

Merton Local Plan Examination

Mantra Planning on behalf of CH London

Matter 4: Tall Buildings

Merton Local Plan – Stage 2 Examination

Participant Statement on behalf of CH London

September 2022

SECTION 1 | INTRODUCTION

1.1 These written representations are submitted on behalf of CH London, to be taken into account during the Stage 2 hearing session. This Hearing Statement principally provides a detailed response to Question 1 within Main Matter 4: Tall Buildings.

1.2 A pre application enquiry was submitted to Merton Council in December 2021 for the demolition of an existing building and construction of a 9 storey mixed use development on land at 18-22 Crown Lane, Morden. Discussions with the Council are ongoing concerning the design and height of the building. Consultation with the Design Review Panel and a public exhibition was carried out on 23rd July 2022 and 15/16th July 2022 respectively to assist in the development of the proposed scheme.

1.3 The indicative sectional plan appended to this statement has been submitted to the Council as part of the pre application enquiry (appendix 5).

1.4 The design of the building and particularly the height, has been guided by the “Strategic Development Framework” (SDF), as prepared jointly by Merton Council and Transport for London. The SDF sets out the vision and first principles for regenerating the Town Centre and was informed by consultation results, various technical studies and the inputs of officers from Merton Council and Transport for London.

SECTION 2 | MATTER 4: TALL BUILDINGS

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?

Questions:

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?

Policy D12.6 (when taking into consideration the Council's main modifications following Regulation 19 consultation) identifies appropriate locations for tall buildings. Policy D12.6 states:

1. Tall buildings are only acceptable in the following locations:

... c. Morden Regeneration Zone, as set out within the chapter on Morden.

Policy N5.1 entitled "Morden" goes onto identify appropriate locations within the Morden Regeneration Zone for Tall Buildings, as detailed in the Strategic Heights Diagram (appendix 1). This includes a definitive boundary to the Morden Regeneration Zone.

We consider that the currently drafted policy fails to have been prepared positively, excluding any tall buildings outside of the defined Morden Regeneration Zone, despite the conclusions of the supporting documents, such as the Strategic Development Framework and Merton Character Study SPD 2021.

Reference is made to the Strategic Development Framework within the supporting text for policy N5.1, which was prepared in 2018 to inform Merton's Local Plan and in particular, the regeneration of Morden's Town Centre. This includes the masterplan sketch (appendix 2) which provides a conceptual layout for regeneration in Morden. This image demonstrates that taller buildings outside of the Morden Regeneration Zone could be acceptable, providing a transition in building heights toward lower density development (appendix 2). This document has been subjected to extensive consultation and provides a framework for development at a high strategic level. Indeed a pre application enquiry has been submitted to the Council demonstrating how a development comprising 9 storeys could be accommodated on site including a step down towards the northern extent of the site to protect the amenity of the residents and character of the surrounding 2 storey residential development lining Windermere Avenue. Consultation has also been carried out with the Design Review Panel during the pre-application stage to gain their expert advice on design issues. The following comments were included within their response (provided in full at Appendix 4):

"The Panel was not particularly concerned regarding the overall height of the building as shown, but felt that the transition to the adjacent residential to the north was a bit stark and the stepping needed to be more substantial, rather than just 1-2 storeys..."

The Merton Character Study SPD also identifies a number of key issues/ opportunities within each neighbourhood based on an understanding of its character, with those of relevance listed below:

- *"Transition between densifying town centre and suburban residential could be improved, currently quite abrupt"*

- *“Opportunity to reimagine Morden as a young and vibrant town centre through context-led mixed use development”.*

The Character Study SPD goes onto include a Morden Growth Theme Diagram (appendix 3) to indicate potential growth areas for this area. This includes a number of growth themes for Morden including:

“The intensification of Morden town centre should be supported whilst carefully considering the transition line/zone to enable it to be comfortably set within the wider suburban neighbourhoods.”

