

Inspectors' Matters, Issues and Questions – April 2022

Matter 13: Is the Plan's approach to tall buildings grounded in an understanding and evaluation of each area's defining characteristics, in general conformity with the London Plan, and are the Plan's policies relating to tall buildings effective?

Issue (i): Is the Plan in general conformity with Policy D9 of the London Plan insofar as the approach to Tall Buildings is concerned?

Q1. Does the development plan define what is considered a tall building for specific localities¹⁴⁰; and is the plan clear and consistent in its terminology relating to 'tall', 'taller' and 'mid-rise' buildings?

Council response:

- 13.1. Yes, the development plan defines what is considered a tall building for specific localities as per the London Plan Policy D9 (A).
- 13.2. A borough wide definition for tall buildings was given due to evidence captured in the adopted Merton's Character Study (document [12D1](#)) that illustrates that the borough has a consistent average height across all wards of 2.1 – 2.7 storeys. Additionally, the Main Modification, MM3.1, introduces specific information on building heights for specific localities with the following:
 - It introduces a 'map of appropriate locations for tall buildings' that clearly identifies geographically the specific localities considered for tall buildings that include relevant site allocations, Estates Local Plan boundaries and Colliers Wood Town Centre, Wimbledon Town Centre and Morden Regeneration Zone.
 - It introduces 'Strategic Height Diagrams' for Colliers Wood Town Centre, Wimbledon Town Centre and Morden Regeneration Zone. Each diagram clearly defines a range of heights that is likely to be acceptable and specific localities within these areas for tall buildings.
 - In addition to the proposed modification stated below that provides a specific height to site allocation Wi12, it provides specific information on what appropriate height and approach is likely to be acceptable on every site allocation identified as for tall buildings, therefore defining what is considered a tall building on a specific location.
- 13.3. Please note that MM3.1 also amended the definition to 'Tall buildings in the borough are defined as a minimum of 21m from the ground level to the top of the uppermost storey' in response to a [Stage 3 consultation](#) response made by the Greater London Authority.
- 13.4. Throughout the Local Plan references to 'taller' and 'tall' buildings are made. On review we propose to rename all 'taller buildings' with 'tall buildings' giving a more consistent and clear definition for tall buildings throughout the plan. There

¹⁴⁰ Per Policy D9(A) of the London Plan

is a single reference to mid-rise buildings in the supporting text of Policy N9.1 (Wimbledon). This terminology will remain as it used to describe an existing precedent of good design, and if removed makes the supporting text unclear.

Proposed modifications:

Main Modification

Site Allocation Wi12, p. 308

'Approach to tall buildings: Development of the site could include taller buildings of up to 10 storeys subject to consideration of impacts on existing character and townscape in accordance with policies D12.3 'Ensuring high quality design for all developments' and D12.6 'Tall buildings'.

Additional Modification

Throughout the plan 'taller' renamed to 'tall' for consistent terminology.

Q2. Is it clear where in the Borough that tall buildings may be appropriate, and has the process for defining such areas included engagement with neighbouring boroughs that may be affected?

Council response:

13.5. Yes, the Local Plan clearly identifies where in the borough tall buildings are appropriate, as per the London Plan Policy D9(B). Main Modification, MM3.1, addresses this by providing:

- a clear list of specific locations where tall buildings are acceptable.
- a 'map of appropriate locations for tall buildings' that clearly identifies these specific locations geographically within the borough in accordance with the London Plan Policy D9(B).

13.6. Please note that localities defined for tall buildings are all well within the borough boundaries with the exception of site allocations RP3, Burlington Road and Wi12, Wimbledon Stadium that are nearer the borough's boundary. Both sites have approved planning decisions where they have engaged with neighbouring boroughs and provided townscape analysis as part of their submitted application (RP3 planning ref: [19/P2387](#) note: won by appeal, and Wi12 planning ref: [14/P4361](#) & [18/P3354](#)).

13.7. Furthermore, as set out in the Response to Inspectors' Preliminary Matters ([Document LBM01, point 5.56](#)), tall buildings have been discussed with neighbouring boroughs as part of the Duty to Co-operate and no strategic cross boundary issues have been identified.

Q3. How would proposed MMs seek to achieve conformity with the London Plan and effectiveness in these regards?

