

Inspectors' Matters, Issues and Questions – 3 August 2022

Matter 3: Housing Supply and Mix

Issue (i): Does the plan identify a supply of specific, deliverable sites for the five years from anticipated adoption; and does it identify specific, developable sites or broad locations for growth for years 6 to 10 and, where possible for years 11 to 15?

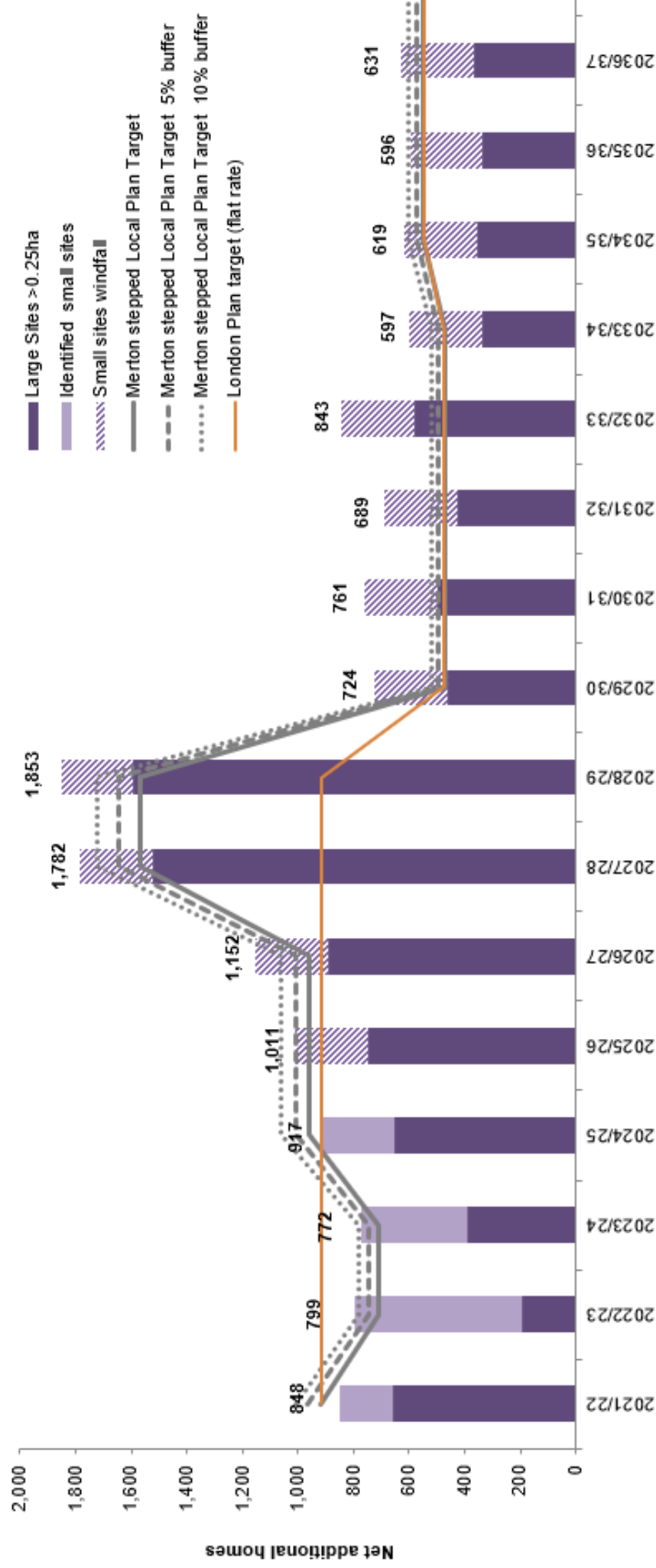
Five Year Supply

Q1. The Council undertook to produce further updated evidence in respect of a number of sites included in its estimates of five-year supply following the Stage 1 Hearings. Does that updated evidence demonstrate that a five-year supply would be in place from adoption?

Council response:

- 3.1 Yes, the updated evidence in respect of the proposed housing trajectory demonstrates that a five-year housing land supply would be in place from adoption.
- 3.2 The trajectory below has been added as a Main Modification to the Chapter 11, housing.

Merton Housing Trajectory (September 2022) 2021/22 - 2036/37



Developable sites or broad locations

Q2. Taking into account the definition of ‘developable’ given in the glossary of the Framework:

Q2a. Does the plan contain specific developable sites for years 6 to 10 from adoption?

