

Hearing Statement

Matter 15 – Is the Mo4 (Morden Regeneration Zone) allocation justified, and is it in general conformity with the London Plan, consistent with national policy and effective Morden Town Centre

Submitted on behalf of CBRE Global Investors

(Examination ID No 9)

34-44 London Road, Morden

Contents

1. Background Context & Outstanding Issues
2. Strategic Height Diagram
3. Assessment & Recommendations

Appendices

- A. Paragraph extracts from Examination Documents 5D1;5D2; 5D3
- B. Statement of Common Ground 20 May 2022.

1. Background Context & Outstanding Issues

- 1.1 CBRE Investment Management (CBRE IM) – formally CBRE Global Investors – act on behalf of their client, the Verity Trust, which owns the freehold of land at 34-44 London Road, Morden. The site is currently occupied by a Sainsburys foodstore, with offices above, and is approximately 0.37 hectares in area.
- 1.2 On behalf of CBRE IM, a representation was submitted to the Merton New Local Plan Stage 3 Publication on 6 September 2021 by tp Bennett and RPS.
- 1.3 The representation sought the allocation of 34-44 London Road, Morden for a high density, residential led mixed use development, as described in Appendix 2 to the representation and as illustrated by the indicative masterplan provided at Section 3 of the representation. On this basis, changes were sought to Morden Policy N5.1 and Site Allocation M04 as set out in Appendix 3 to the representation, in order to make the plan sound.
- 1.4 Following receipt of the representation, officers at the London Borough of Merton entered into negotiations with CBRE IM and their consultants, with a view to seeking to resolve the issues raised.
- 1.5 These negotiations have resulted in a Statement of Common Ground which was submitted by the London Borough of Merton on 20 May 2022.
- 1.6 However, negotiations are ongoing because there are still outstanding matters which are yet to be agreed, in respect of which the parties remain in dispute.
- 1.7 Specifically, it is our opinion that there needs to be more explicit policy support for the delivery of individual developable large sites for development during the plan period which incrementally will also meet the objectives of comprehensive regeneration - as opposed to having only one single development led proposal for the Regeneration Zone, led by an appointed developer for the entire zone acting on behalf by TfL and the London Borough of Merton.
- 1.8 Further, it is also our opinion that requirement in the Plan for adherence to the 'Strategic Heights Diagram for the Morden Regeneration Zone' and the 'Strategic Development Framework' (SDF), and its 'vision', would be inappropriate. That SDF was not the subject of public consultation and we regard it as only one potential option as to how the regeneration of Morden Town Centre could be achieved. Further, the Strategic Heights Diagram is unnecessarily restrictive. By way of example, we strongly oppose the exclusion of 34-44 London Road from the area identified as being suitable for tall buildings (up to 22 storeys). This issue is the subject of further comment in the following section.
- 1.9 These points of dispute notwithstanding, as noted above the parties are continuing to conduct discussions, and it is anticipated that an updated position relating to the Statement of Common Ground will be provided no later than 5 days before the Hearing.

2. Strategic Height Diagram – Morden Regeneration Zone (page 185).

2.1 We note the strategic heights diagram as given in London Borough of Merton - Sought Changes to the submitted plan – Appendix C to LM02 – 28 March 2022.

2.2 The diagram:

- identifies an area of land as represented by a red dotted line where “Tall building cluster heights up to 71m (approx. up to 22 storeys).
- within the remainder of land within the Morden Regeneration Zone height range up to 39m (approx. up to 12 storeys).

2.3 Accordingly, the strategic heights diagram excludes 34-44 London Road from the taller building cluster heights, and so compliance with development planning policy for any redevelopment of this large site would preclude development of more than 12 storeys (were the strategic height diagram to become development planning policy).