Council response:

- 13.8. The [Mayor of London responded to Stage 3 \(Regulation 19\)](#) of the Local Plan with multiple conformity issues with Policy 12.6 'Tall Buildings'. Working with the GLA, the Plan was amended with Main Modification, MM3.1, to achieve conformity with the London Plan that resulted in a Statement of Common Ground ([document OD13a](#)).
- 13.9. MM3.1 addressed conformity issues by:
- Clearly defining what is considered a tall building for specific localities through the Strategic Heights Diagrams and site allocations in accordance with London Plan Policy D9A.
 - Determining locations where tall buildings may be an appropriate form of development and clearly identifying them in policy and on maps that provide appropriate tall building heights in accordance with London Plan Policy D9B.
- 13.10. As well as the proposed MM's, the design policies within Chapter 12 support London Plan Policy D9(C) by addressing visual, functional and environmental impacts.
- 13.11. Furthermore, the Borough Character Study SPD ([document 12D1](#)) provides a framework for character-led tall buildings, providing additional design guidance for future developments.
- 13.12. The above ensures that the policy would be effective over the plan period. 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.

Issue (ii): Is the Plan's approach to tall buildings based on local context¹⁴¹ and grounded in an understanding and evaluation of each area's defining characteristics¹⁴²?

Q1. Are locations and appropriate building heights for tall buildings clearly identified on maps¹⁴³; and are proposed MMs which would bring about the inclusion of strategic heights diagrams justified and underpinned by relevant evidence, such as the Borough's ongoing Character Study, the findings of any relevant conservation area appraisals, or the implications of the heritage assets identified as being "at risk" (e.g Upper Morden Conservation Area)?

Council Response.

- 13.13. Yes, locations and appropriate building heights for tall buildings are identified on maps and have been grounded in an understanding and evaluation of each areas characteristics with relevant evidence.
- 13.14. Merton's Borough Character Study SPD ([Document 12D1](#)) was adopted in June 2021. The SPD has been produced to guide future development to be character-led and was produced in tandem with the development of the Local Plan. It can be used to enable robust and consistent application of the policy. The Character Study was developed through an extensive programme of engagement with contributions from over 450 local residents. Specifically on tall buildings, it analysed multiple borough wide layers, such as Heritage at Risk and conservation areas to inform a framework for character-led tall buildings. This analysis informed suitability and sensitivity mapping that illustrated that Colliers Wood Town Centre, Morden Regeneration Zone and Wimbledon Town Centre are locations that are more suitable for tall buildings.
- 13.15. Main Modification MM3.1, proposed the inclusion of the 'Strategic Heights Diagrams' of Colliers Wood Town Centre, Morden Regeneration Zone and Wimbledon Town Centre that are justified and underpinned by a variety of relevant evidence. See below a summary of evidence that informs the likely appropriate building heights.
- 13.16. Wimbledon Town Centre, and the site allocations located within the boundary, have been informed by the Future Wimbledon SPD ([document 9D1](#)). It includes a building heights guidance diagram that was underpinned by the '*analysis of the town centre's topography, existing building heights, heritage assets and townscape to determine the most appropriate approach to accommodate growth in the town centre*' (point 5.3.50 of Future Wimbledon SPD). The SPD was also informed by extensive resident engagement over a 3 year period throughout its production and was adopted in November 2020. Furthermore, Historic England's representations informed the final SPD by reducing the height of buildings in the height guidance diagram. Historic England also supported the focus on heritage throughout the document as seen in the [consultation report](#).
- 13.17. Morden Regeneration Zone is its own site allocation, Mo1 (formerly Mo4). The Morden Town Centre Visual Impact Assessment ([document 5D3](#)) and Morden Town Centre Heritage Review ([document 5D2](#)) underpins the Strategic Heights

¹⁴¹ Per Policy D9(A) of the London Plan

¹⁴² Per paragraph 127 of the Framework

¹⁴³ Per Policy D9(B) of the London Plan

Diagram. These documents were used to evaluate the visual and heritage impact of the indicative massing which uses the 3D model of the Hawkins Brown Strategic Development Framework ([document 5D1](#)) as an indicative option that has a cluster of tall buildings.