Council response:

3.3 NPPF paragraph 68 (b) states *Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:...(b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.*

3.4 In the NPPF glossary on page 66 Developable is defined as:

Developable: *To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.*

3.5 The plan contains specific, developable sites for years 6 to 10 from adoption. These include:

3.5.1 The net gain from the estate regeneration being delivered by Clarion Housing Group at Eastfields, High Path and Ravensbury (only net gain is counted as some homes will be demolished). Clarion’s regeneration programme also continues into years 10-15 of the Plan.

3.5.2 Part of Morden regeneration, which also continues into years 10-15.

3.5.3 Smaller sites that are proposed for allocation in the Local Plan such as Mi10 Mitcham library and Mi12 Sibthorp Road car park.

3.6 As already presented in evidence to Stage 1, the council has worked with the GLA and includes a windfall component of 261 homes per annum relating to small sites delivery.

Q2b. Does the Plan include specific, developable sites for years 11 to 15 from adoption?

Council response:

3.7 Yes, Merton's Local Plan includes specific developable sites for years 11-15 of the Local Plan. These include:

- 3.7.1 The net gain from the estate regeneration being delivered by Clarion Housing Group at Eastfields and High Path. (Ravensbury Estate will be fully redeveloped prior to years 11-15 of the Plan.
- 3.7.2 Later phases of Morden regeneration that aren't contained in years 6-10.
- 3.7.3 Site allocations such as Wi8 South Wimbledon Station and CW5 Priory Retail Park These sites are proposed for allocation in part for new homes and are therefore considered to be in a suitable location for housing development. There is a reasonable prospect that these sites could be developed within years 10-15 of the Plan.

Q2c. What effect would any proposed MMs to the expected development mix on the RP4 site have in terms of the housing trajectory over the plan period?

Council response:

3.8 In response to the Stage 1 hearing statement and representation made on behalf of Aviva Investors, the landowner of Site RP.4 (80-86 Bushey Road, Raynes Park), the council and the landowner have agreed to recommend a Main Modification to the site allocation.

3.9 This modification clarifies that in the short to medium term, the landowners intend to deliver the site for non-residential purposes but in the long term the site remains suitable for residential development.

3.10 This has a limited effect on the trajectory over the plan period as the trajectory always assumed that homes would be delivered on site RP4 well outside the first five years, mainly from year 8 onwards.

3.11 In line with the proposed modifications, the trajectory has been adjusted to factor that the majority of homes on site RP4 would be delivered in years 10-15.

Proposed modifications:

Site RP4 80-86 Bushey Road

Site allocation: Commercial (including retail subject to the relevant tests being met), business and industrial uses where such uses are appropriate to a residential area. Long term this site has potential for residential-led mixed use development which could include ~~with potential for ground and lower floors commercial~~, business, services and local community uses appropriate to a residential area.

Issue(ii): Do the Plan's policies reflect the housing needed for different groups in the community?

Q1. Is the Plan's approach to affordable housing secured on Build to Rent developments justified and in general conformity with the London Plan, particularly in terms of nomination rights? Is any divergence from the advice of the PPG that "authorities should refrain from having direct nomination rights from their housing list"¹ justified?

Council response:

3.12 Yes, the Plan's approach to affordable housing secured on Build to Rent developments is justified and in general conformity with the London Plan ([Document 0D32](#)). The following Main Modifications are proposed to Policy 11.7 (g) and supporting paragraph 11.7.4 to improve clarity and conformity with PPG advice.

Proposed Main Modifications:

Policy 11.7 (g) pg. 369

~~Any affordable housing secured to those on the council's housing list as a result of the build to rent scheme operator, working with the council and agreeing to do so. The council's nomination rights to secure nomination of tenants to specified affordable homes and the management and monitoring arrangements~~ will be secured via planning obligation (s106 legal agreements) or other appropriate legal deed. All affordable housing elements of the scheme must be affordable in perpetuity.

Para 11.7.4 pg.371

~~By having nomination rights, we will help to ensure that prospective tenants have been appropriately vetted as in genuine need in terms of the inability to access rented accommodation on the open market locally.~~

Q2. Is it clear how any 'clawback' would be calculated, has the advice of the PPG² been taken into account, and is the correct Local Plan policy referenced in Policy H11.7(h)?

