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Date: 20<sup>th</sup> April 2023

Dear Carmel

### Council clarification questions on Merton Local Plan Inspectors' Letter

Please thank the Inspectors for their post-hearing letter dated 30<sup>th</sup> March 2023 which we received on Thursday 6<sup>th</sup> April 2023. As per paragraph 52 of the letter, we would like to take this opportunity to ask some clarification questions to the Inspectors, which will assist the council with considering the contents of their letter.

#### Tall Buildings Clusters and their environs (paragraphs 13-19)

1. This appears to be a relatively minor matter, particularly when the contents of paragraph 50 is considered, but for the sake of clarity: it is noted that in paragraph 13, "*the tall buildings clusters*" (officer emphasis) are described as being "*tightly drawn*" and then related concerns are raised, and in paragraph 14 there is a reference to "*the tightly drawn approach to tall buildings*"

#### *Clarification Question*

2. Is it correct to assume that the concern is with regards to the tall building cluster boundaries and not the tall building area boundaries, e.g., the last sentence in paragraph 14 could be: "... *a matter that is not likely to be addressed effectively by the tightly drawn approach to tall buildings clusters which the Council's MMs seek to establish.*"?
3. It is clear that the Inspectors are recommending 'appropriate' rather than 'maximum' building heights for tall buildings (from paragraphs 19 and 50) but what is less clear, is their recommendation regarding the cluster boundaries. It seems (from paragraph 50) that they are not recommending the removal of the "*Indicative location of tall building cluster heights range: ...*" on the diagrams, but it should be (more) clear that appropriate opportunities to optimise sites near these indicative boundaries would be supported, while abrupt transitions should be avoided.

#### *Clarification Question*

4. Is it correct to interpret the Inspectors' recommendations to be that:

- a. the indicative cluster boundaries can be retained for Wimbledon and Morden town centre,
- b. the associated “*up to*” text for the clusters need to be changed to be “*appropriate*”, and
- c. the policies need to allow for “*opportunities where the stepping up of development could occur within the fringes of the clusters*”(paragraph 15) and “*increased storey heights in and adjacent to identified clusters*”(paragraph 18), while avoiding “*abrupt transitions*” (paragraph 50)?

Site Allocation CW2 – Colliers Wood (paragraphs 20-26) combined with Tall Buildings Clusters and their environs (paragraphs 13-19)

5. Paragraph 23 of the letter cites that taller buildings on Site Allocation CW2 (land at Britannia Point) could “*form a more cohesive cluster of stepped buildings of varying heights... and that Noticeable differences in heights between buildings could also create distinction, avoid coalescence and could achieve a comparable landmark.* (officer emphasis). Paragraph 23 also refers to the limits on achieving taller buildings on nearby sites including the site allocation CW5 Priory Retail Park as set out in [LBM17 Topic Paper on Colliers Wood](#). caused by the existing electricity pylons. Paragraph 25 states that the existing 19-storey height of Site CW2 Britannia Point as the pinnacle building in the area is not justified as “*genuinely design led*”.
6. However paragraph 13 under the general heading “Tall building clusters and their environs” states “*The proposed boundaries for the tall buildings clusters are tightly drawn, and the definition of a tall building in the Merton context is anything over 6 storeys. One of the implications of this approach is that there could be dramatic changes in level between the defined cluster areas and the immediate surroundings*”. (officer emphasis). The letter goes on to question whether such an approach is justified.
7. Paragraphs 14 and 15 are not supportive of an abrupt or tightly drawn tall building boundaries and are supportive of stepping up of development on the fringes of tall building clusters, a matter which is not possible for Site allocation CW2 as noted earlier in paragraph 23 of the letter.
8. Consequently, and considering the actions proposed at paragraph 50, it appears to us that there is a conflict between the letter’s proposed actions ii. and iii.:
  - ii. *Consideration of how relevant policies could relate to appropriate stepping up in the fringes of Tall Building Clusters and relevant 12 allocations to avoid abrupt transitions between building scales, and to allow for appropriate optimisation of site capacity;*

*iii. MMs to remove reference to Britannia Point as the pinnacle building within the Colliers Wood cluster.*

*Clarification Question*

9. Please could the Inspectors provide clarity to avoid abrupt transitions in building heights relating to Site CW3, as outlined in paragraph 7 above?

Site Wi3 the All England Lawn Tennis Club (AELTC) (paragraphs 27-39)

10. Paragraph 50 states “*Alterations to Policy N9.1 and the allocation relating to the Wi3 site to ensure that the Plan is effective, justified and consistent with national policy (set out in paragraphs 27 to 39 above)*”. In our view, this action for the council to consider is not as clearly and directly expressed as the other actions listed in paragraph 50.
11. Throughout the examination a substantial number of hearing statements and papers were produced by the council and many other parties, two visits by the Inspectors to the site and three hearing sessions were dedicated to Site Wi3 across the five weeks of public hearings.
12. The [2012 Regulations](#) (Part 3, section 5 (1)(a)(iv) state that Local Development Documents should contain *development management and site allocation policies, which are intended to guide the determination of applications for planning permission;*”.
13. Our understanding is that it is now the Inspectors’ view that the council should consider the following changes from the relevant paragraphs:
- i) From paragraph 36 and 37 we understand that the proposed changes to the boundary of the small parcel of Metropolitan Open Land to the west of Church Road is not supported by the Inspectors.
  - ii) From paragraph 27-35 and 38-39, editing policy N9.1 *Wimbledon* or creating a standalone development management policy for Wimbledon Park which:
    - replaces site allocation Wi3 where it covers Wimbledon Park,
    - complies with the [2012 Regulations](#), cited above,
    - addresses [paragraph 190 of the NPPF](#) and
    - can “*provide for the conservation, enhancement and ongoing management of the registered park and garden, whilst also ensuring that clear support is given for continued long-term investment in AELTC’s facilities to maintain its global position as a world class sporting venue of national and international significance*” (letter, paragraph 39)

*Clarification Question*

14. Is our understanding correct as set out in paragraph 12 above?

*Clarification Question*

15. In considering this, can we incorporate the proposed Main Modifications to site allocation Wi3, particularly those prepared with Historic England that were presented and discussed at the hearings where these help to deliver Regulations and national policy?

*Clarification Question*

16. Part of the Wimbledon Park Grade II\* Registered Park and Garden lies within the London Borough of Wandsworth. Please can we confirm the acknowledgement that any proposed actions set out in the letter to create a policy for Wimbledon Park will not apply to the whole Grade II\* Registered area (i.e. only where Merton is the local planning authority)?

Further work on MMs (paragraphs 46-48 and 51)

17. The inspectors have helpfully indicated in the letter's paragraphs 46 - 48 and 51 that they aim to work with the council on the wording for the Main Modification that have been proposed thus far throughout the Plan process. It would be helpful to understand if MMs compiled throughout the Plan process and with the latest version submitted in January 2023 are acceptable in principle, particularly where they relate to the policies referenced in this letter.

*Clarification Question*

18. Should we send the proposed new MMs in response to letter received on 6<sup>th</sup> April 2023 as soon as possible or await receipt of the Inspectors' comments on the existing compiled MMs sent in January 2023, before returning an updated schedule with all the new MMs?

Once again, please pass on our thanks to the Inspectors and we look forward to receiving a response and working with them further on the examination of Merton's Local Plan.

Yours sincerely,

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