- 13.18. Site allocation CW2, adjacent the 19 storey Britannia Point, is the only site within Colliers Wood Town Centre that is defined in the Plan as appropriate for tall buildings. As summarised in [0D8 Statement of Consultation](#) Merton Council consulted on Stage 2a with an alternative approach to tall buildings on this site, allowing for a cluster of buildings of varying heights in this location. However the majority of respondents on this topic at Stage 2a were strongly in favour of Britannia Point remaining the pinnacle building in Colliers Wood, citing concerns about the wider impact on local amenity and the environment. The council reconsidered the site and the potential impact on local amenity, the historic and natural environment and the surrounding characteristics which, aside from Britannia Point, are largely low rise. Therefore Stage 3 (Regulation 19) was amended to confirm the 19-storey Britannia Point as the pinnacle building in terms of height.
- 13.19. As detailed in issue 1, question 3, the proposed Main Modification, MM3.1, was made to bring the Local Plan into general conformity with the London Plan, resulting in an approved Statement of Common Ground between Merton and the Greater London Authority. A 'map of appropriate locations for tall buildings' was added into the policy to geographically identify the appropriate locations. Furthermore, each site allocation is supported with a map clearly illustrating its site boundary.

Q2. Is there any specific evidence to justify tall buildings sites allocated in the Plan, and are policies clear as to the scale of building likely to be acceptable on such sites?

Council response:

- 13.20. Yes, specific evidence was used to justify the sites allocated for tall buildings. Following from issue ii, question 1, that focussed on the specific evidence used to justify the sites highlighted in the strategic heights diagrams there are four site allocations that are located outside these locations. All are clearly identified on the 'map of appropriate locations for tall buildings' in Policy D12.6, introduced with modification MM3.1. There is also broader evidence, such as the Strategic Housing Needs Assessment ([document 11D8](#)) that provides evidence on the need for new homes and jobs.
- 13.21. These site allocations are Mi1 Benedict Wharf, Mi16 Mitcham Gasworks, RP3 Burlington Road and Wi12 Wimbledon Stadium and Volante Site. Mi1 and RP3 have approved decisions, Wi12 is largely completed after receiving an approved decision in 2015, and Mi16 is at pre-application stage where the applicant has consulted with residents. These approved planning decisions and pre-application discussions have underpinned the site allocations approach to tall buildings. Further details can be found in question 8 where specific evidence for these sites has been asked.
- 13.22. Yes, the policies are clear as to the scale of building likely to be acceptable on each appropriate site. MM9.3 and MM3.1 added maximum building heights or

reference to the 'Strategic Height Diagrams' to the relevant site allocations as outlined in part 1 of Policy D12.6 where they were missing. These amendments provide further clarity to the scale of building likely to be acceptable on such sites.

- 13.23. Furthermore, specific design and accessibility guidance is provided within site allocations to clearly describe an appropriate design approach likely to be acceptable based on an evaluation of each site's characteristics.

Q3. Given its existing role in contributing to a sense of place should the regeneration opportunities for Morden Regeneration Zone include the existing Civic Centre as the pinnacle building, in line with the role identified for Britannia Point in Colliers Wood?

Council response:

- 13.24. No, the existing Civic Centre building should not be the pinnacle building in Morden. Note, for information, that the Civic Centre is not located within the site allocation boundary of the Morden Regeneration Zone (formerly Mo4, now named Mo1), but is adjacent to the site allocation.
- 13.25. [London Plan policy D3\(B\)](#) states "Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling". Mo1 is identified as having a very high PTAL (6a), it is a town centre location, and it is also located within the Merton Opportunity Area, an area identified for significant growth, new housing, commercial development and infrastructure.
- 13.26. The Merton Park Ward Independent Residents (MPWIR) (Reg 19 Response 32), representation (also contained in [0D6](#) and [0D7](#)) proposes to introduce new supporting text that "the Civic Centre should remain the pinnacle building in the town centre in terms of height". Officers' view is that this proposed wording is not necessary to make the plan sound; as set out in [document 0D6](#) schedule of representations to Merton's Local Plan.
- 13.27. The Morden Town Centre Visual Impact Assessment ([document 5D3](#)), which uses the 3D model of the Hawkins Brown Strategic Development Framework ([document 5D1](#)) as an indicative option that has a cluster of tall buildings with the tallest being 22 storeys, finds that it would not result in any likely adverse townscape and visual effects. Proposed Major Modification MM3.1 requires proposals to be in accordance with the details in the Strategic Heights Diagram for the Morden Regeneration Zone and the supporting text points out that the proposed height for each building within the Morden Regeneration Zone will need to be justified in accordance with the criteria in policies D12.3 'Ensuring high quality design for all developments', D12.5 'Managing heritage assets' and D12.6 'Tall buildings'.
- 13.28. As identified in Policy N5.1(e) tall buildings will be supported within the Morden Regeneration Zone in accordance with the details in the Morden Strategic Heights Diagram and Policy D12.6 Tall Buildings. Para 5.1.33 sets out that "in appropriate locations, tall buildings can assist with reimagining the town centre and the creation of new character areas and features, creating gateways to the town centre and landmarks in key locations that add character and legibility" ([document 0D4](#)).