Our client’s site is located on the periphery of the Town Centre and the submission of a pre application enquiry demonstrates how a scheme can be brought forward whilst respecting the findings of the SDF and Character Study as detailed above. Therefore, in order for the Local Plan to meet the requirements of paragraph 16, criteria b) which requires Local Plans to be prepared in a positive and aspirational way and Chapter 11, Paragraph 120 of the NPPF which promotes an effective use of land, we consider that the plan should be amended in the following way:

Draft Local Plan	Existing Text	Proposed modification	Reason
Draft Policy D12.6 - Tall Buildings	1. Tall buildings are only acceptable in the following locations: ... c. Morden Regeneration Zone, as set out within the chapter on Morden.	1. Tall buildings are only acceptable in the following locations: ... c. Morden Regeneration Zone, as set out within the chapter on Morden and in limited locations within the Wider Morden Town Centre Area where a townscape assessment identifies that a tall building is appropriate.	To ensure the Local Plan is positively prepared and makes as much use as possible of previously developed/ brownfield.

Furthermore, Paragraph 35 of the NPPF, sets out the 4 tests local plans will be examined against, with Paragraph 36 confirming how these tests will be applied to non-strategic polices.

a. Positively prepared

As written Draft Policy D12.6 is very prescriptive. The Morden Regeneration Zone boundary will result in buildings at a height of 71 metres being acceptable on one side and buildings at only 21 metres high acceptable on the other. This would result in a drop in height of 50 metres. Whilst we accept that it is important to identify a general area for tall buildings, a prescriptive boundary such as the one put forward by the Council’s Main Modifications will see development opportunities in sustainable locations being missed. As an example, our client’s site is located approximately 100 metres from Morden Train and Bus

Station, enjoys a PTAL rating of 6a and sits opposite a building of 14 storeys in height (approximately 50 metres).

Paragraph 35a) requires the plan to provide a positive strategy, that seeks to meet the objectively assessed need and is consistent with achieving sustainable development. It is not positive to prevent highly sustainable sites from making efficient use of land (NPPF paragraph 8c) by creating an arbitrary line.

b. Justified

The Strategic Development Framework provides for a basis of the Merton Regeneration Area.

c. Effective

The original policy wording was effective, allowing flexibility in delivering housing numbers of the plan period.

d. Consistent with national policy

The NPPF requires the effective use of land (paragraph 8c and chapter 11). Paragraph 120 c),d) and e) are particularly important. Paragraph 120 expects polices to give substantial weight to the use of Brownfield Land, promote and support development at underutilised sites and allow upward extensions where development would be consistent with the prevailing height.

By placing a 'hard' limit on the height of buildings outside of the tall building area, a sudden and significant drop in the height of buildings abutting the tall building areas will be evident. As one example, our clients site may have a 71 metre high building to their immediate east along with the existing Civic Building to the south standing at approximately 50 metres. Paragraph 120 e) of the NPPF is clear in stating that polices should:

"allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene,"

The proposed wording of Draft Policy D12.6 is therefore in direct conflict with paragraph 120 e).

Respectfully, the original wording of Draft Policy D12.6 was considered acceptable in controlling the height of buildings, it provided a clear basis of locations that 'tall buildings' were acceptable and allowed the flexibility to position tall buildings in other locations if suitable justification was provided. Arbitrary lines do not allow for local context, viability of sites or consideration of the sustainability of sites to be considered and may create jarring urban landscapes where a small number of tall buildings tower over their neighbourhood.

2. Has a statement of common ground been produced with Historic England on the consolidation of the heritage aspects within the examination evidence base?

N/A.

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?

N/A.

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?

N/A.

b. Are the circumstances and context comparable?

N/A.

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?

