.

### **Tall buildings**

Policy D12.6 of the draft Plan contains the same definition of what constitutes a tall building as that set out in Policy D9 of the LP2021. This is both recognised and welcomed. As a matter of guidance, we would advise Merton to use a definition which is based on a measurement taken from the ground level to the very top of the building. Assuming a floor to ceiling height of 3m, this would result in an overall height of 21m. To be clear the Mayor would support a definition of 21m from ground level to the very top of the building. This clarity will help to avoid confusion in terms of determining planning applications and in providing guidance to prospective applicants.

To be in general conformity with Policy D9 of the LP2021, the draft Plan should identify specific locations where tall buildings are considered to be acceptable and appropriate/maximum heights should be set out for specific locations. Suitable locations and appropriate heights should be set out clearly in maps. The draft Plan loosely identifies those areas where tall buildings may be appropriate, namely in the borough's

town centre locations, such as Colliers Wood, Wimbledon and the Wider Morden Town Centre Area and this goes some way towards meeting the criteria of Policy D9. To be entirely consistent with Policy D9, all that is required is to map these locations or alternatively, to refer to specific town centre boundaries within which tall buildings are considered to be appropriate. This is necessary to ensure that the Plan is clear which sites are subject to which policy provisions and requirements.

In accordance with Policy D9 of the LP2021, Merton is also expected to set out maximum/appropriate building heights in tall building locations. Paragraph 3.9.2 of the LP2021 provides guidance on the process and Merton are advised to follow it.

As currently drafted, the approach is a divergence from the LP2021 and this means that the draft Plan is not in general conformity with the LP2021.

In order to bring the draft Plan into general conformity with the LP2021, the draft Plan:

- Should clearly identify on maps, suitable locations for tall buildings,
- Should not support proposals for tall buildings outside of those locations, and
- Should set out appropriate/or a range of appropriate building heights in specific locations

## **Economy**

The draft Plan supports and promotes the protection of its Strategic Industrial Locations (SIL) and Locally Significant Industrial Sites (LSIS) which is welcomed and is consistent with Policy E4 of the LP2021. While the protection of industrial land is welcomed, industrial capacity should also be taken into account. Merton should note that in accordance with part C of Policy E4 of the LP2021, industrial capacity should be planned, monitored and managed so that if there is any planned release of industrial land, then industrial capacity can be sought elsewhere through intensification.

Policy EC13.3 of the draft Plan, which seeks to protect scattered employment sites is welcome. The policy should differentiate between industrial and other employment uses so that they can be treated differently as they are in the LP2021. For instance, the draft Plan should note and include the guidance set out in part C of Policy E7 of the LP2021. This provides guidance for mixed-use or residential development proposals on non-designated industrial land. Non-designated industrial land plays an important role in the effective functioning of London as a whole. Paragraph 6.4.3 of the LP2021 makes it clear that in 2015, 36% of London's total industrial land was in non-designated industrial sites so it is important that these types of industrial locations are afforded adequate protection. Policy EC13.3 should be amended accordingly and should also incorporate the Agent of Change Principle, set out in Policy D13 of the LP2021 to mitigate potential negative impacts from industrial development proposals on nearby uses. In accordance with Part A of that policy, development plans should take account of existing noise and other nuisance-generating uses in a sensitive manner when new development is proposed nearby,

## **Town Centres**

Policy TC13.6 of the draft Plan follows a town centres first approach which is aligned with the approach in Policy SD7 of the LP2021 and is welcome.

Colliers Wood is currently classified in the LP2021 as a future potential district centre. The draft Plan refers to the town centre as a 'District Town Centre'. In the Regulation 18 2a response the Mayor made it clear that:

'In order for Colliers Wood to become formally designated as a District Town Centre, Merton should demonstrate, as part of the Local Plan process how it would support and promote the centre's transformation by moving away from car-based travel and through opportunities for residential mixed-use development in the area. The process and its implementation should be supported via a town centre strategy which could be set out within the draft Plan itself or in a separate document.'

Through the proposed site allocations in Colliers Wood it is considered that appropriate policies are in place to ensure that the town centre will evolve in a sustainable way, by moving away from a reliance on car-based travel and through the promotion and support for improvements to walking, cycling and public transport. It also includes the proposed redevelopment of town centre car parks for mixed-use development.

The classification of the town centre will be reviewed upon implementation of the Local Plan policy approach through future town centre health checks and any future review of Annex 1 of the LP2021.