Council response:

¹ 'Build to Rent' Paragraph: 009 Reference ID: 60-009-20180913
Revision Date: 13 09 2018

² 'Build to Rent' Paragraph: 008 Reference ID: 60-008-20180913
Revision Date: 13 09 2018

3.13 Policy H11.7(h) sets out the circumstances in which a clawback mechanism will apply however it is accepted that improvements clarifying how the clawback would be calculated is needed. Therefore, a modification is proposed to add a new supporting paragraph to provide the necessary clarity.

Proposed Main Modification:

New supporting paragraph:

A clawback mechanism will be applied in accordance with London Plan policy and national Planning Practice Guidance (PPG) on Build to Rent to protect the value of affordable housing provision that is withdrawn if affordable housing units in Build to Rent blocks are converted to another tenure after the expiry of the covenant period.

3.14 The Local Plan Policy H11.7(h) should correctly reference Policy 11.7(f) and a modification is proposed to address this error.

Proposed Main Modification:

Policy 11.7(h)

A clawback mechanism must be in place that ensures that where any of the Built to Rent homes are sold within the 15 years this will trigger a penalty charge towards affordable housing provision in accordance with Policy ~~H11.7(f)~~ ~~H4.7(f)~~.

Q3. Are identified needs for self-build or custom dwellings reflected in the Plan's policies, in a manner consistent with the Framework (at paragraph 62), and has the advice given in PPG³ on this issue been followed?

Council response:

3.15 Yes, the identified needs for self-build or custom dwellings are reflected in the Plan's policies, in a manner consistent with the Framework (at para 62) and advice given in PPG (para 25) on this issue has been followed. The Plan is also in conformity with the London Plan ([Document 0D32](#)).

3.16 In accordance with [0D20 NPPF 2021](#), [11D8 Merton's Housing Needs Assessment and Strategic Housing Market Assessment 2019](#) provides an

³ 'Self-build and custom housebuilding' – particularly Paragraph: 025 Reference ID: 57-025-20210508
Revision date: 08 02 2021

assessment of the size, type and tenure of housing needed for different groups in the community including people wishing to commission or build their own homes.

[0D20 NPPF 2021](#) para 62 states the following:

Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers²⁷, people who rent their homes and people wishing to commission or build their own homes²⁸)

- 3.17 [11D8 Merton's Housing Needs Assessment and Strategic Housing Market Assessment 2019](#) states at para 8.49 as follows:

While there is a requirement to continue to support custom and self-build property there is no need for a specific policy.

- 3.18 [0D32 London Plan 2021](#) Policy H2 (Small Sites) requires boroughs through both planning decisions and plan making to support those wishing to bring forward custom, self-build and community-led housing.

- 3.19 In accordance with [0D20 NPPF 2021](#) and [0D32 London Plan 2021](#) and justified by [11D8 Merton's Housing Needs Assessment and Strategic Housing Market Assessment 2019](#) support for custom, self-build and community-led housing is specifically set out in the Plan's Policy H11.2(f) (Housing Provision) which states support for:

proposals for custom, self-build and community-led housing which optimise the use of land and meet all relevant policy requirements, such as those for affordable housing.

- 3.20 The Plan should be read as a whole, by applicants in the determination of planning applications. The Plan also contains a few other relevant policies to which proposals for custom, self-build and community-led housing would need to adhere to such as those contained in Chapter 12 (Places and Spaces in a Growing Borough) concerning the provision of a high standard of design and

amenity for future occupants of sites particularly in terms of residential amenity, noise and air quality.

3.21 NPPG para 25 (self-build and custom housebuilding) states:

Relevant authorities should consider how local planning policies may address identified requirements for self and custom housebuilding to ensure enough serviced plots with suitable permission come forward (for example, as a number of units required as part of certain allocated sites, or on certain types of site).

3.22 Para 11.2.20 of the Plan refers to the council's maintenance in accordance with government requirements (NPPF para 62 and footnote 28) of a self-build register and states that:

As at June 2021 there were 104 individuals and 9 groups on the part 1 Self-Build Register (meets local connection criteria) and 132 individuals and 1 group on the part 2 Self-Build Register (without a local connection). 17 homes were granted self-build exemption from Community Infrastructure Levy (CIL) in the financial year 2019/20.