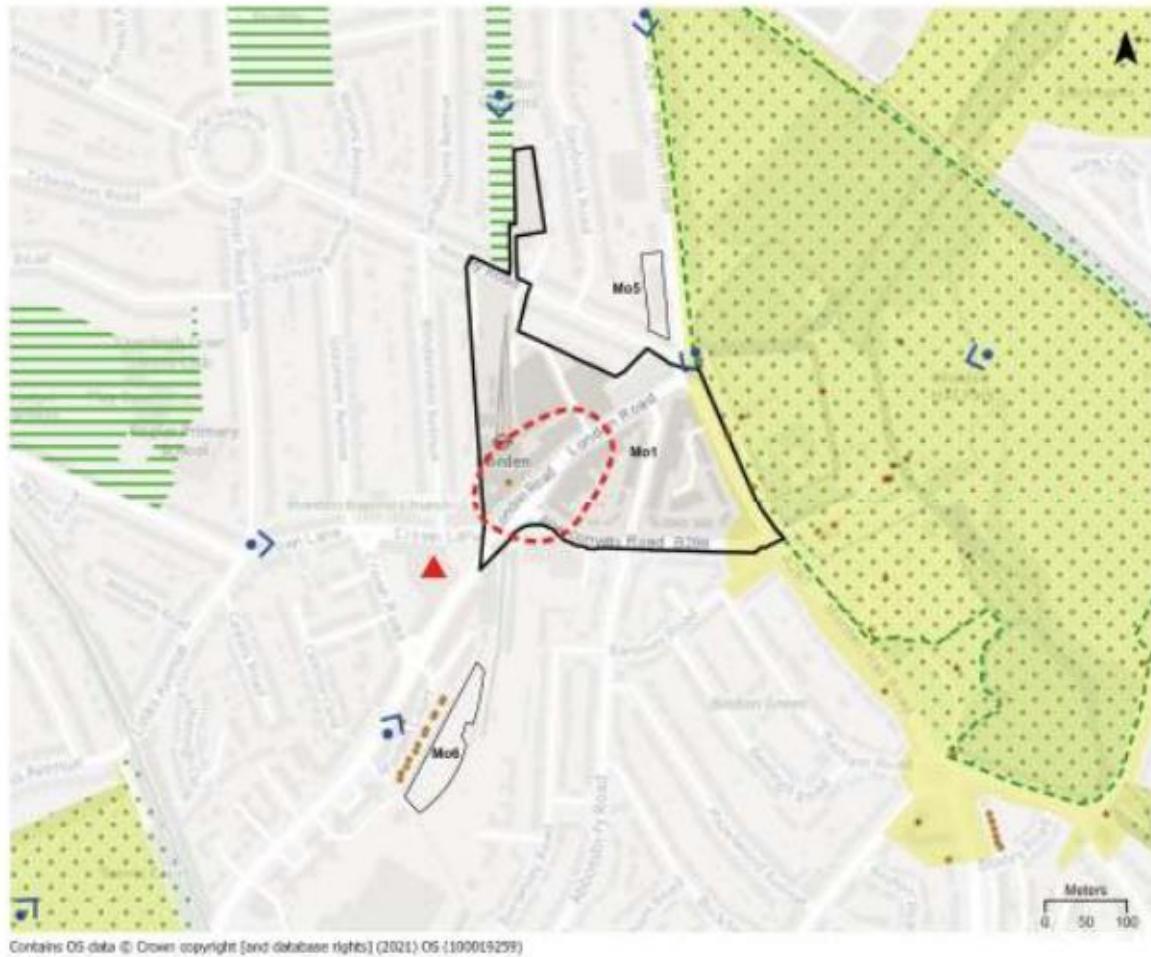
N/A.

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)?

N/A.

