

## Inspectors' Matters, Issues and Questions – April 2022

### **Matter 10: Are the Plan's approaches to employment uses, town centres and the Opportunity Area justified, consistent with national policy and in general conformity with the London Plan?**

Issue (i) Is the Plan's approach to the Merton Opportunity Area (MOA) in general conformity with the London Plan and justified – and does it clearly and effectively set out the way that it will encourage and deliver its growth potential?

#### Questions

#### **1. Is the boundary of the MOA justified and in general conformity with the London Plan – and is the inclusion of Morden within that boundary justified?**

##### Council response:

- 10.1. Yes, the boundary of the MOA is justified and in general conformity with the London Plan.
- 10.2. Council officers had dialogue with the GLA prior to recommending the final boundary.
- 10.3. The inclusion of Morden references Transport for London and the GLA's longstanding support for its regeneration, particularly to provide new homes and public realm. This is also recognised in [Document 0D32 London Plan 2021 paragraph 2.1.27](#) which describes the Wimbledon / South Wimbledon / Colliers Wood Opportunity Area in one paragraph. This concludes "*The planning framework [for the Wimbledon / South Wimbledon / Colliers Wood Opportunity Area] should also explore the potential for development at Morden Town Centre*".
- 10.4. In May 2022 the Mayor of London also provided his opinion that Merton's Local Plan is in general conformity with the London Plan, including on the matter raised in this question.

#### **2. Has the capacity for growth in the MOA over the plan period been adequately tested<sup>109</sup>, using the indicative capacity figures set out in the London Plan as a starting point?**

##### Council response:

- 10.5. Yes, the capacity for growth in the MOA over the plan period has been adequately tested, using the indicative capacity figures set out in the London Plan.
- 10.6. Para 2.1.27 in [Document 0D32 London Plan 2021](#) refers extensively to Crossrail2 as a catalyst for the MOA. However as Crossrail2 will not now be

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<sup>109</sup> Per Policy SD1(B)(5) and paragraph 2.1.1 of the London Plan

completed within the lifetime of the London Plan 2021 or this Local Plan, neither the overall housing target nor the indicative capacity figures for the MOA are reliant on Crossrail2 to be delivered.

- 10.7. We have reviewed the housing and jobs capacities planned for within the MOA boundary and this accords with the indicative capacities given in Document 0D32 London Plan.

**3. How is the necessary social and other infrastructure planned and provided for in the MOA, and has the Council worked with infrastructure providers as part of its efforts in these regards<sup>110</sup>?**

Council response:

- 10.8. Yes, the necessary social and other infrastructure been planned for across the borough and in the MOA to support the proposed housing and jobs growth and the council has worked with infrastructure providers as part of this.
- 10.9. [Document 0D32 London Plan](#) policy SD1(B) states that “*boroughs, through their development plans and decisions, should ...(3) plan for and provide the necessary social and other infrastructure to sustain growth and create mixed and inclusive communities, working with infrastructure providers where necessary*”.
- 10.10. The infrastructure needs for the borough are identified and set out in [Document 14D4 Merton Infrastructure Delivery Plan \(IDP\)](#) . Given that the MOA covers the centre of the borough, the different types of infrastructure needed to support growth over the Local Plan period are all identified in Merton’s IDP and in Policies IN14.1 and IN14.2.
- 10.11. Various infrastructure providers have been contacted and provided comments throughout the Local Plan process.
- 10.12. Most infrastructure necessary to support housing and jobs growth in the MOA will be provided both within and outside the MOA (e.g., school places, healthcare, cycle lane connections, flood risk management etc). Therefore the IDP looks across the borough and not just at the MOA.

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<sup>110</sup> Per Policy SD1(B)(3) of the London Plan

**4. Does the Plan include ambitious transport mode share targets for the MOA<sup>111</sup>?**

Council response:

- 10.13. [Document 0D32 London Plan policy SD1\(B\)\(7\)](#) states that Opportunity Areas should “*include ambitious transport mode share targets*”.
- 10.14. Para 2.1.27 in [Document 0D32 London Plan 2021](#) refers extensively to Crossrail2 as a catalyst for the MOA and states The step change in transport capacity and connectivity offered by Crossrail 2 will transform Wimbledon into a major transport hub with opportunities for interchange with National Rail, trams and the Underground. Crossrail2 is now not going to be completed within the lifetime of the London Plan or this Local Plan. TfL do not have any plans for major sustainable infrastructure projects in this area at this time.
- 10.15. However other sustainable transport modes (national rail, the Underground, tram, busses and part of London’s Cycle SuperHighway) already exist within the Opportunity Area, particularly in the key nodes of Wimbledon, South Wimbledon, Colliers Wood and Morden and are a major part of the rationale for designating this area as an Opportunity Area.
- 10.16. The MOA is located throughout the centre of Merton.
- 10.17. Local Plan Strategic policy T16.1 Sustainable Travel, policy T16.2 Prioritising active travel choices and policy T16.5 supporting transport infrastructure prioritises investment in active travel and public transport, reducing traffic dominance, applies the Healthy Streets approach. Paragraph 16.5 states “Improvements to the public transport network will also be integrated with schemes to improve the connecting streets and public realm for cyclists and pedestrians, to provide an attractive whole journey experience that will facilitate mode shift away from the car”.
- 10.18. Main Mod MM19.1 introduces the Local Plan Monitoring Framework which includes the following section which contains a target for mode share across the whole borough, not just restricted to the MOA. (see below extracted from MM19.1). Therefore it is considered that assessing the increase in overall sustainable mode share across the whole borough, including the MOA, is justified as a target.

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<sup>111</sup> Per Policy SD1(B)(7) of the London Plan

Extract from proposed main modification 19.1:

Local Plan Monitoring Framework

<b>Thematic area</b>	<b>Monitoring indicator</b>	<b>Target (if applicable)</b>
<b><u>Sustainable transport</u></b>  <u>To enhance connectivity for all and increase the proportion of journeys made by sustainable and active transport modes.</u>	<u>Overall sustainable mode share.</u>  <u>Uptake of low emission vehicles.</u>	<u>Increase in overall sustainable mode share based on a rolling three year average.</u>  <u>Increase in registered EV vehicles in Merton - measured annually.</u>

**5. Have the implications of the latest assumptions on the timing of Crossrail 2 informed the Plan's approach to the MOA?**

Council response:

- 10.19. Yes, the implications of the latest assumptions on the timing of Crossrail2 have informed the Plan's approach to the MOA.
- 10.20. Crossrail2 is not currently being progressed and, even if funding is found and a new business case is justified at government level, Crossrail2 will not be completed within the lifetime of this local plan or the [London Plan 2021](#) ([Document 0D32](#)).
- 10.21. Merton's Opportunity Area is proposed to be designated across some of the highest public transport accessibility areas in Merton, across three of its four main town centres (Wimbledon, Colliers Wood and Morden) and in areas well served by the necessary infrastructure to support homes and jobs growth, as evidenced by Infrastructure Delivery Plan.
- 10.22. As already stated above in response to Matter 10, issue 1, question 2, in recognition of the timing of Crossrail2 delivery being outside the London Plan period, the assumptions for housing delivery as a result of Crossrail2 are not included either in the overall housing targets for London (London Plan policy H1) nor in the indicative capacities for homes and jobs given by the London Plan for any Opportunity Areas, including the MOA. Assumptions relating to Crossrail2 are therefore not included in Merton's Local Plan