3.23 It should be noted that a large majority of those on the council's Self Build Register indicate a preference for suburban / rural locations and small-scale development to build single homes. Between 2012 and 2022 the council has granted a total of 155 self-build exemptions from Community Infrastructure Levy (CIL). All concerned small scale housing schemes, largely either proposing the demolition and rebuild of single homes to comparatively higher or remodelled specifications (i.e. resulting in no additional homes), or schemes proposing a net additional increase of no more than one or two homes.

3.24 Self and custom housebuilding contribute to providing a mixed and diverse housing offer in Merton. The 155 granted self-build exemptions from CIL are all associated with granted planning applications for self-build or custom housebuilding planning proposals. The high number of self-build CIL exemptions demonstrates that Merton's local plan policies are effectively contributing to facilitating and supporting an increased delivery of self-build and custom housebuilding. The council is also required by the NPPF and NPPG to maximise land use, particularly in addressing identified housing need. [0D20 NPPF 2021](#) para 125 states:

Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.

3.25 It is therefore considered that the Plan's policies set a realistically balanced and appropriate approach in meeting national planning requirements concerning identified needs for self-build and custom dwellings, in a manner consistent with the Framework (at para 62), and advice given in PPG self-build and custom housebuilding (para 25) and also meeting the requirements of [0D20 NPPF 2021](#) (para 125) to make optimal use of sites set within the context in Merton, of a paucity of suitable sites to meet identified significant and overwhelming housing needs, robustly evidenced in [11D8 Merton's Housing Needs Assessment and Strategic Housing Market Assessment 2019](#) for affordable homes ranging from 878 to 1,084 dwellings per annum.

Q4. Is the Plan's use of the phrase 'temporary sleeping accommodation' (in Policy H11.2 (e) taken together with related wording in paragraphs 11.2.19 and 11.5.8) clear, and is the Plan justified and effective in relation to restrictions relating to such uses?

Council response:

3.26 Yes, the Plan's use of the phrase 'temporary sleeping accommodation' is considered clear and considered justified and effective in relation to restrictions to such uses. The Plan is in conformity with the London Plan on this matter and robustly supported by proportionate evidence on local housing needs evidence as set out in [11D8 Merton's Housing Needs Assessment and Strategic Housing Market Assessment 2019](#).

3.27 However, it is also accepted on careful consideration of the Inspectors' question that to achieve better clarity on the phrase temporary sleeping accommodation and effectiveness in relation to restrictions relating to such uses, the following Main Modifications are proposed.

Proposed Main Modifications:

Policy 11.2 (e) (pg.346)

Supporting the redevelopment of poor quality existing housing and proposals to improve the quality of existing homes [previous mod] that does not result in a net loss of residential homes, or net loss of affordable housing homes or residential land or net loss resulting from the change of use of any type of permanent housing to non-permanent accommodation, such as temporary sleeping accommodation, ~~on a permanent basis~~ for a cumulative period of more than 90 days a year.

Para 11.2.19 (pg.352):

Due to the overwhelming need for permanent homes and the limited availability of suitable sites to address this need compared to temporary accommodation, we do not support the change of use of permanent homes to non-permanent accommodation (such as temporary sleeping accommodation and short term rental residential accommodation) (either purpose built or converted) such as apart-hotels on sites that are suitable for permanent housing for a cumulative period of more than 90 days a year without seeking planning permission. The policy protects existing permanent homes from change of use to non-permanent accommodation (including timeshare, short-term lets, and temporary sleeping accommodation, as well as C1 uses which include hotels, guest houses and boarding houses, and hostels and bed and breakfast premises). Demand for non-permanent accommodation in the borough should be met from appropriate sites in non-residential use, rather than sites used for permanent housing.

Para 11.5.8(pg364):

~~In line with the London Plan, we will resist the loss of permanent self-contained homes including its loss from conversion to short-stay accommodation intended for occupation for periods of less than 90 days.~~

Q5. Are any specific policies in the development plan or national policy contemplated in relation to the guidance given on houses in multiple occupation (at paragraph 11.2.22) and does the Plan provide an effective basis for decision-making relating to such uses?

Council response:

3.28 There are no contemplated specific policies in national policy or the London Plan in relation to the guidance given on houses in multiple occupation (HMOs), at paragraph 11.2.22 that the council are aware of.

