

TOWN & COUNTRY PLANNING ACT 1990

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

ACQUISITION OF LAND ACT 1981

LONDON BOROUGH OF MERTON (EASTFIELDS NO 1)

COMPULSORY PURCHASE ORDER 2022

STATEMENT OF CASE

Under Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules
2007

Planning Inspectorate Reference: APP/PCU/CPOP/T5720/3303017

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1 Introduction and background

- 1.1 This Statement of Case (the **Statement**) has been prepared on behalf of the London Borough of Merton (the **Council**) as acquiring authority pursuant to Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007 and in compliance with the Guidance on Compulsory Purchase and the Crichel Down Rules (the **Guidance**) (Document 5252).
- 1.2 On 13 June 2022 the Council made the London Borough of Merton (Eastfields No 1) Compulsory Purchase Order 2022 (the **Order**) which was submitted along with supporting documents, (including the Council's Statement of Reasons (Document 3)) to the Secretary of State for Levelling Up, Housing and Communities (the **Secretary of State**) for consideration and confirmation. Authorisation to make the Order was given by the Council's Cabinet on 21 March 2022 (Document 11).
- 1.3 Objections to the Order were received. The Secretary of State by way of a letter dated 12 September 2023 has given notice of his intention to hold an inquiry into the objections raised.
- 1.4 The land included within the Order is referred to as the Order Land which is shown on the plan attached to the Order (the **Order Map**).
- 1.5 The Council made the Order pursuant to sections 226(1)(a) of the Town and Country Planning Act 1990 (the **1990 Act**), section 13 of the Local Government (Miscellaneous Provisions) Act 1976 (the **1976 Act**) and section 203 of the Housing and Planning Act 2016 (the **2016 Act**) (Documents 47, 49 and 50 respectively). The Council is the local planning authority and local highway authority for the Order Land.
- 1.6 If confirmed by the Secretary of State, the Order will enable the Council to acquire interests in and rights over the Order Land compulsorily in order to facilitate the regeneration and construction of the Eastfields Estate Phase 1 (**Eastfields Phase 1**).
- 1.7 The Eastfields Estate regeneration forms part of the wider Estates Regeneration Programme (the **Scheme**) within the London Borough of Merton. The Scheme seeks to deliver the regeneration of three residential housing estates in the London Borough of Merton, those being the Ravensbury Estate, the High Path Estate and the Eastfields Estate (together referred to as the **Estates** for the purpose of this Statement).
- 1.8 In order to secure the delivery of the Scheme the Council intends to make a number of Compulsory Purchase Orders (CPOs) for the acquisition of third-party property and rights on the Estates. The CPOs will be phased to reflect the Developer's proposed construction programme for the Scheme from 2022

– 2036. As well as the Order, two further CPOs for the Scheme have been made to date: the London Borough of Merton (High Path No 1) CPO 2022 concerning Phases 2 and 3 of the High Path Estate and the London Borough of Merton (Ravensbury No 1) CPO 2022 concerning Phases 2 to 4 of the Ravensbury Estate.

1.9 This Statement sets out the particulars of the Council's case for the making of the Order. It seeks to supplement the Council's Statement of Reasons, which should be read in conjunction with this Statement. The document sets out the case as to why the Council considers that the powers of compulsory purchase contained in the Order are necessary, and why there is a compelling case in the public interest that the Order be confirmed by the Secretary of State.

1.10 All documents referred to in this Statement are listed in the table at Section 14 below.

The Developer

1.11 The Scheme will be delivered and financed by Clarion Housing Group (the **Developer**). Although the term 'Developer' is used at all times in this Statement of Case, many of the actions attributed to Clarion / the Developer will in practice have been undertaken by former manifestations of the organisation which is now known as Clarion, in particular Merton Priory Homes or Circle Housing Merton Priory.

1.12 Merton Priory Homes (also known as Circle Housing Merton Priory) was formed in 2010, which became a subsidiary within the Circle Housing Group. In November 2016, the Circle Housing Group (the parent company of Merton Priory Homes) merged with the Affinity Sutton Group to form a new parent company, Clarion Housing Group Ltd (this is a charitable housing association). Clarion Housing Group is comprised of various companies, which together form the largest housing group in the country, owning and managing over 125,000 homes.