**6. Is it clear what status Opportunity Area Planning Frameworks (OAPFs) would have (e.g DPDs, SPDs); what is the timetable for their production; and how many OAPFs are anticipated?**

Council response:

- 10.23. An Opportunity Area Planning Framework (OAPF) is produced by the Mayor of London in collaboration with the local planning authorities which the designated Opportunity Area covers (in this case Merton's Opportunity Area boundary is wholly within Merton).
- 10.24. An OAPF is a non-statutory planning document derived from and consistent with the London Plan and its related supplementary planning guidance.
- 10.25. OAPF can be issued as Mayoral supplementary planning guidance. An OAPF does not create policy but clarifies it in the form of words and diagrams, applying policy to a specific spatial context and identifying contentious issues at an early stage in the planning process. The OAPF can then set out how these may be resolved.
- 10.26. An OAPF is used as a material consideration when assessing strategic planning applications that have been referred to the Mayor of London and it is used to inform decisions on the wider planning of this area.
- 10.27. Ultimately, OAPF's give greater certainty to the development process and achieve material weight through bringing together a sound evidence base upon which planning decisions are made and through extensive consultation with stakeholders, the public and interested parties.
- 10.28. Examples of other OAPFs in London include
- [Park Royal OAPF](#) (covering parts of Ealing, Brent, Kensington and Chelsea and Hammersmith and Fulham, published by the GLA in January 2011)
  - [Vauxhall Nine Elms Battersea](#) OAPF (covering parts of Wandsworth and Lambeth, published by the GLA in 2012).
- 10.29. There is no current timetable for the production of Merton's OAPF as it is dependent on GLA capacity and resources. It is estimated that only one OAPF would be required as no other Opportunity Areas have more than one OAPF.

**Issue (ii) Is the Plan's approach to land for industry, logistics and services to support London's economic function justified, effective, consistent with national policy, and in general conformity with the London Plan?**

**Preamble:**

The attention of those wishing to provide hearing statements on this issue is drawn to the Council's topic paper 'Economic evidence base: offices and industry'<sup>112</sup> (the Economic Topic Paper), produced in answer to our preliminary questions on these matters set out in our letter of 28 January 2022<sup>113</sup>. The Council may wish to refer to the Economic Topic Paper, or other previously submitted evidence where that would answer any of the questions posed immediately below.

**Questions:**

- 1. Does the Plan set out effective measures for the planning, monitoring and management of the retention, enhancement, and provision of any additional industrial capacity<sup>114</sup>?**

**Council response:**

- 10.30. [Document 0D32 London Plan](#) policy E4(c.) states "The retention, enhancement and provision of additional industrial capacity across the three categories of industrial land set out in Part B [i.e. Strategic Industrial Locations, Locally Significant Industrial Sites and Non-designated Industrial Sites] should be planned, monitored and managed.
- 10.31. The Plan sets out effective measures for planning, monitoring and managing the retention and enhancement of industrial capacity and provision of any additional industrial capacity
- 10.32. The policies within the Plan (, particularly Ec13.1 promoting economic growth and successful high streets; Ec13.2 business locations in Merton; Ec13.3 protecting scattered employment sites) together with the land designations and site allocations help to retain and enhance industrial capacity across the three categories of industrial land and support proposals for additional industrial capacity. Other policies in the Plan, such as Policy P15.10 Improving air quality and minimising pollution and T16.3 managing the transport impacts of development will also contribute to the successful management of the three categories of industrial land. A Main Modification 19.1 is proposed to include the Local Plan Monitoring Framework, ensuring that the local plan monitors industrial land. The section below is an extract from this proposed Main Modification 19.1 where it relates to industrial land.

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<sup>112</sup> Document reference: LBM01b

<sup>113</sup> Document reference: INSP01

<sup>114</sup> Per Policy E4(C) of the London Plan

Extract from proposed main modification 19.1:

Local Plan Monitoring Framework

<u>Thematic area</u>	<u>Monitoring indicator</u>	<u>Target (if applicable)</u>
<u>Economic growth and town centres</u>	<u>Undertake the shopping survey to measure the retail vacancy rate in Merton's town centres.</u>	<u>Maintain the retail vacancy rate below national and regional averages in Merton's town centres.</u>
<u>To increase the vitality and viability of existing town centres, local centres and parades.</u>	<u>Measure industrial vacancy rates.</u>	<u>Maintain the industrial vacancy rate below national and regional averages.</u>
<u>To ensure a sufficient supply premise to meet demand for industry, logistics and services.</u>	<u>Measure loss of industrial and warehousing floorspace within Strategic Industrial Locations.</u>	<u>No net loss of employment floorspace in Strategic Industrial Locations.</u>

**2. Would measures set out in the Plan help to identify where any release of industrial land in order to manage issues of long-term vacancy and to achieve wider planning objectives might be justified<sup>115</sup>?**

Council response:

- 10.33. [Document 0D32 London Plan policy E4\(c.\)](#) states *The retention, enhancement and provision of additional industrial capacity across the three categories of industrial land set out in Part B [i.e. Strategic Industrial Locations, Locally Significant Industrial Sites and Non-designated Industrial Sites] should be planned, monitored and managed. Any release of industrial land in order to manage issues of long-term vacancy and to achieve wider planning objectives, including the delivery of strategic infrastructure, should be facilitated through the processes of industrial intensification, co-location and substitution set out in Policy E7 “Industrial intensification, co-location and substitution” and supported by Policy E5 “Strategic Industrial Locations (SIL)”.*
- 10.34. Merton’s evidence, [LBM01b Topic Paper – economy](#) clearly demonstrates that demand for industrial space and land in Merton is high and vacancies are very low, Using London-wide and local research it demonstrates that this high demand / low vacancy has been the situation for Merton over successive London-wide assessments, resulting in successive London Plans since 2004 categorising Merton (and other south London boroughs) as “restricted transfer” of industrial land to other uses. Drawing from a variety of market signals and other sources and considering the macro-economic uncertainty (pandemic, leaving the EU etc), the evidence points to future forecasts for high demand, low vacancy rates and continued investment in industrial and warehousing space in Merton continuing into the future, exacerbated by a limited supply and amount of industrial land in the borough. London Plan policy E4 land for

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<sup>115</sup> As above



industry, logistics and services to support London's economic function also demonstrates a similar direction, stating in paragraph 6.4.4 that there will be positive net demand for industrial land in London over the period 2016 to 2041.

- 10.35. Therefore, based on past trends and future forecasting, it is not considered that issues of long-term vacancy of industrial land are likely to arise. In the event that this did happen at scale and frequency, it would be such a change from the status quo that it may necessitate in a Local Plan review to address the issue. As the London Plan is also part of Merton's development plan, if issues of long-term vacancy were to arise and prior to any review of Merton's Local Plan policies on this matter, London Policy E4(c.) could be engaged to help address the issue.