13.29. Site allocation Mo1 is different in scale and character to Colliers Wood and varies in its future growth projections, as evidenced through the submitted documents with the Local Plan. As such, the tall buildings policies differ for these two locations.

Q4. Have the associated assumptions for tall buildings as part of Site Allocation CW2 been informed by consideration of the potential effects on the historic environment, including Merton Park, Wandle Valley, Wandle Park and the experience of the Wandle Trail?

Council response:

- 13.30. Yes, Site Allocation CW2 has been informed by its potential effects on the historic environment. The Strategic Heights Diagram identifies the areas important defining characteristics such as listed buildings, scheduled ancient monuments, conservation areas, open spaces as well as townscape views. Furthermore, the site allocation CW2 considers the potential effects on the historic environment by stating that development 'must compliment the surrounding area, including the existing building at Britannia Point and the views from the Metropolitan Open Land' of which Wandle Valley, Wandle Park and Wandle Trail are a part of.
- 13.31. Many design policies manage the potential effects on the historic environment. In particular, D12.6.2.a states a proposal's '*massing, bulk and height are appropriately sized and located and demonstrate they do not undermine local character and heritage assets and their setting through townscape analysis of short, mid and long views*'. Tall buildings on Site CW2 would be prominently visible from Wandle Park and the Wandle Trail.
- 13.32. Furthermore, Policy D12.5, Managing Heritage Assets, will manage the effect on the historic environment and aims to conserve and enhance Merton's heritage assets, their settings and distinctive character. Site CW2 is close to the listed Colliers Wood station and tall buildings on it would be viewed from other heritage assets such as Merton Abbey Mills and the remains of Merton Priory, a Scheduled Ancient Monument.
- 13.33. As highlighted in issue ii, question 1, during the course of the Local Plan Site Allocation CW2 was consulted on for a greater building height than the 19 storey Britannia Point but following consultation feedback and further analysis, the final policy is to ensure that Britannia Point remains a pinnacle in Colliers Wood.

Q5. Have the associated assumptions on densities and heights of buildings relating to Wimbledon sites Wi9, Wi10, Wi13 and Wi15 been informed by a consideration of potential impacts to the significance of designated heritage assets?

Council response:

- 13.34. Yes, associated assumptions on densities and heights of buildings relating to the sites Wi9, Wi10, Wi13 and Wi15 have been informed by a consideration of potential impacts to heritage assets.
- 13.35. Sites Wi9, Wi10, Wi13 and Wi15 are located within the Wimbledon town centre boundary. The Future Wimbledon SPD ([document 9D1](#)) was prepared to create long-term vision for the future of development and growth within the boundary of Wimbledon town centre and was informed by an extensive engagement programme between 2017-2020. The SPD tested massing and analysed townscape views on each of the site allocations, evaluating potential impacts on heritage assets and overall townscape, resulting in reduced heights in the adopted version of the SPD. This study informed the conclusions found in the Future Wimbledon SPD and the Local Plan.
- 13.36. Within the SPD, references to heritage and townscape are made throughout the document and is highlighted as a key design quality objective. Historic England was a consultee and supported the SPD and stated, “We very much support the improved focus on Wimbledon’s heritage; this will strengthen the SPD and help create locally distinct, high quality spaces. The SPD represents heritage well throughout and not simply as a standalone feature. Recognising the multifaceted role heritage can play in delivering social, economic, and environmental progress is a key strand of the NPPF and we are pleased to see this set out in the SPD.”
- 13.37. Furthermore, any future planning applications will be required to be in accordance with policy D12.5 Managing heritage assets which ‘aims to conserve and enhance Merton’s heritage assets, their settings and distinctive character.’
- 13.38. It should be noted that the adopted Future Wimbledon SPD achieves an appropriate balance between supporting growth and maintaining and enhancing Wimbledon’s character. The community engagement undertaken to prepare the SPD demonstrates, that most of the building height increases are in the St Georges Rd quarter and Broadway East – areas identified by residents as not currently having a positive impact on townscape due to the 1970s and 1980s style buildings there. Heights on Wimbledon Broadway and adjacent to heritage assets are less than that proposed in the St Georges area. We also note that Wimbledon is now part of a London Plan Opportunity Area; the level of growth set out in the SPD is commensurate to Wimbledon’s urban fabric and, heritage and urban morphology. The proposed massing is significantly lower in height than new developments in similar south London centres (Wandsworth, Sutton, Croydon, Putney, Brixton, Lewisham).

Q6. Would the inclusion of tall buildings for site allocations Wi2, Wi5, Wi6 and Wi11 be consistent with the Framework's objective of sustaining and enhancing the significance of heritage assets, in terms of the setting of New Wimbledon Theatre and the former town hall, both of which are listed buildings?

Council response:

- 13.39. The inclusion for sites Wi2, Wi5, Wi6 and Wi11 are consistent with the Framework's objective as any development on these sites will be subject to their accordance with policy D12.5 'Managing heritage assets' and D12.6 'Tall Buildings'.
- 13.40. Policies within D12.6 'Tall Buildings' make reference to heritage throughout, therefore supporting the Framework's objective of sustaining and enhancing the significance of heritage assets, in particular:
- 13.41. D12.6.2.a: *Their massing, bulk and height are appropriately sized and located and demonstrate they do not undermine local character and heritage assets and their settings through townscape analysis of short, mid and long views.*
- 13.42. D12.6.2.b: *They enhance the setting and/or relationship with neighbouring heritage assets.*
- 13.43. D12.6.3: *Development proposals for tall buildings should be supported by a detailed townscape analysis that includes short, mid and long views and analysis of its impact on their setting. In particular their impact on heritage assets such as parks or buildings and open spaces.*
- 13.44. Within policy D12.5 'Managing heritage assets', policy D12.5.b states 'All development proposals associated with the borough's heritage assets or their setting will be expected to demonstrate, within a Heritage Statement, how the proposal conserves, and where appropriate enhances the significance of the asset in terms of its individual architectural or historic interest and its setting.'
- 13.45. Furthermore, specific reference to the New Wimbledon Theatre and the former town hall have been included in each sites allocation. The Future Wimbledon SPD proposes buildings up to 6 storeys (21-24m) near New Wimbledon Theatre, the proposed massing for site Wi12 is consistent with the surrounding townscape whilst still promoting economic growth. The massing proposed mirrors the Theatre, with shoulder heights consistent with the Theatre and building up towards a feature corner on Gladstone Rd. This form echoes that of the adjacent theatre.
- 13.46. Although site Wi16 is not referred to in the question, the proposed massing adjacent to the town hall has been proposed to strike a balance between supporting economic growth and regeneration of the shopping centre, on a site immediately adjacent to a highly accessible public transport hub (PTAL 6 – highest). The massing proposed for site Wi16 places the increase in massing towards the railway and steps down towards Wimbledon Broadway. The building lines are also set back to maintain views of the former town hall and create more public realm.
- 13.47. The policies outlined above support the Frameworks objective of sustaining and enhancing the significance of heritage assets. Development on sites Wi2, Wi5, Wi6 and Wi11 will be determined on their accordance to the above policy.

Q7. What is the indicative capacity of anticipated residential units for allocated sites Wi6, Wi9 and Wi13, and what is the rationale for any assumptions in this regard?