2.4 We also note the following paragraphs as now proposed to be modified:

5.1.12 *“The Morden Town Centre is within an Opportunity Area in Chapter 1B “Good Growth”. We will work with the GLA to produce an Opportunity Area Planning framework which will include the significant contribution that the Morden Regeneration Zone will make towards the Opportunity Area’s target to accommodate 5000 new homes and 6000 new jobs.*

5.1.14 *“One of the aims of this policy is to improve the experience for the current and future users of Morden town centre making it a destination and not simply a throughfare. This will be facilitated by improving the quantity, quality and mix of housing offer through optimising residential development at the heart of Morden.”*

5.1.16 – *“as illustrated in the SDF, the Morden Regeneration Zone represents an ideal opportunity to provide circa 2,000 residential units towards meeting this target, the largest single development opportunity in Merton.”*

5.1.31 – *The introduction of higher density development and tall buildings within the Morden Regeneration Zone will optimise residential development and help meet the need for additional and mixed housing in the area and will promote a more balanced and cohesive community”*

5.1.32 – *Tall buildings that meet the requirements in policy D12.6 are considered appropriate as part of the regeneration to deliver optimised residential development on the highly accessible land within the Morden Regeneration Zone. In appropriate locations, tall buildings can assist with reimagining the town centre and the creation of new character and features creating gateways to the town centre and landmarks in key locations that add character and legibility”*

5.1.33 – *The Strategic Heights Diagram for the Morden Regeneration Zone specifies height limits in accordance with the London Plan. 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”*

Soundness Assessment

- 2.5 We consider that the strategic heights policy is not sound because of the following reasons.

A: Existing planning policy contained in the March 2014 adopted Morden Station Planning Brief identifies the location of 34-44 as being a “suitable landmark location.”

- 2.6 We consider that this still remains the case; there has been no material change in circumstances warranting the deletion of the site as suitable landmark location. On the contrary, being a large site within the Morden Regeneration Zone, in a highly accessible location with close proximity to the Morden Underground Station and being in a single ownership the site is a suitable landmark location for a landmark town centre development.

- 2.7 In our representation of September 2021 we provided evidence in section 3 as why the site is a suitable location for a tall – 20 storey – building; indeed, for a landmark building which can accommodate around 200 residential units. In this regard we provided an illustrative masterplan which demonstrates that the site is well suited for a landmark development which meets both the London Plan and the Morden Policy objectives as given paragraphs 5.1.14; 5.1.31; 5.1.32; 5.1.33

- 2.8 Restricting the height of the landmark development policy to only 12 storeys would unnecessarily undermine the plan’s objectives of optimising residential development within the Morden Regeneration Zone.

B. The basis for the strategic heights diagram is based upon the Morden Strategic Development Framework of 2019 (Examination reference document 5D1) and the Morden Town Centre Visual Impact Assessment (Examination reference document 5D3) and Heritage Assessments of 2020 (Examination reference document 5D2).

- 2.9 We note key paragraphs from these Examination reference documents to the submitted plan as given in Appendix A.

- 2.10 In light these documents we note that:

- The Morden Strategic Development Framework (MSDF) is not adopted Supplementary Planning Guidance.

Further, the MSDF is only a high-level document and does not give a final masterplan urban design solution for all development proposals to assessed against – notwithstanding it does set out masterplanning constraints and opportunities which site specific regeneration development proposals need to address in order to compliment the overall objectives of comprehensive regeneration.

- The 2019 MSDF is out of date and not now in accordance with revised planning policy for Morden Town Centre.

The MSDF was commissioned by TfL/LB of Merton to provide a framework for the appointment of one developer to deliver a single, comprehensive regeneration scheme for Morden Town Centre. The expectation was that the Council’s CPO powers would be utilized to assemble all sites within the Town Centre not owned by TfL/LB Merton into a single ownership.

However, this approach is no longer being pursued, potentially because of significant changes to the property market since 2019 impacting on development viability concerns and availability of development finance

Therefore, policy for the regeneration of Morden Town Centre must expressly recognize that individual development of large- scale sites within the Morden Regeneration Zone will need to be supported where they can also help deliver the wider vision and objectives for the comprehensive regeneration Morden Town Centre

Thus, in our opinion there is a disconnect between the MSDF and policy for the regeneration of Morden Town Centre.