**3. Does the Plan's evidence base demonstrate that the potential for housing delivery on all suitable and available brownfield sites has been optimised on industrial sites where the above processes set out immediately above (and in Policies E4, E5, E6 and E7 of the London Plan) have been carried out?**

Council response:

- 10.36. Yes, the Plan's evidence base demonstrates that the potential for housing delivery on all suitable and available brownfield sites has been optimised in line with the processes set out in [0D32 London Plan](#) policy E4 "Land for industry, logistics and services to support London's economic function"; London Plan Policy E5 Strategic Industrial Locations; London Plan policy E6 Locally Significant Industrial Sites and London Plan Policy E7 – industrial intensification, co-location and substitution.
- 10.37. This evidence includes [Document 11D2 London's Strategic Housing Land](#) Availability Assessment robustly considered the potential for housing delivery on brownfield sites and was used to inform Merton's share of London's new homes (as set out in the London Plan) and availability of sites for allocation and delivery. [LBM01b Topic Paper – economy](#) cites the relevant London Plan policies, the NPPF and NPPG in drawing together evidence. It demonstrates how the particular characteristics of Merton have led to the Local Plan policies, which promote residential development or a mix of uses throughout the borough, including in many town centres, high streets, edge of centre, residential areas, scattered employment sites (in certain circumstances in accordance with Policy Ec13.3), almost all site allocations. The evidence supports Strategic Policy Ec13.1 and Policy Ec13.2 in protecting Merton's six designated Strategic Industrial Locations ensuring that they are prioritised for industrial and distribution uses that could operate 24-hours and are not compatible with homes, schools and other sensitive uses.
- 10.38. However, in ensuring that the potential for housing on suitable and available sites has been optimised while also supporting Merton's economy and social infrastructure, the Plan also provides clarity for specific current or former designated SIL or LSIS sites where a more intensive development with a mix of uses including residential is appropriate where this is justified by the particular



circumstances of that site and the mix of uses can be successfully delivered. These sites include:

- Site Mi1 Benedict Wharf – former SIL and waste management; now proposed for a mix of uses including residential with planning permission granted for the same.
- Site RP.4 80-86 Bushey Road, Raynes Park –LSIS, allocated for residential led mixed use development
- Site RP7 Rainbow Estate, Raynes Park – LSIS, allocated for a mix of uses with planning permission for the same, workshops built and operational;

**4. Has the Plan implemented the recommendations of the ‘Housing Delivery Study’<sup>116</sup> in terms of achieving clarity as to how the Council will interpret London-wide policies regarding employment land, including where there are opportunities for mixed-use intensification and how this could be achieved; and in its consideration of industrial land needs to balance protection of the economy with pressures for residential development including issues regarding the availability and deliverability of land from other sources and opportunities to use employment sites more intensively?**

Council response:

- 10.39. Yes, the Plan has implemented the recommendations of [Document11D6 Merton’s Housing Delivery Study](#) in clearly establishing as to how the council will interpret London-wide policies regarding employment land, including identifying and pursuing the delivery of opportunities for mixed use development. The Plan is in general conformity with the London Plan and balances protection of the economy with pressures for residential development.
- 10.40. Strategic Policy Ec13.1 and Policy Ec13.2 support the protection of Merton’s six designated Strategic Industrial Locations ensuring that they are prioritised for industrial and distribution uses that could operate 24-hours and are not compatible with homes, schools and other sensitive uses. However the Plan also provides clarity for specific current or former designated SIL or LSIS sites where a more intensive development with a mix of uses including residential is appropriate where this is justified by the particular circumstances of that site and the mix of uses can be successfully delivered. These sites are:
- Site Mi1 Benedict Wharf – former SIL and waste management; now proposed for a mix of uses including residential with planning permission granted for the same.
  - Site RP.4 80-86 Bushey Road, Raynes Park –LSIS, allocated for residential led mixed use development
  - Site RP7 Rainbow Estate, Raynes Park – LSIS, allocated for a mix of uses with planning permission for the same, workshops built and operational;
- 10.41. Merton’s evidence (LBM01b Topic Paper economy) justifies the policy approach set out in Ec13.1 and Ec13.2 including the high demand for industrial and warehousing space and, in general conformity with the London Plan, confirms that Merton’s six SILs will be maintained for industrial and warehousing uses

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<sup>116</sup> Document reference 11D6 (at paragraph 8.12)

suitable for 24 hour operations. Policy Ec13.3 sets out the circumstances where residential can be supported on scattered employment sites, including a mix of uses in some cases.

- 10.42. Overall, the Plan is clear that the policy approach is to support either whole site residential or a mix of uses on many sites throughout the borough, including town centres, high streets, residential areas, nearly all site allocations and sometimes scattered employment sites where this is in line with Policy Ec13.3. The Plan is clear that only the six SILs should be retained for industrial and warehousing uses that can operate without excessive constraints on a 24 hour basis, in general conformity with the London Plan and supported by local evidence.

**5. Is it clear from the Plan and policies map what amendments are proposed to be made to SIL and LSIS boundaries<sup>117</sup>? Are any proposed amendments to boundaries justified and in general conformity with the London Plan?**

Council response:

- 10.43. Paragraph 13.1.11 states:

*13.1.11 However the council wants to support established business sites that can continue to safely accommodate modern business operations in an urban setting without requiring restrictions being placed on the business to protect nearby local amenity, such as opening hours and vehicle movements. Therefore, the council has proposed some amendments to Merton's Strategic Industrial Locations and Locally Significant Industrial Areas which are set out in Policy Ec13.2 to ensure that Merton's SILs and LSIAs are fit for purpose. We will also use the "agent of change" principle, putting the onus on new, more sensitive development to address potential harm arising from its location where sensitive uses are seeking to establish themselves within or near established active business areas.*

- 10.44. During the course of the Local Plan's production, the council proposed some amendments to SIL and LSIA boundaries within the policy on "employment areas in Merton", now policy EC13.2; within the Policies Map and within the site allocations:
- [Document 0D17 Stage 2 \(Regulation 18\) consultation](#) on the Plan and policies map = proposed removing part of the SIL at Hallowfield Way from SIL designation (that which is allocated as Site Mi1 Benedict Wharf) and allocating Streatham Road LSIS as a new Strategic Industrial Location. Proposed allocating Site Mi1 Benedicts Wharf for mainly residential uses conditional to there being no loss of waste management capacity within the South London Waste Plan area.
  - [Document 0D15 Stage 2a \(Regulation 18\) consultation](#) = proposed removing part of the SIL at Hallowfield Way from SIL designation (that which is allocated as Site Mi1 Benedict Wharf). No longer proposed allocating

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<sup>117</sup> Per paragraph 13.1.11 of the Plan

Streatham Road LSIS as SIL; Streatham Road to remain LSIS. Continued the allocation of Site Mi1 Benedict Wharf for non-SIL uses.

- Documents [0D1](#) and [0D2](#) Stage 3 (Regulation 19) publication = allocated Site Mi1 Benedict's Wharf for non SIL uses, retained part of the Hollowfield Way SIL to the west (i.e. not including land allocated as Mi1 as part of SIL). Streatham Road retained as LSIS

- 10.45. These amendments are justified by the local plan documents, consultation feedback, evidence base (including Document LBM01b Topic Paper employment and industry; 11D9 Strategic Housing Needs Assessment and are in general conformity with the London Plan. None of these issues were raised as being out of general conformity with the London Plan in the [GLA's representations to Regulation 19 of Merton's Local Plan \(part of Document 0D7\) or in Document 0D13a Statement of Common Ground Merton Council and GLA dated March 2022](#)
- 10.46. In May 2022 the Mayor of London also provided his opinion that Merton's Local Plan is in general conformity with the London Plan, including on the matter raised in this question.
- 10.47. For clarity and grammar, the following Additional Modification is proposed to paragraph 13.1.11 (page 433) of [0D1 Merton's Local Plan Stage 3 Regulation 19 July 2021](#):

Proposed Additional Modification:

Paragraph 13.1.11 (Page 433).