APPENDIX 1 – New Local Plan – Strategic Heights Diagram

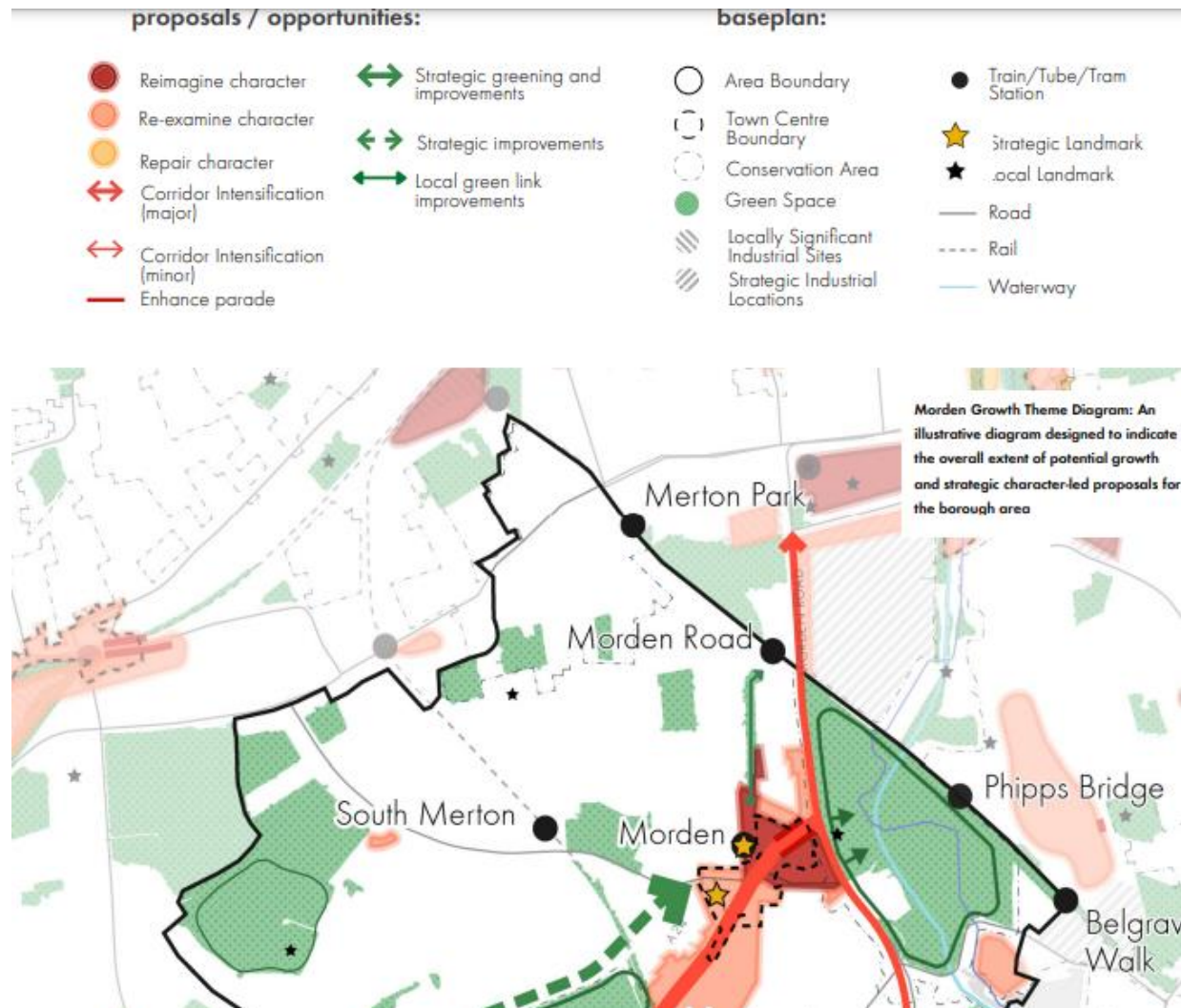
Strategic Heights Diagram, Morden Regeneration Zone.



APPENDIX 2 – More Morden Vision (taken from the Strategic Development Framework)



APPENDIX 3: Morden Growth Theme Diagram (taken from the Merton Character Study SPD, 2021)



APPENDIX 4: Design Review Panel – Full Response (under separate cover)

APPENDIX 5: Proposed cross sectional plan – 18 – 22 Crown Lane, Morden, SM4 5BL (under separate cover)

MERTON DESIGN REVIEW PANEL

NOTES OF MEETING

23 June 2022



Panel Members Present:

- Vinita Dhume
- Dipa Joshi
- Clare Murray
- Shahriar Nasser
- Beatrix Young (Chair)

Council Officers Present:

- Paul Garrett: Zoom Meeting Manager

Councillors Present:

- Cllr Natasha Irons
- Cllr Edward Foley

Notes:

Item 2: 18-22 Crown Lane

The Panel acknowledged the site was in a challenging location and welcomed the initial design response, notably the aim to maximise dual-aspect dwellings. It was considered that the applicant would need to significantly revise the design in response to a proper assessment of sustainability issues. This really needed to be done early in the process as so many requirements of planning policy and building regulations affect design and appearance in this field. These all needed to be integrated to develop a compliant high-quality design.