Council response:

13.48. Sites Wi6 (Highlands House); Wi9 (28 St George's Road) and Wi13 (8-20 Worples Road and 20-26 St George's Road) are all located in Wimbledon town centre. Their sizes and proposed allocations are as follows:

Wi6 (0.16ha) 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.

Wi9 (0.06ha) a suitable mix of town centre type uses such as community use, retail, financial and professional services, offices, hotel and residential.

Wi13 (0.2ha) 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.

13.49. Although the site allocations include residential, they also include a mix of uses appropriate to Wimbledon as a major centre. As stated in the topic paper on the economy and town centres, there is strong demand for commercial premises in Wimbledon town centre and limited capacity. If any element of any of these sites is redeveloped to include residential, the number of new homes will be constrained by the site sizes and the likelihood that residential will be on upper floors. Due to the small site sizes and the range of other potential uses, the council has not ascribed an indicative capacity for new homes to these small sites as it would be unlikely to be robust. The council has not included any of these sites in the housing trajectory; all sites are under 0.25 hectares and would be considered small housing sites as defined by the London Plan.

Q8. Proposed MMs to the Plan would see the Mi1 Benedict Wharf, Mi16 Mitcham Gasworks, and RP3 Burlington Road as sites suitable for Tall Buildings, with indicative sizes of up to 10, 9 and 9 storeys respectively – what is the justification for the proposed MMs, and what evidence has informed an assessment of the sites' suitability for tall buildings and the recommended maxima in terms of storey heights?

Council response:

13.50. The proposed MMs, in particular MM3.1 and MM9.3, bring the Local Plan into general conformity with the London Plan Policy D9 by identifying appropriate tall building heights. These three sites are located outside of town centre boundaries or Estates Local Plan boundaries.

13.51. The heights provided have been informed by evidence that assessed the defining characteristics of each site through townscape analysis. Below is a summary of evidence that has informed the sites' suitability for tall buildings.

- The [Borough Character Study SPD \(12D1\)](#) analysed borough wide areas of sensitivity for tall buildings. None of the sites above are located within sensitive areas within the borough.

- Mi1 Benedict Wharf (ref. [19/P2383](#)).
After being called in by the Mayor of London for decision in 2020, this site has an approved decision with a signed S106 and decision notice issued on 25th March 2022 (see [GLA link here](#)). The Deputy Mayor of London held a public hearing in December 2020 and resolved to grant permission for the 10 storey scheme having carefully considered all relevant planning matters such as building heights and the need for homes.
 - Mi16 Mitcham Gasworks
This site is currently in pre-application stages. A first round of [public consultation](#) took place in January 2022, after the Local Plan was submitted to the Secretary of State. The site itself is highly contaminated and contains a telecommunications tower that must be retained. The applicant has been working with the council to develop a scheme that is informed by rigorous townscape analysis and a character-led design approach. A statement of common ground with appendix containing townscape views with an indicative massing has been agreed between the applicant and the council. A main modification to site allocation Mi16 has been made, see below proposed modification.
 - RP3 Burlington Road (ref: [19/P2387](#))
Please note that the site allocation states the site could contain buildings up to 15 storeys. In April 2020, this site was approved via appeal.
- 13.52. As demonstrated by the relevant applications of each site, significant design work has been produced by the applicants, including character evaluations and townscape and heritage analysis that have informed each proposal based on local context, all of which has been evaluated by council officers as well as the Design Review Panel, providing independent design scrutiny. Furthermore, the viability of delivering homes, as well as the housing need in the borough require these larger site allocations to be higher density. The above applications inform the sites suitability for tall buildings and the recommended maxima of storey heights for each site.

Proposed modification:

Site allocation Mi16, p159 and 161

Indicative site capacity: ~~200-400~~[Around 650 new homes](#)

...

Approach to tall buildings: A mixed-use redevelopment of the site could include taller buildings [of up to 10 storeys](#) subject to consideration of [design policies, along with a replacement telecoms mast on top of the tallest building.](#) ~~impacts on existing character, heritage and townscape.~~

Issue (iii): Are the Plan's policies relating to tall buildings effective?

Q1. Is the presumption against tall buildings in certain areas in Merton consistent with national policy?