3.29 However, reference is made in the NPPF and the London Plan on HMOs, which the Plan is in conformity with.

3.30 NPPF para 62 states:

Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers²⁷, people who rent their homes and people wishing to commission or build their own homes)

3.31 Whilst the NPPF does not explicitly state HMOs, para 62 makes clear that the list of housing needed by different groups is not an exhaustive list, by the wording *including, but not limited to* and officers consider that para 62 therefore equally applies to HMOs.

3.32 The London Plan policy H9 (Ensuring the Best Use of Stock) at bullet point D requires boroughs to take account of the role of HMOs in meeting local and strategic needs and generally protect HMOs where they are of a reasonable standard.

3.33 To address the issue raised by the Inspectors' question, the following Main Modification is proposed to paragraph 11.2.22.

Proposed Main Modification:

Para 11.2.22 (pg.353)

As supported by the London Plan, Houses in Multiple Occupation (HMOs) contribute towards addressing needs. As with all homes, HMOs will be expected to meet good standards both for the occupiers and neighbours ~~and we will have regard to relevant guidance in the assessment of HMOs including national guidance, the London Housing Design Standards, the GLA Housing Supplementary Planning Guidance.~~

3.34 It is considered that the Plan policy H11.5 (student housing, other housing with shared facilities and bedsits) does provide an effective basis for decision-making relating to HMO uses. HMOs are a form of housing with shared facilities however this is not explicitly stated. Therefore, to address this issue and improve the clarity and effectiveness of the Plan on this matter the following main modifications are proposed.

Proposed Main Modifications:

Policy H11.5 (pg. 361)

Student Housing, other housing with shared facilities such as HMOs and bedsits

Policy H11.5(a) (pg.361)

- a. The development of student housing, other housing with shared facilities such as HMOs and bedsits is supported provided that the development:

Policy H11.5(b) (pg.362)

- b. We will resist development which results in the net loss of student housing and other housing with shared facilities such as HMOs and bedsits unless either it can be demonstrated that:
- i. there is a surplus of the existing accommodation in the area; or,
 - ~~ii.~~ the existing accommodation is incapable of meeting relevant standards for accommodation of this type- ~~or,~~
 - iii. it provides permanent residential accommodation.

Policy H11.5(c) (pg.362)

- c. Where we are satisfied that the development results in the net loss of student housing, other housing with shared facilities such as HMOs or bedsits, is justified, we will require that an equivalent amount of residential floorspace or permanent self-contained housing in Use Class C3 to be provided and these proposals will be considered in respect to Strategic Policy H11.1 Housing Choice.

Para 11.5.7 (pg.364)

Housing with shared facilities form a significant part of the private rented stock in Merton. The precise definition of housing with shared facilities such as HMOs and bedsits is complex but includes the following groups:

- A bedsit where the bathroom is shared with tenants of other bedsits.
- A flat in a house whether bathroom facilities may or may not be shared with other tenants.
- A room in a shared house such as HMOs where the bathroom and kitchen facilities are shared with the tenants of the other rooms, but the tenants do not live with the other tenants as part of a 'household', for example don't cook for one another and eat together like a family would.
- Rented rooms provided by a resident landlord.
- Bed and breakfast hostels.

Para 11.5.9 (pg.364)

Student housing, other housing with shared facilities such as HMOs and bedsits are often associated with a concentration of relatively short-term residents.

Q6. What is the justification for proposals for supported care housing to provide evidence of ‘demonstrable need’ (per Policy H11.4 (a)(i) and paragraphs 11.4.6, 11.4.13)?

Council response:

3.35 The need for supported care housing in Merton is set out in [11D8 Merton’s Housing Needs Assessment and Strategic Housing Market Assessment 2019](#) which also identifies that the most overwhelming need in Merton is for affordable homes ranging from 878 to 1,084 dwellings per annum. Given the limited availability of suitable sites in Merton to meet this overwhelming need and the competing land use pressures on them, it is considered supported by the robust evidence set out in [11D8 Merton’s Housing Needs Assessment and Strategic Housing Market Assessment 2019](#), justified for developments to demonstrate meeting an identified local need.

3.36 To demonstrate a proposal is meeting an identified local need, reference should be made to [11D8 Merton’s Housing Needs Assessment and Strategic Housing Market Assessment 2019](#), and [11D12 Merton's draft housing delivery strategy and action plan consultation November 2021](#) and associated Merton strategies for individual client groups.

