



Date: 6th September 2021

Transport for London
Commercial Development

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By Email: future.merton@merton.gov.uk

Dear Sir / Madam,

Consultation on Merton's Draft Local Plan (Regulation 19) Submission - TfL Commercial Development Response

Thank you for providing the opportunity to comment on the Merton draft Local Plan Regulation 19 submission version.

Please note that our representations below are the views of the Transport for London Commercial Development (TfL CD) planning team in its capacity as a significant landowner in the borough only and are separate from any representations that may be made by TfL in its statutory planning role and / or as the strategic transport authority for London. Our colleagues in TfL Spatial Planning will provide a separate response to this consultation in respect of TfL-wide operational and land-use planning / transport policy matters as part of their statutory duties.

Background

TfL CD is working with the Council to deliver mixed-use development and new homes within the borough. Across our portfolio of London sites, TfL CD will be delivering 50% of new homes / habitable rooms as genuinely affordable housing in a range of tenures.

We will be seeking partners for mixed-used development within Morden Town Centre, working alongside the council. In addition, we have a portfolio of major sites that we will be looking to develop in years to come – focussed on delivery of optimal, high quality housing and public realm around stations and rail infrastructure – in areas such as Colliers Wood, South Wimbledon and the wider Morden town centre area.

All of TfL CD's projects are focussed on delivering optimal, high-quality housing, within schemes that relate to and strengthen their neighbourhoods, which make places that people are proud to live in, and which are founded on transparent engagement and best practice.

TfL CD has previously submitted the following representations on the emerging Local Plan:

- Merton Local Plan Regulation 18. Stage 1 Issues and Options and Call for Sites (January 2018);
- Merton Local Plan Regulation 18. Stage 2a (January 2019);
- Merton Local Plan Regulation 18. Stage 2a (January 2021).

TfL CD Representations

Merton's Vision and Objectives

TfL CD continues to support the proposed vision for Merton and, in particular, directing higher densities to the most sustainable locations with good public transport and sustainable transport choices and making the most of the limited land by applying a design-led approach to determine the optimum development capacity of sites.

Places and spaces in a growing borough

Policy LP D12.6 – Tall Buildings

TfL CD is supportive of tall buildings being allowed in the town centre of Colliers Wood, Morden and Wimbledon. The policy should also allow for tall buildings within South Wimbledon given the high PTAL of this local centre, and in order to optimise development capacity in line with Policy GG2 and Policy D3 of the London Plan.

However, the current policy approach to tall buildings in the Merton Plan is not in conformity with the London Plan 2021 Policy D9, and the council should be mapping areas which are suitable for tall buildings and setting what they consider to be maximum/appropriate building heights in those areas.

Policy D12.3 – Ensuring high quality design for all developments

Criterion g requires that all development should protect new and existing development from visual intrusion. It is not clear what visual intrusion constitutes but this could be read as providing some protection for views which would be an overly onerous requirement in an urban setting.

As raised in our Regulation 18 consultation response, with regard to Criterion v there should be some guidance on what the inclusion of 'sufficient capacity to accommodate increase recycling requirements' might constitute. This seems quite an arbitrary requirement which would likely be difficult to account for.

These amendments would ensure the policy is positively prepared and effective.

Policy D12.5 – Managing heritage assets

It is still considered that this policy still does not effectively reflect the difference between a designated and non-designated heritage asset. The requirement for 'clear and convincing justification' and the phrase 'substantial harm' are related to a designated heritage asset as set out in paragraph 200 and 201 of the NPPF. The test for a non-designated heritage asset is a balanced judgement connected to the scale of

harm and the significance of the heritage asset as per paragraph 203 of the NPPF. London Plan Policy HCI (c) states that:

Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

Therefore, a distinction should be made between designated and non-designated heritage assets in the policy itself in line with London Plan and national policy.

Economy

Policy EC13.1 – Promoting economic growth and successful high streets

With regard to criterion 2c and 3e the policy should recognise that in some scenarios there may no longer be the demand for one particular use and, subject to appropriate justification, redevelopment to other uses could be considered (this latter point also applies to Policy EC7.2a).

This policy should also refer to the potential for intensifying employment land uses, including the co-location of industrial uses with residential where suitable. Co-location is an innovative land use approach which can help protect existing industrial capacity, whilst also contributing towards meeting identified housing need through on-site residential development, promoting a creative and effective use of available land. TfL CD also believe that there are similar opportunities for the co-location of housing development with transport infrastructure e.g. 'over station development' at railway and bus stations and depots, which should also be included in the Local Plan.

Policy EC13.3 – Protection of scattered employment sites

Part iii notes that proper marketing must be undertaken to justify the loss of scattered employment to residential uses. The amendment from 30 months to 18 months is an improvement, but paragraph 13.3.7 seems to still be referring to 30 months and should be amended.

Policy EC13.4 – Local Employment opportunities

Criterion c should identify what the minimum period is for jobs to be advertised for to ensure the policy is justified and effective.