## **Air Quality**

The Mayor welcomes Merton's approach to air quality, which requires that major development and large-scale development proposals are to achieve air quality positive status. Also welcome is the proposed approach to the Air Quality Focus Areas which is consistent with the approach set out in Policy SI 1 of the LP2021.

## **Metropolitan Open Land (MOL)**

Merton's Designated Site Boundary Review Technical Report (2020) proposes a number of MOL, Sites of Importance for Nature Conservation (SINCs) and other boundary changes. Any proposed or likely MOL boundary changes should be clearly reflected in maps. As the Mayor affords MOL the same status and level of protection as Green Belt, Policy G2B is applicable in addition to the tests set out in the NPPF, in which case the council will need to establish that exceptional circumstances are fully evidenced and justified to support any proposed alterations to MOL boundaries.

## **Waste**

The Mayor welcomes Merton's intention to meet their pooled waste apportionment targets as set out in Table 9.2 of the LP2021 as part of the South London Waste Plan (SLWP). The Mayor notes that the SLWP is currently at examination and all general conformity issues have now been resolved between the South London Waste boroughs

and the Mayor. Merton's safeguarded waste sites are clearly illustrated on the borough's proposed policies map and this is welcomed.

### **Climate change**

The Mayor welcomes LB Merton's intention to put climate change at the very heart of the draft Plan and its ambition to become net-zero carbon by 2050. This is in accordance with Policy SI 2 and the Mayor's priorities as set out in paragraph 9.2.1 of the LP2021. Where Merton proposed that all residential development and all non-residential development of 500sqm or more GIA should be net-zero carbon, the LP2021 makes it a requirement for major development only in Policy SI 2A. While the Mayor commends Merton's positive response to the climate emergency, Policy DF1D of the LP2021 should be applied, which prioritises affordable housing and necessary transport improvements to those situations where viability is called into question.

### **Next steps**

I hope these comments positively inform the preparation of the Merton Local Plan and we offer our support to continue working with you to address the issues identified in this letter and to ensure it aligns with the LP2021 as well as delivering the Council's objectives. If you have any specific questions regarding the comments in this letter, please do not hesitate to contact Hassan Ahmed on 020 7983 4000 or at [hassan.ahmed@london.gov.uk](mailto:hassan.ahmed@london.gov.uk).

Yours sincerely



Lucinda Turner

### **Assistant Director of Planning**

Cc Leonie Cooper, London Assembly Constituency Member  
Andrew Boff, Chair of London Assembly Planning Committee  
National Planning Casework Unit, MHCLG



## Annex 1 – Transport for London Comments

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[by email only]

**Transport for London**

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September 2021

Dear Sir/Madam,

### **Re: Merton Draft Local Plan – stage 3 consultation**

*Please note that these comments represent the views of Transport for London (TfL) officers and are made entirely on a "without prejudice" basis. They should not be taken to represent an indication of any subsequent Mayoral decision in relation to this matter. The comments are made from TfL's role as a transport operator and highway authority in the area. These comments do not necessarily represent the views of the Greater London Authority (GLA). A separate response has been prepared by TfL Commercial Development to reflect TfL's interests as a landowner and potential developer.*

Thank you for giving Transport for London (TfL) the opportunity to comment as part of the stage 3 consultation on Merton's Draft Local Plan.

We previously commented on the stage 2a consultation. The London Plan 2021 has now been published and forms part of Merton's Development Plan, containing the most up-to-date policies.

We welcome changes to a number of policies and site allocations which have been made in response to previous representations. In particular we welcome changes to policies on car and cycle parking which better reflect the approach of the New London Plan. We would still like to see some changes to the wording in a few areas to ensure

consistency of approach. We have set out a number of detailed comments and proposed changes on the following pages which we hope are helpful.

We look forward to continuing our work together in drafting the final documents. We are committed to continuing to work closely with GLA colleagues to help deliver integrated planning and make the case for continued investment in transport capacity and connectivity to unlock further development and support future growth in Merton and across London.

Please do not hesitate to contact me should you have any queries or clarifications about these comments.