Evolution of the Scheme

1.13 Pursuant to an agreement dated 22 March 2010, the Council's social housing stock - which included properties within the Estates - was transferred to the Developer (the **Stock Transfer Agreement**). The Stock Transfer Agreement included a legal obligation requiring the Developer to undertake a programme of property improvements to bring the transferred stock in line with the requirements of the Government's Decent Homes Standard (the **Decent Homes Programme**) (Document 53).

1.14 Whilst considering the Decent Homes Programme, stock condition surveys procured by the Developer generated concerns that refurbishment was not a

viable option but rather that it might be more beneficial and sustainable to completely replace those homes in the poorest condition.

- 1.15 In 2013, the Developer began considering regeneration-based alternatives for the housing stock on the Estates and since 2014, the Council has been exploring the regeneration of the Estates in consultation with residents, the Mayor of London's office, Transport for London, the Developer and other interested parties. The Developer has also been actively consulting and engaging with residents and homeowners on the Estates about the possibility of regeneration.
- 1.16 As well as active engagement, the Council have analysed the evidence provided by the Developer to support the case for regeneration. The Council and the Developer signed the 10 Commitments (Document 31) in September 2014 which have provided the backbone of the project to ensure that residents remain at the heart of decision-making.
- 1.17 In order to take the Scheme forward, the Council took the in-principle decision to explore the production of an 'Estates Local Plan'. In January 2016, the Council resolved to consult on the draft Estates Local Plan and also resolved to finalise a revised delivery timetable for the implementation of the Decent Homes Programme on the Estates with the Developer. The Council then undertook to prepare and consult on the Estates Local Plan to guide and support the regeneration of the Estates. The Estates Local Plan was formally adopted by the Council as part of the Development Plan in February 2018 (Document 44).

The Scheme

- 1.18 The Scheme is an ambitious regeneration project that is supported by the Council. It represents a significant long-term investment which sees the existing residents being at the heart of the regeneration project. The Scheme will provide sustainable communities through the creation of new, well-designed high-quality neighbourhoods aimed at fundamentally improving the quality of life and life-chances for existing and future generations living in the Estates. The Council believes that the Scheme will provide significant social, economic and environmental improvements for existing residents.
- 1.19 The Scheme envisages the provision of up to 3,272 new homes (subject to the grant of a new planning application for High Path Phases 4-7B) (please see the separate Statement of Case for the London Borough of Merton (High Path No 1) CPO 2022). The breakdown of these new homes is as follows:
- High Path Phase 1 (Kickstart): 134 homes;
 - High Path Phases 2 –7: up to 2,138 homes;

- Ravensbury Phase 1 (Kickstart): 21 homes;
- Ravensbury Phases 2-4: up to 179 homes; and
- Eastfields Phases 1-3: up to 800 homes.

1.20 In respect of the Eastfields estate as is outlined in the Appendix, outline planning permission was granted on 29 April 2019 for phases 1-3 of the Eastfields Estate regeneration (ref: 17/P1717) as varied by a section 73 permission dated 15 March 2022 (ref: 21/P4078) (the **Outline Permission**) (with all matters reserved, except in relation to parameter plans) for the comprehensive regeneration of the Eastfields Estate comprising the demolition of all existing buildings and structures; erection of new buildings providing up to 800 residential units (C3 Use Class); provision of up to 275 sqm of non-residential floorspace (Flexible Use Classes A1 and/or A2 and/or A3 and/or A4 and/or B1 and/or D1 and/or D2). Provision of new public open space and communal amenity spaces including children's play space; new public realm, landscaping works and new lighting; cycle parking spaces (including new visitor cycle parking) and car parking spaces (including within ground level podiums), together with associated highways and utilities works. The Outline Permission has been amended by the following consents:

- 1.20.1 a non-material amendment dated 29 November 2021 (ref: 21/P3691) in respect of an amendment of the description of development (Document 26); and
- 1.20.2 a non-material amendment dated 4 October 2023 (ref: 23/P0518) in respect of condition 3 (list of approved drawings), 7 (energy and sustainability strategy), 23 (energy centre), 38 (combined heat and power), 39 (district heat networks) and 40 (district heat networks) (Document 27).

1.21 Reserved matters for Eastfields phase 1, to which the Eastfields Order relates was granted on 29 April 2022 (reference: 21/P4430) as amended by non-material amendment dated 31 January 2023 (ref: 22/P3041) (Document 29).

1.22 Following the making of the Order, there are no longer any outstanding interests in construction sub-phase 1A of the Eastfields Estate regeneration which are subject to the Order. The Developer has since procured a contractor to start on phase 1A in October 2023.