For example, air source heat pumps may require an extra storey and integrating PV panels will affect design. The approach to sustainability was very building-focussed. Over heating affects design and winter gardens are not good for ventilation. Requirements for noise, daylight and heating/ventilation often compete and need to be balanced – and early on in the design process. Reports are needed on various aspects of sustainability as indicators on how to progress the design. This included future-proofing new regulations – notably regarding fire escapes and possible requirement for additional air shaft in the core.

The busy road created a hostile environment for noise and pollution and the Panel questioned whether residential was the best use for the site, particularly for the units closest to the road. The Panel welcomed recessed balconies but felt that enclosing

them as winter gardens was not a good idea on balance. They also felt that the reasoning for the basement was weak, and a gym did not have to go in a basement.

This was linked to one of the main criticisms of the proposal, which was the ground floor, its layout and integration with the street. It was felt the basement was not good in terms of sustainability, given the proposed gym use could be located on the first floor. This could be larger and more flexible and attractive to a broader range of uses. It would also locate residential units further away from the road.

The ground floor elevation on the side road, Windermere Avenue, was particularly poor in that it created a large amount of dead frontage and had a poor access to the cycle parking that conflicted with the communal access and car parking. This needed significant re-thinking. The Panel felt that there was better justification for locating some communal uses – such as the cycle parking – in a basement in this location to free up some ground floor space for active use with natural surveillance. The communal residential entrance was also considered poor and needed to be made far more generous and welcoming, which would require more space.

Internally the Panel felt the layouts were not very successful for a number of reasons and felt there was significant space to re-work these successfully. This included bathrooms and kitchens not stacking well, poor layouts of some kitchens, small windows, poor placement of furniture, dining tables so cramped that they were not accessible, poor positioning of appliances, bathrooms on external walls without windows and kitchen units in front of windows (compatible with window height?).

Whilst the Panel welcomed the dual aspect units, it felt that this aim was driving the need for an additional core and that a deck access or reconfiguration of the units could possibly allow the reduction of one of the cores and thus improve viability. It was also felt unacceptable that the communal amenity space was not accessible from both cores. In terms of greening, the panel felt that the applicant should propose tree planting on Crown Lane if possible and that the ground floor commercial unit did not need to be set back at the corner. The design and layout should also be informed by a commitment to provide the minimum 35% affordable housing

The Panel was not particularly concerned regarding the overall height of the building as shown, but felt that the transition to the adjacent residential to the north was a bit stark and the stepping needed to be more substantial, rather than just 1-2 storeys. What was more important was the design and appearance of the building and it was agreed that there was a significant way to go on getting this right. It was a local landmark and needed to be a high quality building, notably at the corner. As the height was higher than that recommended, this was another reason for ensuring the design was exceptional.

The high-level details seemed pointless and a more meaningful approach was needed to identifying and interpreting local distinctiveness into a bespoke design. The precedent example shown (Barratt scheme at Savoy Circus) was considered a good example. More work was needed on getting the base, middle and top proportions right, especially if the first floor was to have non residential use and the transition between the commercial and residential floors needed to be clear and work

well. Round windows were not considered to work well and further work in general was needed to get the architecture and materials right, with a restrained but relevant materials palette.