Council response:

- 13.53. The policy is in conformity with the London Plan Policy D9 as addressed with the Statement of Common Ground with the GLA, and consistent with national policy. Although the NPPF does not specifically contain information on tall buildings, it states 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve', para 126.
- 13.54. The NPPF makes clear that policies 'should ensure developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation of change (such as increased densities)' (para 130.c). Character is referred to throughout the design policies where tall buildings must also satisfy. Also, the supporting text in D12.6 also references the Borough Character Study SPD ([document 12D1](#)) which includes a framework for character-led tall buildings that provides best practice design guidance when designing tall buildings.
- 13.55. As the question refers to the presumption against tall buildings in certain areas, sites that are not acceptable for tall buildings will be managed by the borough-wide tall building definition, 'Tall buildings in the borough are defined as a minimum of 21m from the ground level to the top of the uppermost storey'. This equates to a building height of circa 6 storeys. As the entire borough is consistently between 2-3 storeys in height, as demonstrated in the Borough Character Study, developments that are located in these areas can still achieve increased densities and make optimal use of land as referred to in the NPPF para 130 c & e.. Furthermore, both the Borough Character Study and Small Sites Toolkit provide guidance on using land efficiently whilst also creating design-led beautiful and sustainable places that are of character.
- 13.56. The NPPF also highlights the importance and value of communities and as evidenced in the representations on Merton's Local Plan ([0D6](#) and [0D7](#)) local communities have strong views about tall buildings and enhancing local character and the local environment.
- 13.57. In the examination in public for the London Plan 2021, the Secretary of State issued a Direction to the Mayor of London on 10th December 2020 which required the London Plan to contain a definition of tall buildings as no more than six storeys in height. Merton's Local Plan is in general conformity with the London Plan.

Q2. There is no inclusion of any criteria in the policy to relate tall buildings to public transport accessibility; in this regard, should the policy relate to PTAL levels, and if so, how? Should the policy be extended to other areas with good public transport access?

Council response:

- 13.58. There is no inclusion of public transport accessibility relating to tall buildings within the policy to avoid any ambiguity with what site would be acceptable for tall buildings. To be in conformity with the London Plan we have determined locations where tall buildings may be an appropriate form of development.
- 13.59. As a case study, site allocation Mi1 Benedict Wharf has a PTAL of 3 (moderate) and has an approved planning application of 10 storeys. This was a result of the Deputy Mayor for Planning, Regeneration and Skills (acting under delegated authority) advising that the original 8 storey scheme was sub-optimal on the site and that the height and massing strategy must be revised to optimise the density and maximise affordable housing delivery. After being called in by the Mayor of London for decision in 2020, this site has an approved application with a signed S106 and decision notice issued on 25th March 2022 (see [GLA link here](#)). Therefore, tall buildings and the requirement to optimise land does not only relate to PTAL levels but to a combination of public transport accessibility, London Plan policy (for example, on Opportunity Areas), local character, the historic environment and other factors.
- 13.60. The policy should not be extended to other areas with good public transport as there are many factors that contribute to the suitability of tall buildings. Borough Character Study SPD ([document 12D1](#)) provides an extensive framework for tall buildings and outlines other criteria that relate to the suitability and sensitivity of tall building development.

Q3. Will Policy D12.6 be effective in managing tall buildings in a way which is sympathetic to the character and urban grain of the Borough?

Council response:

- 13.61. Yes, policy D12.6 in combination with other design policies will be effective in managing tall buildings in a way that is sympathetic to the character and urban grain of the borough.
- 13.62. Local Plans should be read as a whole and should not unnecessarily repeat either policies within the Plan or other Development Plan policies (e.g. the London Plan). Proposals for tall buildings would be required to satisfy all design policies, where specific policy regarding character and grain have been made, such as Strategic Policy D12.1.g states developments should 'conserve and enhance Merton's heritage assets and distinctive character'.
- 13.63. Policy D12.3.a states that developments should '*take a design-led approach to development that responds to the sites context and character*'.
- 13.64. Supporting text in D12.6 also references Borough Character Study SPD ([document 12D1](#)) which includes a framework for character-led tall buildings that provides best practice design guidance when designing tall buildings.

13.65. Site allocations for tall buildings also make it clear under the “approach to tall buildings” section that developments will be subject to consideration of design policies.

Q4. Is Policy D12.6 clearly written and unambiguous so that it is evident how a decision maker should react to development proposals?