Policy TC 13.5 – Merton's town centres and neighbourhood parades

Criterion iv requires that a window display is provided. This appears to be an overly onerous requirement, although clarification is requested on what a window display would constitute. If it is referring to active frontage then this criterion should be removed as this requirement is already covered elsewhere.

More generally, town centres are continuing to evolve, and they must be designed to be flexible to weather future changes. It is noted that the justification section does cover

this point but there should be some reference in the policy about this flexibility.

This policy/justification should reflect that London Plan Policy SD6 (A1) and the NPPF paragraph 86 states that planning policies should recognise that residential development often plays an important role in ensuring the vitality of centre and encourage residential development on appropriate sites. This town centre policy could go further to promote mixed use, residential led development in town centres, particularly adjacent to or above transport infrastructure.

Green and Blue Infrastructure

Policy 015.1 – Open Space, Green Infrastructure and Nature Conservation

This policy states that the Council will protect and enhance open spaces, green infrastructure and areas of nature conservation. It should be made clear that this relates to open space with some value and which has been informed by a needs assessment of all open space to inform policy in line with Policy G4 of the London Plan, otherwise this could be read as restricting development on all open spaces even if they have no specific value and redevelopment of this open space would be beneficial to the area. The same point applies to Policy 015.2 as well. This amendment is required to ensure the policy is consistent with London Plan policy.

Policy 015.3 – Biodiversity and nature conservation

As per paragraph 8.6.2 of the London Plan a distinction should be made between the different status of sites and the contribution they make to wider ecological networks and therefore the level of protection afforded to them, to ensure the policy is consistent with London Plan policy.

Policy P8.11 – Improving air quality and minimising pollution

It is suggested that criterion c is aligned with the London Plan Policy SI 1 which notes the following (underline emphasis added):

Masterplans and development briefs for large-scale development proposals subject to an Environmental Impact Assessment should consider how local air quality can be improved across the area of the proposal as part of an air quality positive approach.

Criterion l should more accurately reflect the London Plan, which does not preclude noise-sensitive development near noise generating land uses as long as the noise can be mitigated appropriately. This is particularly pertinent in the case of development near railway lines and is in line with the Agent of Change principle set out in Policy D13 of the London Plan.

Housing Provision

Policy H11.1 – Housing Choice

TfL CD follow a portfolio approach in line with London Plan Policy H4 which provides the flexibility for more complex sites to come forward with a lower affordable housing provision where that site would be unviable if it had to provide the full 50% affordable housing requirement, whilst still providing a high level of affordable housing across all TfL landholdings. It is suggested that reference to the portfolio approach is included in the policy for clarity and to ensure the plan is consistent with the London Plan.

Policy H11.2 – Housing provision

We note the reduction in the Council's housing delivery ambitions; the target to deliver a minimum of 13,263 set out in the Reg 18 version of the draft Plan has been reduced to 11,732 during the period to 2036. The London Plan notes that Merton's 10-year housing target is 9,180 but if you pro rata this figure to reflect a 15-year timescale then this would be a housing target of 13,770 over the 15 years. It appears that for the last 5 years of the 15 year period the council are suggesting an average annual housing delivery of 503 units which is a significant drop compared to the first 10 years (with an average of 918 units per annum), and appears to be the reason that the 15 year figure has reduced. It is noted that this has been informed by the 2017 SHLAA but on looking at the SHLAA it is not clear where the annual target for 2029/30 – 33/34 (474 units per annum) and 2034/35 – 40/41 (548 units per annum) has come from within the SHLAA. It is acknowledged that the 11,732 is stated as a minimum but TfL CD suggest that the council are more optimistic about housing delivery in the latter part of the plan.

Policy H4.7 - Build to Rent

TfL CD appreciates the amendments made since the Regulation 18 consultation and support the policy which is in line with London Plan Policy H11.

Transport

Policy T16.3 - Managing the transport impacts of development

Previous policy T6.7 criterion c previously noted that:

“Major development should be located around town centres or other areas with good connectivity by public transport or be able to demonstrate that planned and funded infrastructure improvements would raise the accessibility level.”

This appears to have been removed from the latest version. This criterion should be put back into Policy T16.3 given the emphasis on prioritising sites which are well-connected by existing or planned public transport in Policy GG2 of the London Plan.

Neighbourhoods

Policy N3.1 – Colliers Wood

TfL CD generally support this policy.

Site CW1 – Baltic Close, 194-196 High Street Colliers Wood

TfL CD generally support this site allocation, although the 4 homes should be indicated as a minimum figure. However, the reference to a potential requirement for docking areas for cycle/scooter schemes is considered unclear, particularly given the infrastructure requirement section then says that this is something that would be welcomed rather than required. A requirement for this site to be a docking area is considered overly onerous given the scale of the site.

Site allocation CW4 - Colliers Wood Station and 2-24 Christchurch Road

TfL CD generally support this site allocation. The same points raised in Site CW1 apply though; the capacity figure should be a minimum and there should be further clarity around expectations for the docking area.