1.23 The High Path Estate and the Ravensbury Estate also benefit from planning permissions for the Scheme, please see the Appendix for further details.

1.24 An agreement dated 26 April 2019 pursuant to section 106 of the 1990 Act secured various obligations in relation to Phases 2-7 of the High Path Estate

(in respect of the Extant OPA – *please refer to the Appendix*) as well as in relation to the outline planning permission for Eastfields and Ravensbury Estates (Document 30) (the **S106 Agreement**). All three estates are linked in viability terms.

- 1.25 Throughout the Scheme there will be no loss of social/affordable housing, indeed, the Scheme will result in an additional 227 affordable homes within the High Path Estate (to be split at 60% Social Rent and 40% Shared Ownership) as the Developer addresses historic overcrowding in the three Estates, when rehousing the existing social/affordable tenants.
- 1.26 All of the Developer's existing social/affordable tenure tenants and resident homeowners have been given the opportunity to stay in new homes in the newly regenerated Estates. This is the case on all three Estates. This 'offer' is consistent with the Developer's Residents' Offer published in May 2015 and updated in 2018 and again in 2023, a copy of which is attached at Document 32.

The Order

- 1.27 The Order forms part of the 2022 CPOs in conjunction with the Ravensbury Order and High Path Order and which are the first CPOs being brought forward in respect of the Scheme. The Order relates to land comprising part of the Eastfields Estate and includes the land shown shaded pink, edged red or shaded blue on the Order Map (the **Order Land**) (Document 2). The Order Land comprises Phase 1 of the Eastfields Estate and includes all of the new homes being proposed as part of that phase, together with the replacement ball-court and recreational facility agreement required pursuant to the Extant OPA S106 Agreement.
- 1.28 In addition to the land interests that need to be acquired within Phase 1 of the Eastfields Estate, there are properties within the wider Eastfields Estate and around the perimeter of the Eastfields Estate which may have rights over the Order Land which may need to be acquired and/or over which new rights are required to undertake the development.
- 1.29 The Council supports the Order; the acquisition of the Order Land will facilitate delivery of new and significantly improved housing for existing tenants and homeowners on part of the Eastfields Estate and will also enable regeneration of other parts of the Eastfields Estate to come forward, since the homes provided on the Order Land will enable the relocation of existing residents in subsequent phases of the Eastfields Estate regeneration.
- 1.30 Phase 1 of the Eastfields Estate regeneration (of which the Order Land forms part), will facilitate the delivery of 201 new homes on the Eastfields Estate of which 143 (71%) will be affordable rented/social rented and 58 new homes will

be private homes to replace existing private homes for resident homeowners. All of these new homes will be delivered on the Order Land. All of the 201 homes being provided are 100% replacement homes and will not be for sale.

1.31 The overall forecasted break down of Phases in the Eastfields Estate is:

- Phase 1: 201 Homes (the breakdown is set out at paragraph 1.30 above);
- Phase 2: 125 Homes (122 affordable homes and 3 private homes);
- Phase 3 474 Homes (467 private homes and 7 replacement homes)

1.32 On 15 January 2018, the Council's Cabinet resolved 'in-principle' for the Council to use its compulsory purchase powers, if necessary, to bring forward the Scheme (Document 7). This resolution was ratified by Full Council on 7 February 2018. Full Council subsequently acknowledged on 2 February 2022 that, in line with the statutory framework governing the making of CPOs under S.226 of the 1990 Act and the Council's constitution, Full Council's further ratification was not required in order to make future orders to carry out the Scheme. Cabinet then passed a resolution on 21 March 2022 for the Council to make the Order as described in this Statement in respect of the Order Land specifically (Documents 10 and 11).

2 Eastfields Estate – existing and proposed regeneration

The Estate – existing

2.1 The Eastfields Estate covers a total area of approximately 6.87 hectares and is located in the Figges Marsh ward. The perimeter of the Eastfields Estate is bound by Acacia Road to the north, Long Bolstead Recreation Ground to the east, Streatham Park Cemetery to the south and by residential dwellings fronting onto the adjacent Hammond Avenue to the west.

2.2 Further north of the Eastfields Estate is St Mark's Church of England Academy, along with a purpose built BMX track. The nearest town centre to the Estate is Mitcham district centre located approximately 800m west of the site.