Therefore, the council ~~has proposed~~made some amendments to Merton's Strategic Industrial Locations and Locally Significant Industrial Areas ~~which are set out in Policy Ec13.2~~ to ensure that Merton's SILs and LSIAs are fit for purpose. Merton's SILs and LSIAs are set out in Policy Ec13.2

- 6. Are the policies relating to the Borough's Strategic Industrial Locations (SIL), and Locally Significant Industrial Sites (LSIS) flexible enough to accommodate needs not anticipated in the plan period and to enable a rapid response to changes in economic circumstances<sup>118</sup>, particularly in terms of the range of employment-generating uses that might be acceptable on such sites?**

Council response:

- 10.48. Yes, the Local Plan policies relating to Merton's Strategic Industrial Locations and Locally Significant Industrial Sites are flexible enough to accommodate needs not anticipated in the plan period and to enable a rapid response to

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<sup>118</sup> Per paragraph 82(d) of the Framework

changing economic circumstances. In particular, Merton's Local Plan Strategic policy EC13.1.

- 10.49. Representations from Lidl Great Britain Ltd (contained in [0D6 Schedule of Regulation 19 representations to Merton's Local Plan July-Sept21](#)) seek amendments to policies, including policy EC13.2, to allow employment generating uses such as retail to locate within SILs and LSIS.
- 10.50. Policy Ec13.2 is in general conformity with 0D32London Plan 2021 in its approach to the designation of Strategic Industrial Locations and Locally Significant Industrial Area. The policy is justified. As demonstrated in [Document LBM01b Merton's Topic Paper: Economic Evidence base](#), Merton's SILs and LSIS are well occupied and have high rents. Successive London Plans have long identified Merton and its neighbouring boroughs as having high demand for industrial land and premises and this is echoed in Merton's Economic Topic Paper. SILs and LSIS make up a small proportion of Merton; none of these are within town centres where the NPPF says retail should first seek to locate and there are other town centre and edge of centre (if justified) sites that retail stores can locate in Merton.
- 10.51. It is also not justified to introduce greater flexibility to Policy EC13.3 to specifically state that retail should occupy scattered employment sites. There is already innate flexibility in the planning system; where a scattered employment site is already within Class E and depending on the size and scale of what is proposed, it may be that retail can occupy the site without the need for planning permission. However, for larger stores, scattered employment sites are, by their nature, located out of centre and therefore generally unsuitable for retail without considering the sequential test and impact assessment as outlined in the NPPF, the London Plan and this Local Plan. Introducing blanket policy support for retail on out of centre locations would not be justified against the NPPF or London Plan.

**7. Related to the question immediately above, the implications of the COVID-19 Pandemic and the UK's Exit from the European Union, alongside more recent economic circumstances have been referred to in the Economic Paper. Against this background, does the Plan set out a sufficiently flexible and effective set of policies relating to employment uses?**

Council response:

- 10.52. Yes, the Plan sets out a sufficiently flexible and effective set of policies relating to employment uses. [Document LBM01a Topic Paper on town centres and LBM01b Topic Paper on economic evidence](#) refers to the significant changes to economic circumstances including those as a result of the COVID19 pandemic, the UK's exit from the European Union and other matters.
- 10.53. The evidence demonstrates that current indications fully justify the policies within the Plan. The evidence forecasts continued high demand and low vacancy rates for industrial and warehousing space in Merton and therefore the protection of six Strategic Industrial Locations. This policy approach is effective

it is in general conformity with the London Plan and in common with other south London boroughs who share similar characteristics.

- 10.54. The evidence also supports the policies and site allocations which provide sufficient flexibility to accommodate changing circumstances as required by the NPPF. The Plan provides clarity for specific current or former designated SIL or LSIS sites where a more flexible intensive development with a mix of uses including residential is appropriate where this is justified by the particular circumstances of that site and the mix of uses can be successfully delivered. These sites include:
- Site Mi1 Benedict Wharf – former SIL and waste management; now proposed for a mix of uses including residential with planning permission granted for the same.
  - Site RP.4 80-86 Bushey Road, Raynes Park –LSIS, allocated for residential led mixed use development
  - Site RP7 Rainbow Estate, Raynes Park – LSIS, allocated for a mix of uses with planning permission for the same, workshops built and operational;
- 10.55. Therefore, against this background, the Plan sets out a sufficiently flexible and effective set of policies relating to employment uses.

**8. Is Policy EC13.3 of the Plan in general conformity with the London Plan insofar as the treatment of industrial and other employment uses are concerned? Should London Plan Policy E7(C) be reflected in terms of the assessment of mixed-use or purely residential proposals relating to such sites? Is any variation from London Plan policy in this respect justified?**

Council response:

- 10.56. 0D32 London Plan policy E7 “*industrial intensification, co-location and substitution*” states at part C:

*“C) Mixed-use or residential development proposals on Non-Designated Industrial Sites should only be supported where:*

*1) there is no reasonable prospect of the site being used for the industrial and related purposes set out in Part A of Policy E4 Land for industry, logistics and services to support London’s economic function; or*

*2) it has been allocated in an adopted local Development Plan Document for residential or mixed-use development; or*

*3) industrial, storage or distribution floorspace is provided as part of mixed-use intensification (see also Part C of Policy E2 Providing suitable business space)*

*Mixed-use development proposals on Non-Designated Industrial Sites which co-locate industrial, storage or distribution floorspace with residential and/or other uses should also meet the criteria set out in Part D below.”*

10.57. Yes, it is considered that policy Ec.13.3 *protection of scattered employment sites* is in general conformity with the London Plan, including policy E7(c). The majority of Merton's scattered employment sites are small in size and would struggle to effectively accommodate a mix of uses as described in E7 (c.). The London Plan is part of Merton's development plan and may be used to determine planning applications alongside Merton's policies. The scale and nature of development in Merton (i.e. fragmented land ownership; small sites) justifies the focus of the policy not being on mixed use sites but it should be noted that Merton's policy Ec13.3 also states in the last sentence that a mix of uses may be appropriate. Paragraph 13.3.9 of the supporting text gives more details on the site circumstances and design factors where a mix of uses may be appropriate, also reflecting elements of London Plan policy E7 part D which relates to business development not being compromised by mixed use schemes.

**9. Is Policy EC13.3 in general conformity with the London Plan<sup>119</sup>, and consistent with national policy<sup>120</sup> insofar as the Agent of Change principle is concerned?**

Council response:

10.58. Strategic policy Ec13.1 states in the supporting text (paragraph 13.1.11 *We will also use the "agent of change" principle, putting the onus on new, more sensitive development to address potential harm arising from its location where sensitive uses are seeking to establish themselves within or near established active business areas..* Local Plan policy P15.10 "improving air quality and minimising pollution" states (n) *Where a noise-sensitive development is seeking planning permission to locate in an already noisy area (e.g. a town centre or near a busy road), the new noise-sensitive development will be responsible for mitigating impacts from existing noise-generating activities in line with the Agent of Change principle set in the National Planning Policy Framework and the London Plan policy D13".*

10.59. For clarity, consistency and to reflect general conformity with the London Plan and the NPPF, the following Main Modification is recommended to policy E13.3

