



# Examination in Public Hearing Statement on behalf of Criterion Capital Ltd

## Merton Local Plan Hearing Matter 13 – Tall Buildings CW2 Car Park South Of Britannia Point, 125 High Street Colliers Wood, SW19 2JG

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### 1 Introduction

- 1.1 On behalf of Criterion Capital Ltd, we thank the Inspectors and Merton Council for allowing Quod to submit representations and a hearing statement in advance of participating in the sessions on Matter 13 (Tall Buildings) – on Tuesday and Wednesday 28-29 June 2022.

### 2 Proposed Modifications

- 2.1 During Stage 2a (Nov 2020 - Feb 2021) of the local plan review, Merton Council proposed to include the following text at paragraph 3.1.18 of the Colliers Wood chapter in respect of buildings heights at Site Allocation CW2 (relevant text highlighted in **bold**):-

*3.1.18. Colliers Wood town centre may be an appropriate location to accommodate higher density development including tall buildings. **Britannia Point should form part of a family of buildings of varying height, forming a coherent cluster.** This can then form the basis for a coherent group of buildings that relate well to each other in terms of scale, massing, form and architecture. New buildings must be designed, orientated and laid out within the site and within the context of nearby buildings and structures to mitigate the potential for uncomfortable wind conditions at ground level, which would particularly affect pedestrians and cyclists.*

- 2.2 Quod submitted representations to the Council and supported this text. We consider that this text should remain within the plan.

- 2.3 The Council subsequently amended this text for the Regulation 19 consultation as follows (relevant text highlighted in **bold**).

*3.1.18. Colliers Wood town centre may be an appropriate location to accommodate higher density development including tall buildings. **Britannia Point should remain the pinnacle building in the town centre in terms of height.** This can then form the basis for a coherent group of buildings that relate well to each other in terms of scale, massing, form and architecture. New buildings must be designed, orientated and laid out within the site and within the context of nearby buildings and structures to mitigate the potential for uncomfortable wind conditions at ground level, which would particularly affect pedestrians and cyclists.*



## Note continued

- 2.4 Quod strongly supports the approach proposed by Merton Council which identifies<sup>1</sup> Colliers Wood and CW2 as a location suitable for tall buildings, through a sieving exercise. The approach is consistent with the locational principles for tall buildings set out in the London Plan.<sup>2</sup>

*“Whilst high density does not need to imply high rise, tall buildings can form part of a plan-led approach to facilitating regeneration opportunities and managing future growth, contributing to new homes and economic growth, particularly in order to make optimal use of the capacity of sites which are well-connected by public transport and have good access to services and amenities. Tall buildings can help people navigate through the city by providing reference points and emphasising the hierarchy of a place such as its main centres of activity, and important street junctions and transport interchanges. Tall buildings that are of exemplary architectural quality, in the right place, can make a positive contribution to London’s cityscape, and many tall buildings have become a valued part of London’s identity”.*

- 2.5 Quod considers that the inclusion of text which states that Britannia Point should remain the pinnacle building in the town centre in terms of height isn’t positively prepared and effective<sup>3</sup> for the reasons set out in Section 3 of this statement, as it sets an unnecessary cap on development in a highly sustainable location.

- 2.6 Whilst we recognise the requirements of the London Plan<sup>4</sup> to determine the maximum height that could be acceptable at CW2, Quod considers that the indicative building height of “up to 59m [approx up to 15 storeys]”<sup>5</sup> for CW2 must be qualified by additional supporting text in the Plan for the reasons set out in Section 4 of this statement. Quod proposes that the following text is included as a modification at paragraph 12.6.10 of the plan.

*“The plans indicate the heights likely to be generally acceptable to the council. Proposals will still need to be assessed in the context of other policies to ensure that they are appropriate in that location and that the site allocation is deliverable when the plan is read as a whole. There maybe circumstances where the quality of design of a development and its impact on character is such that taller buildings in these locations could be shown by applicants to be acceptable.”*

- 2.7 In addition to the qualification text we consider that Strategic Heights Diagram, Colliers Wood Town Centre (CH.12, P.431) should be amended to refer to “up to 26 storeys”.