2.3 No part of the Eastfields Estate comprises a Conservation Area although a small proportion of the site along the southern and eastern boundaries is designated as open space. There are no statutory or locally listed buildings falling within the Eastfields Estate, although the locally listed crematorium is within proximity of the Eastfields Estate. No other designated heritage assets are within the vicinity of the Eastfields Estate.

2.4 The Eastfields Estate is in the Mitcham Eastfields area of the Borough and is approximately 300m from the relatively new Mitcham Eastfields Railway

Station, located on the Thameslink Sutton branch line. Local bus services 152 and 463 run from Tamworth Lane and Grove Road to Coulsdon, Mitcham and New Malden. The Eastfields Estate has a Public Transport Accessibility Level rating of up to 3.

- 2.5 The Eastfields Estate is accessed via Acacia Road to the northwest and Woodstock Way, via Clay Avenue to the northeast. Clay Avenue also forms a vehicular route around the internal perimeter of the Eastfields Estate. Access for vehicles around the internal perimeter of the Estate is broken along both the northern and southern sides of the site: on the southern part of the site by a gate for emergency vehicles which is sometimes open for through traffic.
- 2.6 The Eastfields Estate is self-contained and comprises identical 3 storey buildings containing flats and houses (with integral garages) with flat roofs located around the perimeter of the Estate which surround a central open space and consists of 466 existing residential units with an inward layout. Several of the blocks have fenced private gardens. The central open space is primarily amenity grassland with scattered mature trees. There is also an existing ball court within the Eastfields Estate measuring approximately 550 sqm adjacent to the south-eastern boundary (which will be replaced pursuant to the S106 Agreement). Approximately 53% (245 of the 466 existing dwellings) of the properties within the area of the Eastfields Estate that is being redeveloped are tenanted with the rest being privately owned.

Proposed regeneration

- 2.7 The redevelopment of the Eastfields Estate will come forward in three phases. The Phases have been designed to ensure minimum disruption to existing residents. The construction phasing proposed is currently as follows:
- 2.7.1 Phase 1 2023 – 2028
- 2.7.2 Phase 2 2028 – 2031
- 2.7.3 Phase 3 2031 - 2035
- 2.8 A Phasing Plan in respect of the Eastfields Estate is appended to this Statement (Document 4).
- 2.9 Redevelopment of the Eastfields Estate has not yet commenced. Unlike both the Ravensbury Estate and High Path Estate, there is no kick-start element to the proposed regeneration of Eastfields Estate and Phase 1 is subject to the Order.
- 2.10 All 466 existing dwellings (comprising 221 private and 245 affordable units) on the Eastfields Estate are proposed to be demolished and redeveloped. Homes

to be demolished as part of Phase 1 of the Eastfields Estate regeneration include 78 affordable/tenanted units and 74 private units.

2.11 The core elements of the Eastfields Estate regeneration are as follows:

- 2.11.1 demolition of all buildings within the red line boundary of the Outline Permission which (as noted above) equates to the demolition of 466 existing homes;
- 2.11.2 construction of up to 800 residential units (use class C3);
- 2.11.3 a minimum total of 262 affordable units are to be delivered in Phases 1-3 as required by the S106 agreement related to the Outline Permission;
- 2.11.4 a maximum of 275 sqm of commercial and/or community floor space (use classes A1, A2, A3, A4, B1, D1 and/or D2) with 201 residential dwellings and construction of 3 blocks in Phase 1 of the Eastfields Estate regeneration all of which will be on the Order Land and 143 of the dwellings shall be delivered as affordable housing;
- 2.11.5 the creation of new public open space and communal amenity spaces will be created including children's play space;
- 2.11.6 the creation of new public realm space along with landscaping works and lighting;
- 2.11.7 car parking spaces including within ground level podiums;
- 2.11.8 cycle parking spaces for all land uses, including visitor cycle parking; and
- 2.11.9 associated highways and utilities works.

3 Land and rights to be acquired

3.1 The interests identified in the Schedule to the Order and the Order Map remain outstanding at the date of this Statement of Case and need to be acquired by the Council to enable the delivery of Phase 1 of the Eastfields Estate regeneration. Full details of the owners and their outstanding interests, together with the new rights that need to be acquired, are contained in the Schedule and shown on the Order Map (Documents 1 and 2). The Developer has successfully negotiated the purchase of all other interests in the Order Land to facilitate the delivery of Phase 1. There are no remaining interests to be acquired in construction sub-phase 1A and consequently the Developer has procured a contractor to start on site in October 2023.