449	13.3.9	13.3.9 In circumstances where proposals for mixed use development are considered, proposals must be designed to ensure the <u>successful</u> future occupation and function of employment uses, upon completion. <u>In line with the Agent of Change principle set out in the London Plan and the NPPF, the council will not support proposals on scattered employment site where these would curtail the successful operation of non-residential uses.</u> The premises/sites retained for employment uses must:....	To improve clarity and effectiveness
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<sup>119</sup> reference

<sup>120</sup> reference

**10. How has the likely need for offices set out in paragraph 1.5 of the Economic Topic Paper been arrived at, and how much, if any, of the need would be met by turnover in existing stock?**

Council response:

- 10.60. Paragraph 1.5 of LBM01b Topic Paper on economic evidence contains the executive summary and states that the likely need for offices over the next decade in Merton will be between 28,000 to 39,000 sqm of floorspace.
- 10.61. In line with the NPPG, the topic paper on economic evidence for offices has considered past office development trends and future development scenarios. This has included evidence of market demand in Merton and more widely across London and the recent pattern of employment growth and loss, both geographically in Merton for the office sector and qualitatively.
- 10.62. Section 2 of the topic paper reviews London-wide policy, economic and employment forecasts that are relevant to (but not exclusive to) office based businesses. In recognition of the interconnected nature of all London borough's office markets and Section 3 considers the different scenarios presented in up-to-date and robust evidence for London's economic outlook. Section 4 reviews London wide and local market signals for office based businesses as well as a review of development trends.
- 10.63. Table 3 "office demand and capacity" sets out the future forecast for office requirements in Merton, which are within Wimbledon town centre, as explained in Section 4 of the Study. This sets out the market demand for sites which include the gain or loss of office floorspace in the Wimbledon area (as well as other development sites in Wimbledon).
- 10.64. Considering the employment forecasts and projections, analysis based on the past office developments and attractiveness of Wimbledon town centre to the office market and future property market requirements, the range has also been derived with a 10% buffer to allow for market churn and flexibility in development. This takes into account the need for flexibility as outlined in the NPPF and the fact that prior approval and the Use Class Order allows for offices to change to other uses without the need for planning permission.
- 10.65. Due to the constrained nature of Wimbledon, the very localised demand for offices and limited number of potential sites, some of the office need will be met by turnover of existing floorspace. However the basic premise of viability means that turnover of existing floorspace will be focussed on office developments where the floorspace or capacity is not currently meeting market demand (for example for qualitative reasons). The NPPG 2a-032-20190722 recognises that needs in new or specialist sectors, such as co-working are often qualitative in nature. Offices for which there is already viable market demand are unlikely to be redeveloped by their landowners as they will already be making an efficient and effective contribution to meeting market needs.



Issue (iii) is the Plan's approach to the Borough's town and other centres consistent with the Framework, in general conformity with the London Plan, and justified, effective and positively prepared?

Preamble:

The attention of those wishing to provide hearing statements on this issue is drawn to the Council's topic paper 'Economic evidence base: Town Centres and Retail'<sup>121</sup> (the Town Centres Topic Paper), produced in answer to our preliminary questions on these matters set out in our letter of 28 January 2022<sup>122</sup>. The Council may wish to refer to the Town Centres Topic Paper, or other previously submitted evidence where that would answer any of the questions posed immediately below.

Questions:

- 1. Is the Plan's approach to the assessment of anticipated needs for retail, leisure and other town centre uses (apart from offices – covered in relation to Issue(ii) above) robust, and are a range of suitable sites allocated to meet the scale and type of development likely to be needed looking at least ten years ahead<sup>123</sup>?**

Council response:

10.66. [Document 0D20 NPPF paragraph 86 a-d](#) states at paragraph 86:

*86 Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:*

*a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;*

*b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;*

*c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;*

*d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary.;*

*etc...*

10.67. The NPPF requires planning policies to allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least 10 years ahead" (paragraph 86d) and "allowing them [town centres] to

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<sup>121</sup> Document reference: LBM01a

<sup>122</sup> Document reference: INSP01

<sup>123</sup> Per paragraph 86(d) of the Framework

*grow and diversify in a way that can respond to rapid changes in the retail and leisure industries...(paragraph 86a).*

- 10.68. Yes, Merton's Economic evidence base: town centres and retail (contained in LBM02) is robust. It sets out how Merton has assessed the anticipated needs for retail, leisure and other town centre uses. The Topic Paper sets out the consideration of the NPPF and NPPG particularly paragraphs Paragraph: 040 Reference ID: 61-040-20190315 Revision date: 15 03 2019 and Paragraph: 041 Reference ID: 61-041-20190315 and the London Plan policies and evidence. This show the steps in gathering evidence for business and how to use this evidence to plan for businesses and demonstrates how evidence has been gathered and informed the Local Plan.
- 10.69. Representations from the business community (e.g. LoveWimbledon Business Improvement District; Merton Chamber of Commerce; individual business landowners) have been received during the Local Plan process and have informed the Local Plan.
- 10.70. The allocation of sites in Merton's Local Plan incorporates these needs and also considers flexibility of including other uses in the to support town centres to grow and diversify in ways that can respond to rapid changes in the retail and leisure industries. For example, 16 of the proposed site allocations in town and local centres are allocated for a range of retail and leisure uses as set out below, looking at least 10 year ahead. It is also recognised that the Use Classes Order provides additional flexibility to bringing forward retail and leisure floorspace to help react to market signals.

<b>Site allocation</b>	<b>Summary of allocations that include retail and leisure uses</b>
CW2 Car park south of Britannia Point	Residential on upper floors with any of the following on the ground floor (financial and professional services, food and drink, office, assembly, health/day centre) or other sui generis use that is a suitable mix right for a town centre
CW4 Colliers Wood station	Any of the following or a suitable mix of retail, financial and professional restaurant or café, hot food takeaway, drinking establishment, leisure/health centre, offices and residential on uppers floors. The Post Office should be retained.
CW5 Priory Retail Park	Creation of streets - a suitable mix of town centre uses on the ground and lower floors (shops financial and professional services, food and drink, office, assembly, health/day centre or other sui generis use appropriate for a town centre), residential on upper floors and public space.
Mi8 1-12 Majestic Way	Mixed use: Town Centre Type Uses including retail, businesses, food and drink, leisure and community services (health centres, crèches, day nurseries, day centre) on the ground floors, residential on upper floors
Mi12 Sibthorp Road car park	Town centre type uses including retail, food and drink, offices, work spaces, leisure, community services and residential on upper floors.