3.37 Having carefully reflected on the issue raised in the Inspectors’ question it is considered that *demonstrable need* is an incorrect phrase to use in Policy H11.4(a)(i) and paragraphs 11.4.6 and 11.4.13, which should correctly reference to *meeting an identified local need*. The following Main Modifications are therefore proposed to address this and to improve clarity and effectiveness of the Plan:

Proposed Main modifications:

Policy H11.4 (a)(i) (pg.357)

- a. The suitability of proposals for supported care housing will be assessed having regard to the following criteria:
 - i. ~~Demonstrable need~~ Meeting an identified local need.

Para 11.4.6 (pg. 359)

We encourage the provision of non-institutionalised supported care housing with self-contained facilities ~~for~~ which ~~there is demonstrable~~ meet an identified local need.

Para 11.4.13 (pg.360)

We encourage proposals ~~Proposals must demonstrate that they cater for that meet~~ local needs identified in a Local Housing Market Assessment or in an appropriate needs assessment such as that of a recognised public body.

Q7. Is Policy H11.4 (a) (vii) clear in terms of what is meant by ‘all relevant standards’? If such standards are regulated by schemes outside of planning control, is it justified to include such a criterion in the policy?

Council response:

3.38 No, it is not clear what is meant by ‘all relevant standards’. It is also accepted that it is unjustified to include such a criterion in the policy as such standards are regulated by schemes outside of planning control. To improve the soundness of the Plan the following Main Modification is proposed:

Proposed Main Modification:

Policy H11.4 (a)(vii) [pg.357]

~~i. The quality of accommodation complies with all relevant standards for that use.~~

Q8. Is Policy H11.5 (a) (ii) clear in terms of the types of sites that might be captured and how such matters would be assessed at the decision-taking stage, given that the type of land suitable for general needs housing would also likely be suitable for student housing, other housing with shared facilities and bedsits?

Council response:

3.39 The council seeks to support and manage the development of sites for student housing to ensure the availability of land to meet priority housing needs and the achievement of mixed and balanced communities. It is considered that Policy H11.5 (a) (ii) is not adequately clear on the types of sites that might be captured and how such matters would be assessed at the decision-taking stage. To address the issues raised by the inspectors’ question and improve clarity and effectiveness of the Plan on this matter, Main Modifications are proposed of additional explanatory supporting text as follows:

Proposed Main Modifications:

New supporting text below para 11.5.6 (pg.363)

When considering whether a proposal for student accommodation would compromise capacity to meet the need for conventional dwellings in the borough the council will have regard to the following factors:

- whether the proposal would displace C3 residential accommodation;
- whether the proposal site has been allocated for housing;
- whether a site has been identified in the London SHLAA and/or Local Plan housing trajectory as having capacity for conventional housing or
- has an extant or historic planning permission for C3 housing.

We consider the most appropriate sites for student accommodation proposals to be well connected locations with good levels of access to public transport (PTAL 4 or higher) including those supported by good walking and cycling infrastructure and where student residents have access to a wide range of services and facilities within a 15-minute walking distance. Such proposals are also supported where the development is capable of having good access to public transport and facilities as a result of proposed transport improvements, including through a package of measures that the proposal would deliver. It is considered that applicants should give priority during the site selection process to locations in proximity to the institutions that the development will serve.

Q9. What is the justification for the requirement that student housing etc should meet an ‘identified local need’ (per Policy H11.5 (a) (iii))? Moreover, if a proposal were to accord with this criterion would it also therefore be necessary to demonstrate that it “caters for recognised educational establishments within a reasonable travelling distance” per Policy H11.5 (a) (vii)?

Council response:

3.40 [11D8 Merton’s Housing Needs Assessment and Strategic Housing Market](#)

[Assessment 2019](#) identifies that the most overwhelming need in Merton is for conventional homes and in particular affordable homes ranging from 878 to 1,084 dwellings per annum. Contrastingly, [11D8 Merton’s Housing Needs Assessment and Strategic Housing Market Assessment 2019](#) identified no demand in the Borough for student housing and advised that applications for student accommodation should be judged on their merits. Given the limited availability of suitable sites to meet the most overwhelming need in Merton and the competing land use pressures on them, it is considered that Policy H11.5(a) (iii) is justified and supported by the robust evidence set out in [11D8 Merton’s Housing Needs Assessment and Strategic Housing Market Assessment 2019](#).

