

# LB The Council Local Plan Review Examination (Matter 4)

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**Our ref** 65071/01/MS/JHo  
**Date** 14 September 2022  
**On Behalf of** St William LLP

## **Matter 4 Tall Buildings**

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**Issue (i):** 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?

**(1) What work has been undertaken since Stage 1 in respect of the wording of Policy D12.6? Would proposed MMs ensure that the policy is clearly written and unambiguous, consistent with national policy, and in general conformity with the London Plan?**

- 1.1 We are not yet aware of what LB Merton's (the 'Council') response is in respect of the wording to D12.6. We will comment further on this at the Hearing session on 5 October 2022.

(No specific response to Question 2)

**(3) What are the main outcomes and implications for the plan of the consolidated evidence base? Are any further MMs proposed and if so, are they necessary to make the plan sound and would they be effective in doing so?**

- 1.2 We are not yet aware of what the Council's response will be on this. We will comment further on this at the Hearing session on 5 October 2022.

**(4) Policy BD2 of the Brent Local Plan has been referred to in statements and earlier hearing sessions –**

**a) Have the Council given any further consideration to the approach taken in that Plan?**

- 1.3 We are not yet aware if the Council has given further consideration to the approach taken in the Brent Local Plan.

**b) Are the circumstances and context comparable?**

- 1.4 In overall terms, yes. Policy BD2 of the Brent Local Plan defines a tall building of being more than 30 metres in height and directs these towards the Tall Building Zones on the policies map. The policies map clearly indicates the tall building zones.
- 1.5 The policy is informed by the Brent Tall Building Strategy 2020 which includes further guidance on each site allocation within the Local Plan. The policy follows part A and B and begins to

consider Part C of Policy D9 Tall Buildings of the London Plan. The policy is flexible and states within the supporting text that the heights identified within Tall Building Zones, town centres and site allocations are based on high level analysis. It states that these indicate heights that are likely to be acceptable, although adds that schemes will not be automatically be considered acceptable and will need to be assessed in the context of other policies. It also recognises that subject to good design and impact on character, there may be circumstances where taller buildings might be acceptable.

- 1.6 We do consider that the circumstances and context are similar to Merton. Brent, like Merton, is a London borough located between inner and outer London, where there is an opportunity for large scale regeneration projects. Whilst the Council has identified fewer tall building areas and the general character profile is generally lower, the Council is still able to support tall buildings in the right locations. Whilst the Council has a lower housing need than that of Brent, it still needs to deliver 9,180 new homes over a 10 year period as per the London Plan 2021. This is not an insignificant number of new homes. In both cases, this target undershoots the actual level of need in London. Putting this aside, the approach Brent has taken can be applied across multiple boroughs with different needs and constraints. It is a more flexible approach which conforms with the London Plan 2021 and gives the council the ultimate control on the decision on heights once an application has been submitted.

**c) Would a similar approach in the Merton Local Plan be justified by the evidence base and would it achieve general conformity with the London Plan?**

- 1.7 In overall terms, yes. Whilst Brent has undertaken a Tall Building Strategy and the Council has not, the evidence the Council has used to locate the areas suitable for tall buildings is comparable in some key respects and follows a similar approach to Brent in terms of understanding character profiles, transport links and sensitivities across the borough.
- 1.8 Policy D9 of the London Plan is split into three parts; A, B and C. Part A deals with the definition of tall buildings, which the Council has done within Merton's Local Plan incorporating proposed modifications dated 20 May 2022<sup>1</sup>. Whilst the height itself differs to Brent, the London Plan sets a minimum standard and we therefore accept this position. In terms of Part B, this deals with locations and is split into three parts. Paragraph 3.9.2 of the London Plan 2021 sets out three steps which Boroughs need to undertake to get to this point including undertaking a sieving exercise.
- 1.9 Whilst the Council does not appear to use 3D modelling for all the proposed tall building sites, as suggested in a paragraph 3.9.5, it is clear that the Council has undertaken the sieving exercise using the Merton Character Study 2021<sup>2</sup> from its evidence base. The Council has subsequently identified the appropriate locations for tall buildings, identified these on maps and explained in policy that tall buildings can only be in areas identified for tall buildings through modifications to the as submitted Local Plan. The Council clearly indicates in the as submitted supporting text to draft Policy D12.6 that applicants will need to be prepared to provide 3D digital models to analyse how the tall buildings are placed within the borough.
- 1.10 Whilst the Council has not provided its own evidence in relation to determining heights for tall buildings on specific allocations, it has used the evidence provided by landowners which is considered an acceptable approach. In relation to Policy Allocation Mi16 Mitcham Gas Works, St William and the Council have agreed a Statement of Common Ground (SoCG) agreeing tall

<sup>1</sup> LBM05 – Merton's Local Plan incorporating proposed modifications dated 20 May 2022.

<sup>2</sup> 12D1 Merton Borough Character Study 2021

buildings up to nine storeys and an indicative capacity for between 500 and 650 new homes for the Local Plan to be found sound. This is based on townscape evidence provided by St William justifying that ten storeys and around 650 homes is appropriate for the site. We provide further details on this and the background to the SoCG in our response to Matter 8.