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<sup>1</sup> Policy D12.6 Tall Buildings (CH.12 P.427); Map of appropriate locations for tall buildings (Illustrating Policy D12.6 part 1(a-f) (CH.12, P.430); Strategic Heights Diagram, Colliers Wood Town Centre (CH.12, P.431); and Colliers Wood Policy N3.1

<sup>2</sup> London Plan paragraph 3.9.1

<sup>3</sup> NPPF paragraph 35

<sup>4</sup> London Plan Policy D9, Part B (2) (and paragraph 3.9.2)

<sup>5</sup> Strategic Heights Diagram, Colliers Wood Town Centre (CH.12, P.431)



## Note continued

### 3 Justification for Modifications (Britannia Point)

- 3.1 Over ten years ago, the Merton Core Strategy (adopted 2011) stated that “The Brown and Root Tower<sup>6</sup> should remain the pinnacle building in the centre in terms of height”<sup>7</sup>. We consider that a regression back to this height limitation does not reflect material considerations which have taken place since 2011. These material considerations are set out below.

#### Wimbledon, South Wimbledon and Colliers Wood Opportunity Area

- 3.2 The London Plan (2021) Policy GG2 and Policy SD1 and Table 2.1 sets an ambition for Merton’s Opportunity Area of “Wimbledon, South Wimbledon and Colliers Wood” to deliver 5000 new homes and 6000 jobs (indicative figure up to 2041),
- 3.3 Colliers Wood is designated as a District Centre and classified ‘Medium’ for commercial growth and ‘high’ for residential growth in the London Plan (London Plan Table A1.1 - Town Centre Network).
- 3.4 CW2 is one of the largest allocated site in Colliers Wood. Located in a highly sustainable place, in the town centre, adjacent to an existing tall building. Supported by a strong policy for growth we consider that good growth should occur in this location. Removing the height cap will assist Colliers Wood meeting its growth expectations.

#### Housing Need in Merton

- 3.5 Merton’s ten-year housing target has increased to 9,180 homes. The Council have had to introduce a “buffer” due to meeting only 80% of its housing requirements set out by the Government’s Housing Delivery Test 2021. There has been a historic pattern of low housing delivery, and in particular very low affordable housing delivery.
- 3.6 Table 4.1 of the annual monitoring report 2020 is enclosed below at Table 1 below. It evidences that since 2010/11 the average housing completion rate in Merton is 469 homes per annum.
- 3.7 The Council’s revised housing delivery target (Figure 4.2.2) at Strategic Policy H11.2, enclosed at Table 2 below, seeks to deliver 11,374 homes between 2022/23 – 2036/37 at an annual competition rate of 700 homes, increasing to 1,555 homes in 2028.
- 3.8 The revised annual completion rate is nearly double the historic completion rate and over three times the historic ten year completion rate in 2028.
- 3.9 This represents a significant increase in housing delivery, which, we believe needs to be matched by ambitious development plan policies for brownfield land in sustainable town centre locations. In our experience, there will be practical challenges of delivery, unless policies within the plan are positively prepared.

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<sup>6</sup> Subsequently called Britannia Point

<sup>7</sup> 2011 Merton Core Strategy Chapter 11 paragraph 11.13 (page 44)



## Note continued

Table 1: Table 4.1 AMR Housing Completions (2020)

Table 4.1 – Home Completions 2004/5 – 2019/20

Financial Year	No. of homes	Target (London Plan)	% of target achieved
2004/05	987	430	230%
2005/06	791	430	184%
2006/07	427	430	-1%
2007/08	435	430	101%
2008/09	774	370	209%
2009/10	338	370	-9%
2010/11	357	320	-4%
2011/12	453	320	142%
2012/13	478	320	149%
2013/14	440	320	138%
2014/15	459	320	143%
2015/16	743	411	181%
2016/17	434	411	106%
2017/18	675	411	164%
2018/19	273	411	-34%
2019/20	375	411	-9%
<b>Total</b>	<b>8,439</b>	<b>6,165</b>	<b>137%</b>

Table 2: Merton Local Plan Policy H11.2, Figure 4.2.2 Merton Housing Delivery

	<del>2021/22</del>	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	Shortfall from 2019/20 and 2020/21	Total
<b>Merton Local Plan target</b>	<del>775</del> 750	775 700	775 700	1,080 700	1,080 950	1,080 950	1,350 950	1,350 1,555		<del>8265</del> 6,505
<b>London Plan target</b>	<del>1,033</del> 918	1,033 918	1,033 918	1,033 918	1,033 918	1,033 918	1,033 918	1,033 918	928	<del>8265</del> 6,426

Figure 4.2.2 Merton's stepped housing delivery target

- 3.10 The shortfall in housing land supply in Merton has been confirmed by two recent appeal decisions in the Borough, both of which confirm the Council's lack of a 5 year housing supply, and the engagement of Paragraph 11d of the NPPF which applies a presumption in favour of sustainable development.
- 3.11 Paragraph 50 of appeal decision reference APP/T5720/W/20/3253731, dated 28<sup>th</sup> April 2021, confirmed that the Council does not have a 5 year housing land supply "50. The appellant argues that the Council is unable to demonstrate a five year housing land supply, a position accentuated by the higher housing delivery targets for the Council set out in the London Plan; this is not disputed by the Council. The delivery of housing including affordable housing is afforded substantial weight given my findings that policies that protect areas of particular importance as outlined in paragraph 11(d) of the Framework do not provide a clear reason for refusing the development in this instance."