Land and rights to be acquired

- 3.2 The land proposed to be acquired is shown edged black and coloured pink on the Order Map.
- 3.3 Following the making of the Order and negotiations between Dignity Funerals Ltd (**Dignity**) and the Developer, a boundary agreement was entered into. As a consequence, it is no longer necessary to implement the Order in respect of Plot 1 of the Order and the Council has entered into an agreement with Dignity and the Developer to confirm that it shall not do so.
- 3.4 Existing rights over the land edged red on the Order Map are also proposed to be purchased compulsorily. Details of these interests are contained in Table 1 of the Schedule to the Order. For the avoidance of doubt, it should be noted that in respect of those properties listed within the Schedule where only a potential right is to be acquired over the Order Land, it is not proposed to acquire the freehold or leasehold titles of those properties.
- 3.5 The land to be acquired edged black and shaded pink includes small areas of unregistered land. The Council has been unable to trace the owners despite making diligent enquiries. None of the unregistered land is occupied by any residents or businesses.
- 3.6 The land over which new rights were sought as part of the regeneration of the Eastfields Estate are shown edged black and coloured blue on the Order Map (the **Blue Land**). Details of the interests in the Blue Land to be compulsory acquired are contained in Table 2 of the Schedule to the Order.
- 3.7 The rights in respect of the Blue Land were proposed to be acquired to allow cranes to over sail that land during the construction process at the time that the Order was made. The affected properties in respect of any new rights would not need to be redeveloped pursuant to the Order and there was no need to acquire the freehold or leasehold titles of the Blue Land. However, following the making of the Order, the Council has subsequently agreed with the freehold owner of the Blue Land (Dignity) that it would not implement the Order in respect of the Blue Land as a result of the Developer confirming that this land is not required in order to carry out and construct the Scheme.
- 3.8 St. Mark's Church of England Academy benefits from rights of light over the Order Land that will need to be acquired as part of the regeneration of the Eastfields Estate but this will not affect Phase 1.

The Order Map

- 3.9 The Order Map identifies the Order Land, which includes the land shaded pink, edged in red and the Blue Land. Individual plot boundaries and numbers on

the Order Map correspond with the Schedule in respect of the land shaded pink and the Blue Land. In addition, the Schedule lists other parties who may have a qualifying interest in the Order Land where known after reasonable enquiry. The Schedule has been based on information gathered through site inspections and enquiries, responses to notices issued under section 16 of the 1976 Act and inspection of Land Registry documents. There has been an extensive enquiry to identify land interests, but it is recognised that currently unknown interests may emerge in the course of proceeding with the compulsory purchase process.

4 **The Purpose for which land is to be acquired**

- 4.1 There is a real and present need for new housing, both in London generally and also specifically in the London Borough of Merton. Indeed, the Estates Local Plan expressly recognises the position in the following terms (at paragraph 1.20):

*"There is a **substantial demand** for new homes in London and the south east. Increasing the supply of new homes to meet housing needs is a longstanding and well documented policy driver for successive governments"* (emphasis added).

- 4.2 It is against this backdrop that the Council resolved to pursue the Scheme, with the intention being that the Estates Local Plan 'will help deliver new homes for existing and future residents, helping Merton to meet its share of London's new homes of all types, sizes and tenures' (paragraph 1.20).
- 4.3 In this regard the London Plan (Document 42) identifies a level of housing need of 52,300 new homes per annum across London, with a need of 918 homes per annum within Merton.
- 4.4 As such, it is evident that the need for more and better housing in Merton is pressing.
- 4.5 Both the Scheme more generally, and the regeneration of the Eastfields Estate specifically, will increase housing provision and so materially contribute towards meeting this housing need.

Condition of estates

- 4.6 When the Developer acquired responsibility for all of the Council's housing stock, they committed to improving the accommodation as well as the quality of life for residents. However, as explained, in working towards this goal, stock condition surveys undertaken identified that significant refurbishment and maintenance was required. The Developer therefore began a comprehensive review across all the various housing estates for which it was responsible

which included the three Estates, to determine whether refurbishment was the best solution or whether it might be more beneficial and sustainable to replace homes in the poorest condition with new properties.