- 1.11 On the basis that the evidence underpinning the SoCG (including that as Appendices to our Matter 8 Statement) is sufficient to make the Local Plan sound, we consider that if the Merton Local Plan was to follow a similar approach to Brent, the existing evidence would be sufficient and it would achieve general conformity with the London Plan 2021.
- 1.12 It is worth noting in the Inspectors' report on the examination of the Brent Local Plan, that the Inspectors noted that Brent's approach to assessing suitable locations was broadly reflective of the approach advocated by the London Plan; however, they acknowledged that the level of sieve analysis undertaken was not as detailed as envisaged by the London Plan. In this instance, the work undertaken by Brent was considered enough to be considered to be in general conformity with the London Plan 2021. We consider that the Council's level of evidence is not too dissimilar to that of Brent's in terms of detail.
- 1.13 Therefore, in summary, if the Council was to adopt the approach taken by Brent in relation to providing some flexibility around heights, then we do not consider further evidence would be needed. The sieving exercise undertaken by the Council combined with the additional townscape evidence at Mi16 and other allocations would present the minimum evidence required to locate areas suitable for tall buildings.

**d) If taken forward in this Plan would a similar approach assist in the objective of ensuring that the Plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed needs, in a way that makes as much use as possible of previously- developed or 'brownfield' land (per paragraph 119 of the Framework)?**

- 1.14 Yes. Brent clearly states in the supporting text to its policy BD2 that the heights set out in the Tall Building Zones, town centres and site allocations are based on a high-level analysis. It notes that further assessment is required at the planning application stage to ensure that they are appropriate in their location. As noted earlier, the policy states that taller buildings may be acceptable where the quality or design of development and its impact on character is shown to be acceptable. This approach allows emerging schemes to make the best use of land by following a design led approach that is able to optimise the capacity of a site, as required under Policy D3 of the London Plan.
- 1.15 The ultimate heights of emerging proposals should be determined through a design led approach which is assessed as part of a planning application. Notwithstanding the approach set out in the SoCG, we consider that allowing applicants to determine the ultimate height through a design-led approach will make as much use as possible of previously-developed or 'brownfield' land as set out in paragraph 119 of the NPPF. This cannot be done through the high-level sieving exercise that has been undertaken to date by the Council.
- 1.16 Indeed, the Council itself acknowledges under paragraphs 1.2.41 to 1.2.43 of the as submitted Local Plan that it expects high quality developments with higher densities to be delivered by the efficient use of land and that the provision of tall buildings are one form of high density that can be appropriate in the right locations, subject to excellent design, good public transport and the impact on character.

- 1.17 Draft Local Plan Policy H11.2 Part C of the as submitted Local Plan, confirms that the Council supports the delivery of new homes on large sites where they optimise levels of residential density in accordance with the design led approach set out in the London Plan Policy D6.
- 1.18 In the case of allocation Mi16, the Site is a brownfield site which had tall structures on it. Whilst we accept that this does not automatically allow a new tall building of a similar height, it sets a marker and forms a basis for designing a new building within the wider character area.
- 1.19 As set out in our response to Matter 8, the Council has accepted the principle of tall buildings at site allocation Mi16. It has previously accepted the principle of ten storeys at the site with “around 650 homes” through an agreed SoCG (albeit now withdrawn by the Council) and is now proposing a maximum of nine storeys with a range of between 500 and 650 homes, whilst still relying on the evidence provided by St William that supports at least ten storeys.
- 1.20 If the Council progresses a rigid approach of setting a maximum height without allowing for flexibility for this to increase, subject to good design, this could inadvertently restrict new exceptionally designed buildings which are able to maximise the use of a brownfield site, improve the townscape and deliver more housing including affordable housing. In the case of the Council’s draft Local Plan, adopting Brent’s approach in terms of flexibility would resolve the issues it is facing in terms of determining what the appropriate height and range of homes at the site should be. We therefore suggest this approach is worthy of consideration, particularly if the Inspectors conclude that the specific heights and/or dwelling capacity range identified in the SoCG between the Council and St William are not supported by the evidence.
- 1.21 Whilst we consider that the Council has prepared sufficient evidence to justify the principle of tall buildings in certain areas, it has not been able to comprehensively assess the detailed design of potential buildings to determine that they are fully optimising sites. The Council is not required to do this at this stage. However, as this step has not yet been undertaken one can appreciate why it is difficult for the Council and any other council, to be fully assured that the heights it has set for allocations are able to optimise a site and make as much use as possible of a previously development site.
- 1.22 This could limit the effectiveness of draft Policy H11.2 Part C and the Council’s aims of making the most efficient use of land as set out in paragraph 1.239 of the as submitted Local Plan.
- 1.23 Brent’s approach clearly allows this discussion to be had at the application stage and whilst St William would accept the Council’s approach as agreed under the revised SoCG were the Inspectors to consider it justified, and considers this is the minimum that is required to enable the Local Plan to be found sound, the approach taken by Brent is a more effective and cleaner policy. This approach ensures that an area is able to meet its objectively assessed needs in a way that makes as much use as possible of previously developed land.
- 1.24 Via Examination, we consider that the Brent approach should be actively considered, particularly if the alternatives put forward – including that in the revised SoCG between the Council and St William – are not sufficient to make the plan sound.

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