Council response:

13.66. Yes, when Policy D12.6 includes the proposed Main Modifications, MM3.1, as agreed with the Mayor of London in the [Statement of Common Ground \(in LBM01\)](#), then the policy is clearly written and unambiguous so that decision makers should know how to clearly apply policies to development proposals. The structure of the policy provides,

- Part 1 identifies specific locations acceptable for tall buildings in policy text and is supplemented with maps.
- Part 2 provides clear and unambiguous policy on what the council will generally support.
- Part 3 identifies what development proposals for tall buildings should be supported by to demonstrate their impact.
- Each site allocation provides a clear map with site boundary, appropriate building height and design and accessibility guidance.

13.67. Furthermore, the modifications highlighted in the previous questions seek to make policy clearly written and unambiguous by providing clear and consistent terminology throughout the Local Plan.

Q5. Do the criteria contained within the policy provide sufficient detail for managing proposals for tall buildings within the areas identified so as to be reasonable, justified and effective?

Council response:

13.68. Yes, the criteria are reasonable. The criteria represent an appropriate strategy and the criteria within the Policy D12.6 ‘Tall Buildings’ is underpinned by proportionate evidence as highlighted in the previous answers. The [Statement of Common Ground between the Mayor of London and the council \(in LBM01\)](#) supports the Main Modifications to the policy that enhance its clarity and effectiveness.

Q6. Is the Plan consistent with the Estates Local Plan insofar as that adopted DPD's policies relating to tall buildings are concerned? Are there any MMs suggested to achieve consistency in these regards?

Council response:

13.69. Yes, Merton's Local Plan is consistent with [Merton's Estates Local Plan 2018 \(0D25\)](#) subject to including a Main Modification to this effect.

13.70. Merton's Estates Local Plan is a separate Development Plan Document and provides site allocations, policy and land designations specific to the three estates that form part of the Plan. The site allocation boundaries and other land designations are included on Merton's Policies Map respective to that DPD. As Main Modification 18.1 confirms, it is not intended for any policy in Merton's new Local Plan to supersede any policies in Merton's Estates Local Plan DOD

13.71. To ensure consistency between Merton's Local Plan and Merton's Estates Local Plan, policy 12.6 *Tall buildings*, the following Main Modification is proposed (only the section relevant to the question is shown below but the full Main Modification is contained in the latest Schedule of Proposed Main modifications to Merton's Local Plan).

Proposed modification:

Policy 12.6, new part 1, (a) to (f)

1. Tall buildings are only acceptable in the following locations:

a. As set out within

...

(e.) Within Merton's adopted Estates Local Plan 2018

...

Q7. What is/will be the purpose of the SPD referred to in parts (d) and (p)? Will Policy D12.6 be effective in its absence?

Council response:

13.72. Main Modification MM2.2 amended the wording of parts (d) to read 'They ~~are informed by~~ have had regard to the most up to date and relevant council supplementary planning documents, guidance, policy and site allocations' to clarify the role of guidance and similar documents in response to the Inspectors' preliminary matters and improve the policy's effectiveness.

13.73. The purpose of referring to the most up to date guidance and similar documents is to ensure the policies are design led and for applicants to respond to the latest information available.

13.74. Part (p) has been removed as part of MM3.1.

Q8. Are the site allocation policies sufficiently clear as to whether tall and “taller” buildings will be acceptable?

Council response:

13.75. The policy was reviewed for clarity and as per the answer of issue i, question 1 above, the term ‘taller’ is now proposed to be deleted via an Additional Modification for clarity and changed to read as ‘tall’. This will create a consistent approach to terminology across the plan. By having a single term used throughout the Local Plan, it makes it sufficiently clear that the definition of tall buildings applies.

13.76. Subject to the inclusion of the relevant Main Modifications, the site allocations will be sufficiently clear as to whether tall buildings will be acceptable as each relevant site allocation, as identified in D12.6 part 1, has a specific section that relates to tall buildings. In the Main Modifications the site allocation section called ‘approach to tall buildings’ identifies appropriate heights for each site allocation.

Proposed modifications:

Additional Modifications

Throughout the plan ‘taller’ renamed to ‘tall’ for consistent terminology.