Yours faithfully,

**Josephine Vos | Manager**

**London Plan and Planning Obligations team | City Planning**

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**Appendix A: Specific suggested edits and comments from TfL on the Draft Merton Local Plan stage 3**

Section		Track change/comment
<b>Climate Change</b>		
2.1.7		To achieve targets relating to climate change, the potential contribution of car free development to limiting transport emissions should be referred to in this paragraph.
<b>Colliers Wood</b>		
CW1		We welcome inclusion of advice from TfL on access and servicing. The potential use of the site as a cycle hub would need further investigation. More clarity is needed on whether this is intended as part of a wider network of cycle/scooter hire docking stations across the borough, whether it should provide secure cycle parking or provide a hub for a dockless cycle hire or cycle share service. Each of these options may have different spatial requirements. It may be possible to combine some elements of a cycle hub with residential or commercial development. TfL CD as owners of the site will respond more fully on this issue.
CW2		We welcome inclusion of advice from TfL on access and servicing and protection of London Underground infrastructure. The potential use of the site as a cycle hub would need further investigation. More clarity is needed on whether this is intended as part of a wider network of cycle/scooter hire docking stations across the borough, whether it should provide secure cycle parking or provide a hub for a dockless cycle hire or cycle share service. Each of these options may have different spatial requirements. It may be possible to combine some elements of a cycle hub with residential or commercial development.
CW3		We welcome inclusion of advice from TfL on access and servicing and protection of London Underground

CW4		We welcome inclusion of advice from TfL on access and servicing. The potential use of the site as a cycle hub would need further investigation. More clarity is needed on whether this is intended as part of a wider network of cycle/scooter hire docking stations across the borough, whether it should provide secure cycle parking or provide a hub for a dockless cycle hire or cycle share service. Each of these options may have different spatial requirements. It may be possible to combine some elements of a cycle hub with residential or commercial development. TfL CD as owners of the site will respond more fully on this issue.
CW5		We welcome inclusion of advice from TfL on access and servicing.
<b>Mitcham</b>		
MI1		We welcome the commitment by Merton Council to consult with and seek advice from London Trams as well as the requirement for consultation by developers
MI7		We welcome the requirement to protect the bus stop or to agree an appropriate relocation with TfL
MI8		We welcome the requirement that any negative impacts on bus operations, including during construction, should be minimised and mitigation provided.
MI12		We welcome confirmation that bus drivers' facilities must be retained and ideally enhanced as part of any redevelopment of the site and the recommendation that early discussions should take place with TfL London Buses
<b>Morden</b>		
5.1.25		We welcome updates to this paragraph which reflect the current status of the Sutton Link project and provide a more accurate description of the route

Mo4		We welcome the requirement to engage with TfL to secure suitable alternative bus stand and bus stop facilities. Replacement facilities should be designed and located to ensure there is no loss of capacity or operational efficiency. We also welcome the requirement for engagement with London Underground to ensure that operational assets are safeguarded and the inclusion of advice from TfL on access and servicing
Mo5		We welcome the inclusion of advice from TfL on access and servicing
Mo6		TfL welcomes application of the 'Agent of Change' principle to take account of the adjacent London Underground depot.
<b>Raynes Park</b>		
N6.1 6.1.14/6.1.15		We welcome the references to Crossrail 2, a commitment to collaborative working and the inclusion of advice on project status and safeguarding
RP3		We welcome the inclusion of advice from TfL on access and servicing (included twice in error)
RP4		We welcome the inclusion of advice from TfL on access and servicing (included twice in error)
RP7		As stated, the site is next to a proposed Crossrail 2 station and rail tracks proposed for upgrade by Crossrail 2. We welcome the requirement for engagement and cooperation with the Crossrail 2 safeguarding team if plans for the site are brought forward.
RP8		As stated, the site is next to a proposed Crossrail 2 station and rail tracks proposed for upgrade by Crossrail 2. We welcome the requirement for consultation and cooperation with the Crossrail 2 safeguarding team if plans for the site are brought forward.
<b>Wimbledon</b>		

N3.6j		We welcome the intention to secure investment in Wimbledon station. This site is important for TfL operations including the District line and Tram as well as Crossrail 2 and so there will need to be extensive consultation with a number of different teams within TfL.
3.6.12/13		We welcome the reference to Crossrail 2 and the commitment to collaborative working
Wi2		We support the requirement to protect and enhance publicly available cycle parking provision
Wi3		We welcome reference to TfL's involvement in master planning work and potential infrastructure requirements relating to the amended use of the golf course site as well as the requirement for a comprehensive travel plan covering all landholdings and the Wimbledon Championships
Wi5		We welcome the requirement for engagement with TfL London Buses to ensure that any redevelopment does not prejudice access to or the operational efficiency of the adjacent bus interchange.
Wi7		We welcome the requirement for engagement with London Underground Infrastructure Protection and Network Rail regarding any works or development proposals that may impact on rail infrastructure. As noted, the site falls within Crossrail 2 safeguarding limits.
Wi16		We welcome the requirement for consultation with Network Rail, TfL and Crossrail 2 to ensure that emerging development proposals protect transport infrastructure, are consistent with safeguarding and maximise the opportunities of this site.
<b>Health and Wellbeing</b>		
HW10.1h 10.1.19 HW10.2aii	Health and Wellbeing	TfL welcomes the intention to improve the public realm in accordance with the Healthy Streets Approach and to apply the Healthy Streets Approach as part of development proposals