- We note that all tall buildings need to be assessed against the same requirements set out in policy D12.6 within the Morden Regeneration Zone – regardless as to whether they are 12 or 22 storeys high - and so we question the need for strategic height diagram delineating such zones with the Morden Regeneration Area.
- The visual impact assessment of the illustrative design option as given in the MSDF shows that the quantum of development “would have a noticeable impact on some views from the existing townscape but these impacts would in most instances be low or medium in magnitude and neutral or beneficial all instances.” In our opinion this assessment would also apply to tall building at 34-44 London Road.
- There are no statutory listed buildings within the Morden Regeneration Zone.
- The London Plan also now requires an Opportunity Area Framework for the Morden Opportunity Area – working with all stakeholders including owners of large sites within the Morden Regeneration Area. This work is still be undertaken and the MSDF needs to be updated to reflect this yet to be prepared Opportunity Area Framework.

3 Recommendations

3.1 We note the 6 questions raised by the Inspector for the Hearing and in response we consider that in order for the policy relating the Morden Regeneration Zone to be justified and in general conformity with the London Plan, consistent with national policy and effective, it still needs amended as per outstanding concerns relating to the Statement of Ground and also as follows:

- If the “Tall building cluster heights up to 71m (approx up to 22 storeys)” is to be retained, then 34-44 London Road should be included within that cluster on the Strategic Heights Diagram
- Alternatively, Tall Building cluster heights up to 71m (approx. 22 storeys) should be deleted and all of the Morden Regeneration Zone be identified as being suitable for tall buildings depending on compliance with tall buildings policy D12.6, complementing the objectives of comprehensive regeneration of Morden Town Centre.

Appendix A: Examination Reference Documents

Morden Strategic Development Framework 2019– Examination Reference Document 5D1

- Page 2:

The framework was produced jointly by TfL and the London Borough of Merton.

The document is objectives of the strategic development framework *“to project delivery at a high strategic level in order to provide a clear but flexible way forward, and ensure that the regeneration is delivered in line with stakeholder expectations”*

In the coming months LB Merton and TfL will jointly launch the Morden town centre regeneration opportunity to market as part of a competitive bidding process, with the aim of securing a capable and visionary development partner to work alongside them in delivering regeneration.”

- Page 4 – Conclusion

The SDF has set out high level development and delivery principles which will be applicable to many district centres, but the key to successful execution of these is to understand and appreciate what makes each district centre unique. This will be the key element of the masterplanning process as it looks to draw on the SDF, the Local Plan and engagement; the SDF provides a context for this discussion and it is now the gift of a future development partner to take this forward and deliver on the moreMoredn Vision.

- Page 67 – Fig 5-24 More Morden Vision Aerial View – showing proposed locations of taller buildings immediately adjacent to 32-44 London Road.
- Page 76 – Spatial Principles – Fig – 6-8 key building blocks include 32-44 London Road and high density and height to articulate and define public and private realm

Morden Town Centre Heritage Review 2020 – Examination Reference Document No 5D2

- Pages 7/8 – Part of Morden Town Centre immediately around the underground station does not contain Designated Heritage Assets such as listed buildings or conservation areas. There is however, one non designated heritage asset – Morden Underground Station. The nearest statutory listed building/heritage asset is at Morden Hall Park to the east of the site.

Morden Town Centre Visual Impact Assessment 2020 – Examination Reference Document 5D3

- Page 14 - Artist’s impression of the strategic design framework
- Page 15 – Townscape viewpoints.

- Page 16 – “The indicative framework provides an appropriate response to the existing architectural character of the area. A detailed assessment of the visual impact of the framework is pending detailed design of an architectural scheme. Provided the detailed scheme is of a consistently high level of architectural and urban design quality it would significantly enhance the existing highway dominated and low quality townscape of the town centre and its surroundings.

The strategic development framework demonstrates that tall buildings that mark the location and arrival into the town centre and provide high quality public realm could be accommodated within a regenerated Morden.

The 3D indicative model shows that the quantum of development would have a noticeable impact on some views from the existing townscape but these impacts would in most instances be low or medium in magnitude and neutral or beneficial all instances.