M04 (now proposed as Mo1) Morden Regeneration Zone	Mixed retail, office, commercial (including restaurants/cafes), community use (including health centre), transport infrastructure, public realm and residential.
Wi2 Broadway car park	a suitable mix of town centre type uses such as retail, café and restaurants, community, cultural, leisure and entertainment, offices and hotel.
Wi5 Hartfield Road car park	A mix of uses appropriate to a town centre including retail, offices, assembly and leisure and hotel. There may be some scope for residential on upper floors facing Hartfield Road where this improves viability.
Wi6 Highlands House	A suitable mix of retail, financial and professional services restaurants cafes, drinking establishments, offices, community (including health/day centre), sporting/leisure use, residential and hotel.
Wi8 South Wimbledon Station	Retaining the underground station and residential or residential mixed-use retail, financial services and professional, cafes and restaurants, public house and offices
Wi9 28 St George's Road	a suitable mix of town centre type uses such as community use, retail, financial and professional services, offices, hotel and residential.
Wi10 Prospect House	Offices or hotel
Wi11 Victoria Crescent	A mix of Town Centre Type Uses including retail, cafes and restaurants pub or drinking establishment, financial and professional services, assembly and leisure, hotels and offices with the reprovision of public realm. The priority for the site should be Ttown Ccentre Type Uses. There may be some scope for residential on upper floors facing Hartfield Road where this improves viability.
Wi13 8-20 Worple Road	A mix of town centre types uses such as retail, financial and professional services, offices, hotel or community (including health/day centre), residential on upper floors to enable commercial led development.
Wi15 YMCA Wimbledon	A suitable mix of retail, financial and professional services, restaurants /cafes, drinking establishments, offices, community use and residential (including hostel or hotel).
Wi16 Centre Court Shopping Centre	A mixture of Ttown Ccentre Ttypes Uuses such as community (including health and wellbeing /day centre), retail, restaurants and cafes take-away, financial and professional services, leisure, offices, hotel, residential and last mile distribution

## 2. Is the designation of Colliers Wood as a District Centre justified and in general conformity with the London Plan?

Council response:

- 10.71. Yes, the designation of Colliers Wood as a District Centre is justified and in general conformity with the London Plan. Section 5 (“Profile – Colliers Wood”) of LBM01b Topic Paper on Town Centres sets out this justification against the definition of “district centre in Annex 1 of the London Plan 2021 and the particular aspects of Colliers Wood. Colliers Wood is also identified in London Plan 2021 Annex 1 as having future potential to be a District Centre. District Centres (and lower order town.
- 10.72. In May 2022 the Mayor of London also provided his opinion that Merton’s Local Plan is in general conformity with the London Plan, including on the matter raised in this question.

**3. Are the boundaries of the centres and primary shopping areas set out in the Plan justified?**

Council response:

- 10.73. Yes, the boundaries of the centres and primary shopping areas set out in the Plan are justified. The justification is summarised in Topic Paper town centres and is based on consultation feedback to Stages 2 and 2a (Regulation 18 consultation); site visits and consideration of development and Merton’s shopping survey. For example, minor amendment were made to centre boundaries, primary shopping areas and neighbourhood parades during the lifetime of creating the Local Plan.

**4. Is the 1000SqM upper limit for town centre type floor space in designated local town centres set out in Policy TC13.5 justified? Is it clear what the council’s ‘regeneration objectives’ are which any proposal for town centre type uses above 1000SqM in such areas would have to contribute to in order to be considered acceptable?**

Council response:

- 10.74. Yes, Policy TC13.5 is justified in seeking to resist major increases (above 1000sqm) in town centre type use floorspace in designated local centres. The NPPF 2021 paragraph 86 requires planning policies to define a network and hierarchy of town centres as part of a positive strategy. [LBM01a Topic Paper on town centres March 2022](#) provides a profile of all local centres, considering the indicators set out in [NPPG paragraph Paragraph: 006 Reference ID: 2b-006-20190722](#). The evidence also provides a comparative analysis of types of shops and services and unit sizes across all major, district, local centres and neighbourhood parades, demonstrating that on average 99% of existing units in local centres are less than 1,000sqm (on average 94% are less than 280sqm) and that the majority (95% on average) of units in Merton’s higher order Major and District Centres are also less than 1,000sqm. The NPPF sets a town centre first strategy and requires planning policies to allow town centres to respond to rapid changes in the retail and leisure industries (NPPF paragraph 86). The

council's objectives are set out in Chapter 01c of the Plan *Urban development objectives and vision*. It is considered that allowing decision makers to consider whether a particular proposal above 1,000sqm in a Local Centre may be acceptable where it also meets the council's regeneration objectives provides some flexibility as required by the NPPF.

**5. What is the justification for Policy TC13.5's restriction on shop front amalgamation in Wimbledon Village, and is the Policy and its supporting text clear as to what proposals for floorspace increases may be acceptable in the area?**

Council response:

- 10.75. The justification for Policy TC13.5's restriction on shop front amalgamation in Wimbledon Village is based on the NPPF requirement for planning policies to define a network and hierarchy of town centres as part of a positive strategy and further justified by the evidence set out in [LBM01a Topic Paper town centres March 2022](#). It contains a profile of each of Merton's town centres, their size and draw, vitality, viability and vacancies and identifies from the start that Wimbledon Village has unique characteristics compared to other town and local centres. Wimbledon Village has far more town centre units, more than double the number of Arthur Road, Motspur Park, North Mitcham and Raynes Park, with far more high end shopping, health, wellbeing and beauty and characterised by delicatessen and artisan foods which outnumber the presence of chain supermarkets. The previously high vacancy rate (over the London average) has been attributed in part to the very high rents experienced by businesses in the Village.
- 10.76. The Village is almost entirely within historic conservation areas, has a unique offer, has previously been proved vulnerable to higher vacancy rates due to the very high rents and the majority of its offer (94%) is characterised by smaller units. Restricting the amalgamation of shop front units in Wimbledon Village will help conserve its distinctive character and provides a viable strategy for ensuring smaller, varied units. This approach is explained in paragraph 13.5.21 and is also supported by representors such as the Wimbledon Society (representor 61) who state in [Document OD6 Schedule of Regulation 19 representations to Merton's Local Plan](#) *"The proposal to prevent the amalgamation of frontages in Wimbledon Village is strongly supported, as this will ensure both that there will be a wider variety of activities, and also that smaller businesses will be able to afford to continue."*

**6. Is Policy TC13.5 clear insofar as what is meant by large increases in commercial floorspace in neighbourhood parades? Does this relate to the expansion or development of individual uses with larger amounts of floorspace, or incremental development of additional commercial uses?**

Council response:

10.77. The reference in Policy Tc13.5 which states *Within Neighbourhood parades a. Maintaining neighbourhood parades to provide convenience shopping and other services within walking distance of local residents. Large increases in commercial floorspace in neighbourhood parades will be resisted* relates to the sequential test and impact assessment described in policy Tc13.6

10.78. For clarity, the following Main Modifications are recommended to pages 455 and 461 respectively of [OD1 Merton's Local Plan Stage 3 Regulation 19 July 2021](#) :

Proposed Modification:

**Policy TC13.5 Within Neighbourhood parades** a. Maintaining neighbourhood parades to provide convenience shopping and other services within walking distance of local residents. ~~Large increases in commercial floorspace in neighbourhood parades will be resisted~~

13.5.31. Neighbourhood parades are identified to ensure that local shopping facilities are retained within walking distance of residents to meet their day-to-day needs. ~~As set out in the Table 13.5 "Merton's town centres", neighbourhood parades are not designated town centres and as such, large increases in commercial floorspace will be resisted in line with policy Tc13.6~~

**7. Should the considerations relating to the following be expressed in Policy rather than supporting text, in the interests of clarity and effectiveness? And is the Plan clear and unambiguous about these matters?**

**a. changes of use in neighbourhood parades<sup>124</sup>;**

Council response:

10.79. Yes, paragraph 13.5.33 should remain in supporting text as it already reflects the matters contained in Policy TC13.5 which states clearly and unambiguously:

***All frontages in Merton's town centres and neighbourhood parades.***

*Supporting proposals for developments where:*

- i. The proposed use is compatible with a shopping frontage and provides a direct service to the general public;*
- ii. The proposal will result in an active street frontage;*
- iii. The vitality and viability of the town centre or neighbourhood parade is not likely to be significantly harmed;*
- iv. A window display is provided; and*

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<sup>124</sup> Paragraph 13.5.33

*v. No significant adverse effects on the amenities of nearby residents, road safety, car parking or traffic flows would result from the proposal.*

...