Policy N5.1 - Morden

Morden has been identified as one of the major growth and housing opportunity areas in south west London by the Mayor of London, TfL and the London Borough of Merton. TfL are a substantial landowner within Morden town centre and have identified land assets within this area as having the potential to deliver a substantial amount of development. LBM is also a substantial landowner with Morden Town Centre. Both organisations have been working together to assess the feasibility of potential aggregation of land assets to enable wider comprehensive regeneration proposals.

TfL CD are committed to investing in significant regeneration through intensified development. With respect to this, TfL CD strongly supports the strategic proposals for Morden town centre. In particular these are supported by the London Plan objective GG2 which sets out that those involved in planning and development should proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting high density development, particularly on sites that are well connected by public transport. TfL CD are particularly supportive of the requirement for high density development in order to intensify the use of the land at this key location.

It is important that the focus area includes the entire town centre so that a fully informed set of masterplan principles can be developed in order to establish a strong and robust policy framework in which to facilitate effective regeneration of Morden town centre. This should include areas that could come forwards as later phases in the future and areas that may not be developed per se, but which should form part of the specific Town centre context. As such, the approach to highlighting the site allocations and the Wider Morden Town centre area is supported.

TfL would like to continue to work productively with the council to ensure the optimum policy and site allocation is presented in the final version of the Local Plan.

In terms of the policy wording itself, TfL CD appreciates the amendments made in response to our Reg 18 representations. However, we still have the following comments:

Criterion a has been amended from “*Any proposal that hinders the delivery of comprehensive regeneration will be resisted*” to “*Proposals that assist the delivery of comprehensive regeneration as described in this policy and Site Allocation Mo4, will be supported.*” It is considered that this amendment waters down too much the principle of seeking comprehensive development on this site and it is suggested that it reverts to the original wording.

Criterion e provides support for tall buildings within the Morden Regeneration Zone and in limited locations within the Wider Morden Town Centre Area, where they are considered appropriate in order to facilitate intensified development. However, as set out above the council should be mapping areas which are suitable for tall buildings and setting what they consider to be maximum/appropriate building heights in those areas. Early feasibility studies undertaken for site Mo4 indicate that tall buildings are likely to be suitable across the majority of the site. TfL CD would be keen to work with the council to consider what might be a suitable approach to mapping and setting maximum heights for this site allocation.

Policy Mo4 – Morden Regeneration Zone

Morden Station Offices and Retail Units, Morden Station Surface Car Park and Sainsbury’s (Peel House) Car Park each benefit from existing site allocations within the 2014 Local Plan. TfL support the inclusion of the three existing site allocations and the Underground Station as a single allocation. This will enable the consideration of the regeneration of the site as part of a wider comprehensive masterplanning exercise to provide a range of uses including residential, retail and community uses.

Site Mo6 - York Close Car Park

York Close Car Park benefits from an existing site allocation within the 2014 Local Plan, and the proposed site allocation in the Local Plan for residential use is supported, as is the inclusion of the site as part of the Wider Morden Town Centre Area. TfL CD appreciates the amendments made in response to our Reg 18 representations.

Morden Depot

This site comprises a 5.64ha parcel of land, currently in use as a London Underground operational facility along with an ancillary parcel of land to the north. The site is included in the Wider Morden Town centre Area and represents a large piece of brownfield land in an accessible location. TfL have identified that in the future there may be potential to reconfigure the site in a more efficient manner to enable redevelopment of parts of the site. Should this be feasible, the site could have the potential to deliver a substantial amount of development, subject to the safeguarding of the operational facilities. This is something that will continue to be explored, however it is not considered this would be a shorter-term aspiration. As such, its

inclusion in the Wider Morden Town centre Area, and not as part of a site allocation, is supported.

Policy N3.5 – South Wimbledon

The general intent of this policy is supported, in particular the proposal for a new Local Centre at the heart of the South Wimbledon, focussed around the underground station and junction and the reference to support for suitable redevelopment of the South Wimbledon Station. It is noted that the policy entry states that public space and a secondary public entrance to the underground station is encouraged, which is considered appropriate.

Reference should also be made to the potential for residential development above the shops and station to enable efficient use of a highly sustainable location, in line with policies in the London Plan and NPPF.

South Wimbledon Station and 1-7 Morden Road

This site comprises the Grade II Listed station and adjacent commercial premises (see accompanying plan). The site is available and developable for residential or mixed-use development, subject to feasibility studies (taking into account the listed nature of the station). A site allocation should be considered for this site.

Examination Hearing Sessions

TfL CD would like to reserve its position for now and will advise Officers and the Planning Inspectorate at a later date whether it wishes to participate in examination hearing sessions.

Concluding Remarks

We trust that we have provided sufficient information for the Council to be able to consider our representation in respect of the Local Plan Regulation 19 consultation and would appreciate if you could confirm receipt of this letter. Should you have any queries or require any additional information, please do not hesitate to get in touch.

Yours sincerely

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