## Note continued

- 3.12 Paragraph 60 to 65 of appeal decision reference APP/T5720/W/20/3250440 dated 29 June 2021 considered the issue of housing land supply. The Inspector stated that “whichever scenario is adopted paragraph 11d of the framework would be engaged”.
- 3.13 CW2 represents a highly sustainable town centre location, where design led optimisation is encouraged by the London Plan to deliver higher residential densities and meet housing needs. A height limitation below Britannia Point might constrain development unnecessarily and limit the delivery of housing in a sustainable location.

### Planning Application

- 3.14 A planning application<sup>8</sup> for the CW2 allocation was submitted in January 2021 seeking redevelopment of the site to provide two buildings, one of 16 storeys and one of 26 storeys with 266 residential units and 1,136 sq.m. of flexible commercial uses, public open space, public realm works and landscaping, accessible car parking and cycle parking. Merton Council gave the application planning reference 21/P0082.
- 3.15 The application has yet to be determined and Criterion Capital Ltd have yet to receive design feedback from the Council. Historic England have not commented on the application. The application was accompanied by a detailed Townscape and Heritage Visual Impact Assessment. In lieu of any formal feedback from the Council, we consider that the townscape and heritage effects of 16 and 26 storeys are acceptable.

### Site Capacity

- 3.16 The Council's Appendix D 11D5a pro-forma (28<sup>th</sup> March 2022) which informs its ability to meet a five year housing land supply assumes a site capacity at CW2 of 220 homes to be completed on the site (Root and Brown Phase 2) within the five-year completion period of 2025/26 and 2026/27.
- 3.17 A 220 home development would comprise two buildings of 15 and 20 storeys. This indicates a requirement for buildings above 15 storeys and above Britannia Point.

## 4 Justification for Modifications (Indicative Building Height)

- 4.1 The indicative 15 storeys threshold proposed at CW2 has not been subject to detailed analysis of potential visual and cumulative impacts required by London Plan Policy D9.
- 4.2 It is also unclear how the indicative height threshold of 15 storeys effects the ability of CW2 to meet other policies of the Plan, in particular infrastructure and affordable housing requirements, and whether a policy compliant affordable housing offer can be delivered with development at this height. It is also likely that, through detailed analysis expected at planning application stage, that a more refined analysis of building heights can be undertaken.
- 4.3 The recent Brent Council local plan review tackled this issue, and is a useful precedent. The Report on the Examination of the Brent Local Plan 2019 -2041 published 17 January 2022 and stated the following: -

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<sup>8</sup> 11D15 Five Year Housing Supply Proforma 08 Type B sites (page 30 of 77)



## Note continued

- The Brent Tall Building Strategy which outlined an assessment of suitable locations based on an assessment of the identified growth areas, existing building heights and townscape considerations such as protected views as well as areas with high public transport accessibility did not undertake a level of sieve analysis as detailed as that envisaged by the London Plan.
- However, subject to the main modifications identified, the approach to both tall buildings and the Intensification Corridors presents a sound approach which accords with both the London Plan and the Framework.

- 4.4 The approach taken by Brent Council, endorsed by the local plan Inspectors, included the necessary level of flexibility to reflect the practical realities of the planning application process, and the need to meet other policies of the development plan.
- 4.5 Brent Council's, now adopted, tall building policy (BD2) supporting text (paragraph 6.1.15) introduces the necessary flexibility to achieve the planning balance. It recognises that the building height plans indicate "the heights likely to be generally acceptable to the council"; "proposals will still need to be assessed in the context of other policies to ensure that they are appropriate in that location"; and "there might however also be circumstances where the quality of design of a development and its impact on character is such that taller buildings in these locations could be shown by applicants to be acceptable".
- 4.6 We consider that the approach taken by Brent Council and its interpretation of LP Policy DP9 is correct. LP Policy D9 does not require a rigid and inflexible approach to tall buildings, and as demonstrated, can incorporate a degree of flexibility. This approach was determined to be sound by the Inspectors.