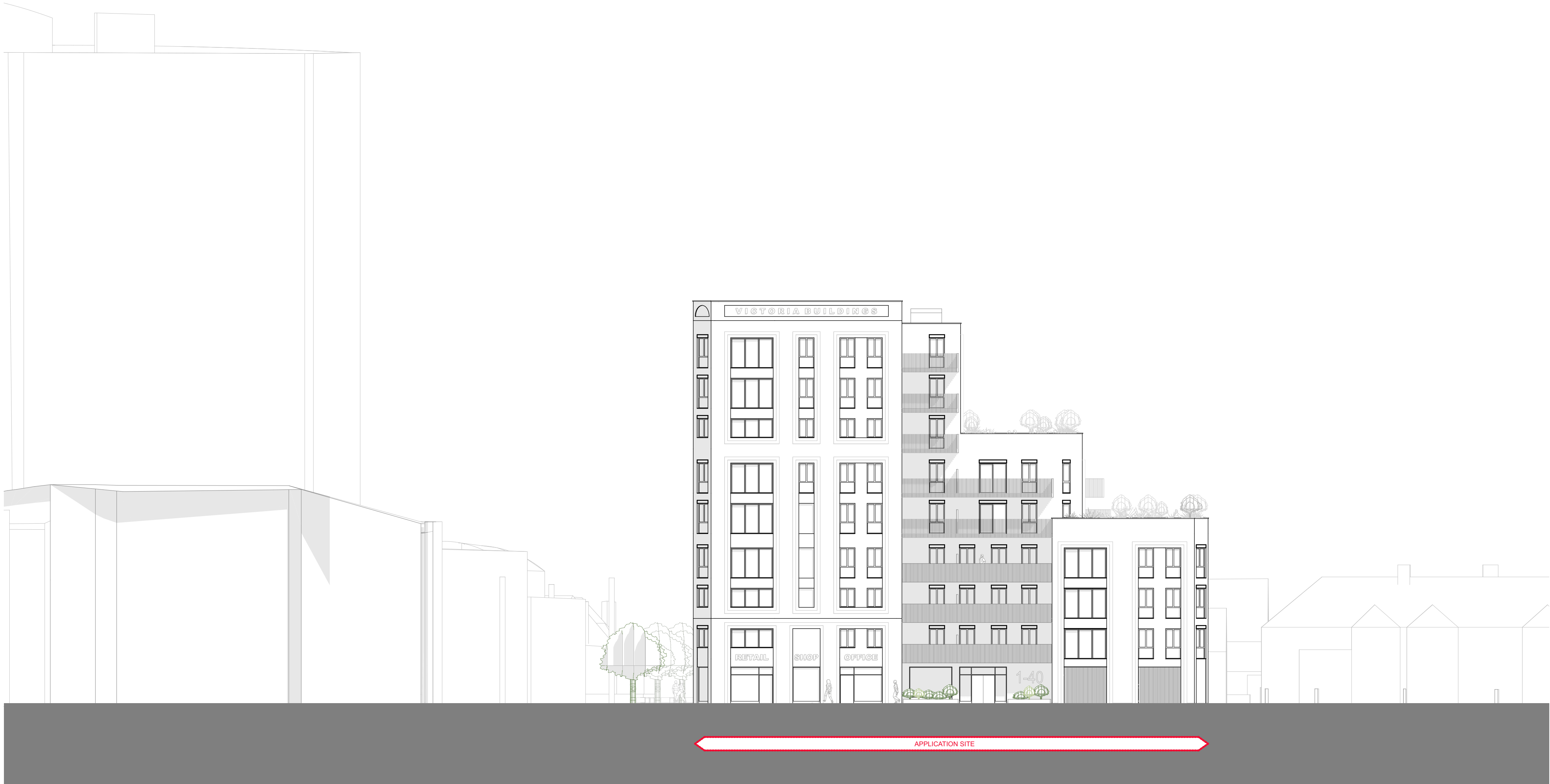
The Panel welcomed the fact that the applicant had given some consideration to how the adjacent sites might be developed and that the proposal was trying not to prevent this. However, it was felt that this should go further to show how a final development could enable a more efficient layout – for example a central rear podium with parking/servicing underneath and a communal amenity space on top. They suggested the applicant should discuss with the council how this could be future-proofed.

Overall the panel felt that whilst there was some good work done. However, there was a lack of attention to sustainability issues and some clear urban design work needed about how the building worked and fitted in to its surroundings and the street. This meant that there were some key areas that needed more thought and development, this being the reason the verdict was nearly Red.

Verdict: **AMBER (Towards RED)**

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