**b. vacancies in frontages in town centres<sup>125</sup>;**

Council response:

- 10.80. Yes, paragraph 13.5.27 should remain in supporting text as it is already contained in Policy EC13.1 “Promoting economic growth and successful high streets”, part 3(h) which states (3) *We will seek to ensure a supply of viable and appropriate sites and premises for businesses, jobs and other enterprises in locations which optimise the needs of business while minimising disruption to local amenity. We will do this by:...(h) Supporting opportunities to use vacant buildings and land for flexible and temporary meanwhile uses or pop ups;*
- 10.81. Paragraphs 13.1.16 to 13.1.9 also provide a more extensive support for addressing vacancies through the use of temporary / meanwhile uses or pop ups.
- 10.82. Paragraph 13.5.27 also refers to considering temporary uses that complement the surrounding area and do not harm local amenity; these elements are already contained in Policy TC13.5 (i) to (v).
- 10.83. The Plan is considered clear and effective in this regard.

**c. the range of uses considered acceptable in town centres<sup>126</sup>;**

Council response:

- 10.84. Yes, paragraph 13.5.7 can remain in the supporting text for Policy TC13.5 to remain succinct, effective and clear. Paragraph 13.5.7 expands on Policy TC13.5 which states (with our emphasis by underlining the phrase “town centre type uses”):

...

**Within Wimbledon, Colliers Wood, Mitcham and Morden town centres**

(a). In addition to (a), supporting proposals for developments that:

- i. Provide a range of commercial unit sizes;
- ii. Provide a wide range of town centre type uses which contribute towards the vitality and viability of town centres including shopping, leisure, entertainment, cultural, community and offices.

**Within Local town centres**

(a.)

Supporting proposals:

- (i) for development up to 1,000sqm per unit of floorspace for town centre type uses in the designated local town centre centres of Arthur Road, Motspur Park, North Mitcham, Raynes Park and South Wimbledon. The council will

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<sup>125</sup> Paragraph 13.5.27

<sup>126</sup> Paragraph 13.5.7



resist major increases (above 1,000sqm) in town centre type use floorspace in local centres unless it contributes to the council's regeneration objectives.

.....

"Town centre type uses" is defined in the Local Plan glossary as "*The uses to which town centre policies apply are:*

- *Shops and offices*
- *Leisure and entertainment facilities and the more intensive sport and recreation uses (including restaurants, cafes, cinemas, bars and pubs, night clubs, health and fitness centres, indoor bowling centres and bingo halls)*
- *Arts, culture and tourism development (including theatres, museums, galleries, concert halls, hotels and conference facilities)*

10.85. Paragraph 13.5.7 also refers to the requirement to have an active frontage; this is already set out in Policy TC13.5 (ii) which states "*the proposal will result in an active street frontage*".

**d. betting shops and hot food takeaways and their relationship to primary shopping areas<sup>127</sup>.**

Council response:

10.86. Two Main Modifications are recommended to make the Plan effective and clear about betting shops and hot food takeaways and their relationship to the primary shopping area

Proposed Modifications:

MM 13.1	Page 454	Policy TC 13.5	<p><b>All frontages in Merton's town centres and neighbourhood parades.</b></p> <p><b>A.</b> Supporting proposals for developments where:</p> <p>...</p> <p><b>Within Wimbledon, Colliers Wood, Mitcham and Morden town centres</b></p> <p><b>aB.</b> In addition to <del>(a)</del><b>A.</b>, supporting proposals for developments that:</p> <p>...</p> <p><b>iii. Betting shops (use identified as sui generis), are not compatible with the main retail or social function of the town centres and are not considered</b></p>	To improve clarity and effectiveness	May 2022 – response to the Inspectors questions
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<sup>127</sup> Paragraph 13.5.8

			<p><u>appropriate new uses within the primary shopping area.</u></p> <p><b>Within Local town centres</b>  <b>aC.</b> Supporting proposals:  ...  <b>iii.</b> <u>that do not provide betting shops within the primary shopping area.</u></p> <p><b>Within Neighbourhood parades</b>  <b>AD.</b> Maintaining neighbourhood parades to provide convenience shopping and...</p>		
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MM 13.2	Page 457	13.5.8	Betting shops <del>and hot food takeaways</del> (use identified as sui generis), are not compatible with the main retail or social function of the town centres and thus are not considered appropriate new uses <del>outside of</del> <u>within</u> the primary shopping area <u>of Merton's town centres.</u>	To improve clarity and effectiveness	May 2022 – response to the Inspectors questions
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## 8. Policy TC13.6:

- a. Are the policy and its supporting text clear in terms of when impact assessments will be required, and what the Council's "requirements" in these terms are?

### Council response:

10.87. We propose a main modification to policy TC13.6 to clarify that the scope of the sequential test and impact assessment is required over 280sqm net new floorspace.

10.88. This proposed Main Modification also provides consistency with paragraph 13.6.5 in the Supporting Text which states "impact assessments may be required for any retail proposals located edge-of-centre or out-of-centre where the net floor area exceeds 280sqm.

### Proposed modification:

4 6 4	Policy TC 13.6	<p><b>A.</b> The scope of the sequential test (<del>required over 280sqm net new floorspace</del>) and impact assessment (<u>required over 280sqm net new floorspace</u>) submitted is</p>	Positively prepared and consistent with national policy.	April / May 2022 – response to the
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		<p>proportionate to the scale of the development proposed and satisfies the council's requirements.</p> <p><b>B.</b> Local convenience development outside town centres meets all of the following criteria:</p> <p>...</p> <p><b>C.</b> Vitality and viability of Merton's existing town centres would not be harmed. Planning conditions may be imposed on applications, to ensure that proposals do not have an adverse impact on the vitality and viability of existing town centres. Such conditions may:</p> <p>...</p>	Reference numbers added for clarity.	Inspectors questions
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**b. Is the Plan consistent with the Framework in this respect?**

Council response:

- 10.89. Yes, including the Main Modification outlined above the policy is consistent with the Framework including paragraph 90 which states that local planning authorities can set a proportionate, locally set threshold for impact assessments.

**c. Taking account of the advice in the PPG<sup>128</sup>, is the locally set floorspace threshold for proposals that would require an assessment proportionate<sup>129</sup> and justified?**

Council response:

- 10.90. Yes, the locally set floorspace threshold for proposals that would require an impact assessment is proportionate and justified, taking account of NPPG Paragraph: 015 Reference ID: 2b-015-20190722. The NPPG sets out six matters that it is important to consider when setting a locally appropriate threshold for impact assessment. These matters are considered in detail in [LBM01a Topic Paper town centres dated March 2022](#). This topic paper, in particularly sections 3 and 4, clearly sets out the justification for the 280sqm threshold. For example Section 3 includes profiles of all of Merton's town centres, setting out the scale of existing, recent and proposed development and cumulative effects and commentary on the existing viability, vitality, vacancy rates and other vulnerabilities; Section 4 summarises the scale of proposals relative to all town centres and neighbourhood parades, e.g. 82% of units in Merton's Major and District Centres and 94% of units in Merton's local centre are less than 280sqm and only 5% (major and district) or 1% (local town centres) of units are greater than 1,000sqm.