- 3.41 The need for a significant increase in the provision of student housing London wide is set out in Policy H15(A) of the London Plan which stipulates what boroughs are required to do concerning addressing the provision of student accommodation. The council recognises that whilst [11D8 Merton's Housing Needs Assessment and Strategic Housing Market Assessment 2019](#) identifies no demand in the Borough for student housing, the provision of student accommodation is both a local and strategic issue and can make a useful contribution to creating mixed and inclusive communities to meet London wide need.
- 3.42 It is considered that Policy H11.5 (a) (vii) enables the Council to strike a suitable and reasonable balance in contributing to addressing strategic need for student accommodation and conformity with the London Plan without compromising opportunities to meet the most overwhelming identified local housing need in Merton. Whilst there is no justified identified need for student housing within the Borough, it is considered that student accommodation proposals linked to students' place of study linked with one or more higher education providers (HEP) located within a reasonable travelling distance from Merton, that is those wholly or partly within neighbouring south London boroughs such as those in Kingston, Richmond and Wandsworth are also relevant in the council's seeking to address any identified (wider) local need.
- 3.43 It is important that the provision of new student accommodation is located close to their places of study, to ensure that travelling long distances to attend their place of study is avoided as this would be contrary to sustainable development principles.
- 3.44 It is considered appropriate that in the case of student housing, proposals must both meet an identified need and cater for one or more higher education providers (HEP) within a reasonable travelling distance of Merton to avoid the provision of speculative student housing proposals coming forward or those requiring Merton students travelling long distances to get to their place of study. This is also set within the context that land suitable for student housing is also likely to be suitable for conventional housing, of which for the latter there is an overwhelming priority

need, particularly for affordable homes, and a paucity in the number of suitable and available sites to address this identified local need.

3.45 However, it is noted that Policy H11.5 is unclear that for student housing proposals, requirements set out in Policy H11.5 (a) (i) to H11 (a) (xv) apply inclusively, rather than being mutually exclusive as currently denoted by the full stops located at the end of Policy H11.5 (a) bullet points (i), (ii), (iii), (iv), (ix), (x), (xi), (xii). Therefore, to improve clarity and effectiveness of the Plan on this matter the following Main Modifications are proposed:

Proposed Main Modifications

Policy H11.5 (a) bullet points (i), (ii), (iii), (iv), (ix), (x), (xi), (xii) (pg.361)

[To delete the full-stops indicated at the ends of Policy H11.5 (a) bullet points (i), (ii), (iii), (iv), (ix), (x), (xi), (xii) and replace with semicolons.]

Policy H11.5(a) bullet point (vi) (pg.361)

and is fully integrated into the residential surroundings.

3.46 Please also refer to the proposed Main Modifications to Policy H11.5 (a) bullet point (v) in response to Inspectors' Question 10 and H11.5 (a) bullet point (viii) in response to Inspectors' Question 11a.

3.47 To improve clarity and effectiveness of the Plan and consistency with the London Plan 2021, Main Modifications are proposed to Policy H11.5 and supporting text to replace references to *recognised educational establishments* with *higher education providers (HEP)* as follows:

Proposed Main Modifications

Policy H11.5 (a)(vii) (pg.361)

~~caters for recognised educational establishments~~ is supported by evidence of a linkage with one or more higher education providers (HEP) in Merton or within a reasonable travelling distance of Merton. This evidence must include confirmation that the proposed rental levels for the student accommodation are supported by the linked HEP(s) and that the majority of the bedrooms in the development including all of the affordable student accommodation will be secured through a nominations

agreement for occupation by students of one or more HEP, for the lifetime of the scheme, as required by London Plan policy H15:

Policy H11.5 (a) (xi) (pg.361)

is located in an area well served by public transport concerning the students' place of study linked with one or more higher education providers (HEP) ~~recognised higher educational establishment~~ the student housing serves; ;

Para 11.5.2 (pg.363)

~~A recognised higher educational establishment generally refers to those funded by the Higher Education Funding Council for England (HEFC). Students' place of study linked with one or more higher education providers (HEP) include~~ Wimbledon College of Art, Wimbledon which is found located within Merton. Additionally, there are several ~~higher education establishments~~ others found wholly or partly within neighbouring south London boroughs which are Kingston University, Roehampton University, St George's Medical School and St Mary's University College Twickenham. Requiring proposals for student accommodation to have ownership or management agreements in place with recognised higher educational establishments helps demonstrate there is a need for the proposal and ensure that it supports London Higher Education Providers (HEPs) as defined in London Plan footnote 77.