<b>Places and Spaces</b>		
D12.2b, v and q	Urban Design	We welcome the emphasis on facilitating walking, cycling and use of public transport, the application of the Healthy Streets Approach as well as the need to improve connectivity and to design and manage car parking so that it does not dominate the street or provide a barrier to safe and convenient movement on foot or by cycle.
D12.3s	Ensuring high quality design for all developments	We support the requirement for well-designed cycle parking in accordance with London Plan minimum standards and TfL's London Cycle Design Standards
<b>Economy and Town Centres</b>		
13.3 9e		We welcome the modified wording of criterion e to better reflect London Plan and Local Plan transport policies by prioritising access by active travel and public transport, providing adequate high quality cycle parking and minimising car parking in accordance with London Plan standards
<b>Green and Blue Infrastructure</b>		
15.10.39		We support the requirement for Construction Logistics Plans, but they should address strategic as well as local traffic impacts.
<b>Transport and Urban Mobility</b>		

T16.1 16.1.2	Sustainable Travel	<p>We support the emphasis on active travel and public transport and welcome clarification that Vision Zero refers to the Mayor’s target for road safety</p> <p>We welcome the added reference in section 16.1.2 to the 2041 target of 73% of all trips being undertaken on foot, by cycle or on public transport</p>
T16.2	Prioritising Active Travel Choices	<p>TfL broadly welcomes the positive approach of this policy.</p> <p>We support the application of the Healthy Streets Approach to development proposals (part a)</p> <p>To expand on part c, it would be useful to set out the proposed cycle network, location of hubs and parking areas identifying any gaps that should be filled through contributions from development.</p> <p>We welcome the reference to higher level minimum requirements for cycle parking. However, to better reflect the London Plan, part d of the policy should be amended as follows: ‘Ensure that cycle parking meets <b>or exceeds</b> London Plan (higher level minimum requirements) and London Cycle Design Standards...’.</p>
17.2.6		<p>Please also refer to guidance in TfL’s Streets Toolkit which includes Streetscape Guidance and London Cycling Design Standards (which includes guidance on all aspects of cycle infrastructure)</p>
T16.3 17.3.6–17.3.10	Managing the transport impacts of development	<p>We welcome clarification of the role of Construction Logistics Plans in part e and the additional requirement for Delivery and Servicing Plans in part g. However, it would be useful to provide encouragement for greater use of rail or water freight where appropriate.</p>

T16.4	Parking and Low Emissions Vehicles	<p>We welcome amended wording which better reflects London Plan policy T6. In particular we support the requirement to only provide the minimum level of car parking taking into account PTAL and London Plan parking standards and the much stronger support for car free development (part a). We also support a clearer policy on permit free development in CPZs (part b) and enhanced parking controls where necessary (part c). We also welcome the revised approach to car clubs (part e) and reference to TfL’s forthcoming Parking Design and Management Plan guidance in part g.</p> <p>Although there have been some minor changes to ensure consistency with policy T6 of the London Plan, the wording of part d should be further amended to read: ‘Disabled <b>persons</b>’ parking should be provided in accordance with London Plan standards and should meet design guidelines, be accommodated within the development site <b>where possible</b> and be provided with electric vehicle charge points.’ As acknowledged in paragraph 17.4.7 at some constrained sites it may not be possible to provide all of the required level of disabled persons’ parking within the site itself. It would also be helpful if the policy provided support for moving freight by rail, water and non-motorised transport as well as the use of consolidation facilities, including micro consolidation.</p>
T16.5 17.5.7	Supporting Transport Infrastructure	<p>We welcome revised wording of this policy including changes to part a to ensure consistency with policy T3 in the London Plan. We also welcome the addition of a reference and link to Crossrail 2 safeguarding in paragraph 17.5.7.</p>