<sup>128</sup> 'Town Centres and Retail' Paragraph: 015 Reference ID: 2b-015-20190722 Revision date: 22 07 2019

<sup>129</sup> Per paragraph 90 of the Framework

**d. Is the supporting text (paragraph 13.6.5) clear as to what the relevant floorspace threshold is?**

10.91. The council proposes a Main Modification to paragraph 13.6.5 (in addition to MM2.1 already proposed, which relates to the NPPF) to ensure that paragraph 13.6.5 is clear as to what the relevant floorspace threshold is.

Proposed modification:

MM2.1  MM13.5	465	13.6.5 (second sentence)	In accordance with the <del>National Planning Policy Framework 2019</del> ( <u>NPPF 2021 paragraph 90</u> ), [MM2.1] impact assessments will be required for leisure and office development above 2,500 sqm <del>gross</del> [MM13.5] located outside town centres and not in accordance with the development plan.	NPPF: See above - initial MM2.1 at Page 35 Plan Ref. 2.1.1  Gross: for consistency with national policy	NPPF: March 2022 – response to Inspectors’ preliminary matters.  Gross: May 2022 – response to Inspectors matters, issues and questions.
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**e. Is the policy clear how deficiencies in local convenience shopping will be identified and by who?**

Council response:

10.92. Yes, paragraph 13.6.7 states that where planning permission is required, we are continuing with the approach to protect small (c280sqm or smaller food and convenience shops within 5 minutes walk (400m) of residential areas to reduce the need to travel and to support residents’ day to day needs, complimenting the offers in town centres. This information can be used by the applicants or the council can provide this information to identify areas deficient in small convenience stores (i.e. where residential areas do not have a convenience store within 400m of the area.) The council conducts an annual shopping survey which helps to keep the number and location of convenience stores up to date.

- f. **Would conditions seeking to control the elements set out in (iv), (v) and (vi) of the policy accord with the Framework<sup>130</sup> in terms of being necessary, relevant to planning and to development to be permitted, enforceable and reasonable? Might some of those items be better suited to planning obligations, and if so, would they meet the legislative<sup>131</sup> and policy<sup>132</sup> tests of being necessary to make development acceptable in planning terms; directly related to a development; and fairly and reasonably related in scale and kind to developments?**

Council response:

- 10.93. Yes, conditions seeking to control the elements set out in iv to vi of Policy TC6.3 would accord with the NPPF paragraph 56 which states, in part, *Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.....* Part of Policy TC13.6 “Development of town centre uses outside town centres” states

*Vitality and viability of Merton’s existing town centres would not be harmed. Planning conditions may be imposed on applications, to ensure that proposals do not have an adverse impact on the vitality and viability of existing town centres. Such conditions may:*

- iv. Prevent the amalgamation of small units to create large out-of-centre units;*
- v. Limit internal development to specify the maximum amount of floorspace permitted; or,*
- vi. Control the type of goods sold or type of activity.*

- 10.94. As set out in the NPPG (Paragraph: 011 Reference ID: 2b-011-20190722 and Paragraph: 017 Reference ID: 2b-017-20190722) it is for the applicant to demonstrate compliance with the sequential and impact tests to support the viability and vitality of town centres and to justify that out of centre proposals could be supported in that particular case. The applicant’s justification (for example, in a planning statement or retail assessment submitted with their planning application) will include details of their proposed scheme such as the size of the unit(s) in floorspace, the types of retail / leisure activities that the applicant expects to take place on site and the scale of development (e.g. whether one very large single retail unit or many smaller retail units). This information will be used in order to reasonably and proportionately test whether the sequential test and the impact assessment is passed.
- 10.95. In the event that the sequential test and impact assessment are both passed for a particular planning application, thereby demonstrating that the vitality and viability of nearby town centres would not be harmed if the scheme was built, Policy TC6.3 states that the council may, in discussion with the applicant, apply a planning condition to the final approval to ensure that the vitality and viability of nearby town centres will continue to be protected if the scheme is built. Such a condition would use the information provided by the applicant and tested in

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<sup>130</sup> Paragraph 56

<sup>131</sup> Per Regulation 122(20) of the Community Infrastructure Levy Regulations 2010 (as amended)

<sup>132</sup> Per paragraph 57 of the Framework

the sequential test and impact assessment (e.g. size and scale of retail floorspace; range of goods to be sold) and state that the planning application is granted subject to the retail floorspace being retained to the size and scale set out in the applicant's statement and to be used for the range or type of goods proposed by the applicant. Such conditions would be necessary in order to protect the viability and vitality of nearby town centres, relevant to planning and the particular development to be permitted, reasonable (being based on the information provided by the applicant), precise and enforceable, thus in accordance with NPPF paragraphs 56 and 87-90. This approach is also consistent with NPPG paragraph 015 Reference ID: 2b-015-20190722 which states "*Conditions may be attached to appropriately control the impact of a particular use*".

**g. Would the matters relating to petrol stations<sup>133</sup> be more clearly and effectively expressed in policy rather than supporting text?**

Council response:

10.96. The council does not consider that the matters relating to petrol stations would be more clearly and effectively expressed in policy rather than supporting text.

10.97. Policy TC 13.6 "Development of town centre type uses outside town centres" (including the additional modifications of adding section numbers) is set out below with the matters specifically relating to petrol stations, part B ii. and iii. underlined for emphasis:

**A.** *The scope of the sequential test ~~(required over 280sqm net new floorspace)~~ and impact assessment (required over 280sqm net new floorspace) submitted is proportionate to the scale of the development proposed and satisfies the council's requirements.*

**B.** *Local convenience development outside town centres meets all of the following criteria:*

- i. The proposal will be a replacement for an existing convenience shop; or,*
- ii. The proposal will meet local needs in an area identified as deficient in local convenience shopping (including convenience retail activity in petrol stations); and*
- iii. The overall floorspace of the local convenience shop (including petrol stations) would not exceed 280 sqm net retail floorspace.*

**C.** *Vitality and viability of Merton's existing town centres would not be harmed. Planning conditions may be imposed on applications, to ensure that proposals*

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<sup>133</sup> Outlined in paragraph 13.6.8 of the Plan

*do not have an adverse impact on the vitality and viability of existing town centres. Such conditions may:*

- iv. Prevent the amalgamation of small units to create large out-of-centre units;*
- v. Limit internal development to specify the maximum amount of floorspace permitted; or,*

Control the type of goods sold or type of activity.

10.98. Paragraph 13.6.8 on page 466 explains why the Plan specifically refers to petrol stations in the above policy. We consider that Policy TC13.6 is effective, clear and succinct without including paragraph 13.6.8 in policy and that paragraph 13.6.8 is appropriate to explain the elements of Policy TC 13.6 that specifically refers to petrol stations.

10.99. Paragraph 13.6.8 *“There is a decline in the number of petrol stations nationally and regionally, due to increasing competition between multiple and more independent retailers. Although the council seeks to encourage more sustainable methods of travelling other than the private car, it is recognised that some residents in Merton rely on private vehicles as their preferred mode of transport. Rather than residents in Merton travelling to neighbouring boroughs to access petrol stations, which is unsustainable overall, the council supports the retail convenience activity allowed in petrol stations to 280 sqm net floorspace. This measure provides landowners with more flexibility and will contribute towards increasing the financial viability of new and existing petrol stations. However, retail floorspace extensions above 280 sqm net will not be supported to ensure that such developments would not have an adverse impact on the retail vitality and viability of Merton’s designated town centres.*