Para 11.5.6 (pg.363)

There is an overwhelming need to provide additional conventional housing in Merton. It is considered that set within this challenging context, the requirement for student accommodation to caters for students' place of study linked with one or more higher education providers (HEP) ~~recognised educational establishments~~ within Merton or neighbouring south London boroughs of Croydon, Lambeth, Kingston-upon-Thames, Richmond, Sutton and Wandsworth strikes a suitable balance towards meeting the Mayor's strategic and local requirements for student housing, whilst minimising the compromise on Merton's capacity for conventional homes.

3.48 Please also refer to proposed Main Modifications to Policy H11.5 (a) (xiii) in response to Inspectors' question 11b.

Q10. Is Policy H11.5 clear in terms of what is meant by 'all relevant standards'? If such standards are regulated by schemes outside of planning control, is it justified to include such a criterion in the policy?

Council response:

3.49 No, it is not clear what is meant by 'all relevant standards'. it is also accepted that it is unjustified to include such a criterion in the policy as such standards are

regulated by schemes outside of planning control. To improve the soundness of the Plan the following Main Modification is proposed.

Proposed Main Modification:

Policy H11.5 (a) (v) (pg.361)

~~i. — complies with all relevant standards for that use; and,~~

Q11. What is the justification for:

Q11a. the requirement for the provision of dedicated floorspace for cultural or arts studios or activities in relation to student housing (per Policy H11.5 (viii) and paragraph 11.5.12); and

Council response:

3.50 It is considered that the requirement for dedicated floorspace for cultural or arts studios or activities in relation to student housing as set out in Policy H11.5(viii) and paragraph 11.5.12 is not justified and the following Main Modifications are therefore proposed to delete this requirement:

Proposed modifications:

Policy H11.5(viii) [pg.361]

~~viii. provides purpose built dedicated floorspace that is managed for cultural or arts studios or activities.~~

Para 11.5.12 (pg.365)

~~Student housing developments will also be expected to provide adequate floorspace, usually on the ground floor of the development, which has favourable management terms for cultural or arts studios or other activities. Wimbledon School of Art is Merton's only third-level education provider, affiliated to the University of the Arts, London. We will encourage developer to work with specialist organisations that rent and manage floorspace dedicated arts and cultural activities.~~

Q11b. Proposals to have ownership or management agreements in place with recognised higher educational establishments (per Policy H11.5 (xiii))?

Council response:

3.51 The requirement for proposals to have ownership or management agreements in place with recognised higher educational establishments as required by policy H11.5 (xiii) of OD1 Merton's Local Plan is justified and in conformity with [OD32 London Plan 2021](#) para 4.15.3 which states:

*To demonstrate that there is a need for a new PBSA development and ensure the accommodation will be supporting London's higher education providers, the student accommodation must either be operated directly by a higher education provider or the development must have an agreement in place from initial occupation with one or more higher education providers, to provide housing for its students, and to commit to having such an agreement for as long as the development is used for student accommodation. This agreement is known as a **nomination agreement**.*

3.52 While the council recognises that provision for specialist student accommodation is needed to support the growth of London's higher education providers, speculative development of student housing is not supported. Proposals must be supported by evidence of a linkage with one or more higher education providers. Requiring proposals for student accommodation to have ownership or management agreements in place as per Policy H11.5 (xiii) helps demonstrate there is a need for the proposal and ensure that it supports London higher education providers.

3.53 To improve clarity and effectiveness of the Plan and consistency with the London Plan 2021 a Main Modification is proposed to Policy H11.5 (a) (xiii) to replace reference to *recognised educational establishments* with *higher education providers (HEP)* as follows:

Proposed Modification

Policy H11.5(a) (xiii) (pg.362)

has an ownership or management arrangement secured by legal agreement in place with the ~~recognised higher educational establishment~~ students' place of study linked with one or more higher education providers (HEP) # the student housing serves; and,