- 4.7 The Developer undertook technical surveys and financial planning work, which concluded that while refurbishment was the preferred option for some of the housing estates, other estates (including the Eastfields Estate) required both significant refurbishment, significant ongoing maintenance work and financial investment to raise – and keep – the housing stock to the required standard. Whilst incremental refurbishment works would improve the internal housing quality in the short to medium term, comprehensive regeneration and redevelopment was determined to be the most effective way of delivering long term sustainable Decent Homes which would deal with the high levels of overcrowding and provide quality green spaces and public realm.
- 4.8 As already noted, on 7 February 2018, the Council adopted the Estates Local Plan, which now forms part of the Council's Local Plan alongside its Core Planning Strategy and Sites and Policies Plan. The Estates Local Plan was adopted with the intention that it would guide redevelopment proposals for the Estates that come forward in the next 10-15 years, in order to ensure that development proposals create well designed, high quality neighbourhoods aimed at fundamentally improving the quality of life for existing and future generations living in the area. At the heart of the Estates Local Plan is an acknowledgment that the existing housing stock on the Estates is largely sub-standard and that regeneration is the most viable option for delivering housing to Decent Homes Standards.

Case for regeneration at the Eastfields Estate

- 4.9 The Eastfields Estate was constructed in the early to mid-1970s and comprised 466 residential dwellings. The life span of much of the existing building stock on the Eastfields Estate is limited. The Eastfields Estate was constructed using Wimpey No Fines concrete and clad in Escol steel panels. This was a form of pre-fabricated construction replacing the traditional brick or block walls and were then clad by pebble dash render. The poor condition of the buildings exacerbate the already challenging housing management issues including significant overcrowding, damp and mould in some typologies and limited access to private amenity and green space.
- 4.10 Specific housing stock issues include the following:
- 4.10.1 a report prepared by Ellis and Moore Consulting Engineers Ltd (October 2014) (Document 35) highlighted that the key areas of concern are the longevity of the windows and the corrosion and poorly sealed joints of the cladding system of the properties. Condition surveys also highlighted issues including internal water

damage from roof areas and heat loss through thermal bridging at various points around the buildings;

4.10.2 Baily Garner LLP conducted internal dwelling conditions surveys in June 2016 (Document 36) which identified that: 20% of kitchens and 38% of bathrooms were deemed old and in poor condition. 46% of electrical installations were both old and inadequate and a further 54% of boilers contained within units were deemed old and at the end of their life with the report also noting that from their experience of similar building types, it is likely that the infill between the steel cladding and the structure may have been filled and insulated with asbestos containing board material. Defective areas of asphalt to balconies and poor condition rear garden boundaries were also issues highlighted. Upgrade works, including new kitchens and bathrooms, and potentially boilers, are required for these buildings to meet Decent Home Standards; and

4.10.3 a 2015 Housing Needs Survey (Document 33) noted that the affordable accommodation is notably smaller on average than the market housing within Eastfields Estate: while 71.2% of the market properties are 3 bedrooms in size, 75.8% of the affordable accommodation is 1 bedroom in size.

4.11 The urban design of the Eastfields Estate is also a key issue. A 2015 urban design review study (the **2015 Study**) (Document 34) into the urban structure of the area found that the Estate is considered to be somewhat separated from its surroundings. While this accessibility was improved by the opening of Mitcham Eastfields Station in 2008, the railway line, the school grounds to the north and the extensive cemetery to the south and east act as barriers to movement to and from the existing Estate in a number of directions (notwithstanding the bus routes mentioned above at paragraph 2.42.4). This increases the likelihood of more trips to be taken by car.

4.12 This separation is exacerbated by the distinct perimeter building layout of the Eastfields Estate. The 2015 Study also reveals a clear separation between public space of the street outside the Eastfields Estate, and the more private internal space despite numerous routes through the centre of the Eastfields Estate. An intervisibility analysis also highlights that a large number of journeys through the area are made through areas where people are likely to feel unsafe, particularly the alleys into the areas which are not well overlooked. This is compounded by the fact that there are no non-residential land uses on the site at present to meet the needs of the residents of the Eastfields Estate.

Alternatives considered

- 4.13 In deciding on a full regeneration of the Eastfields Estate, two alternative options were considered:
- 4.13.1 Option 1 – Refurbishment to Decent Homes (Merton Standard) which would comprise predominantly internal works, such as new kitchens, bathrooms, plumbing, electrics and insulation to improve the quality of the existing accommodation; and
 - 4.13.2 Option 2 – Refurbishment to an Enhanced Standard which would comprise the refurbishment of all existing properties owned and managed by the Developer to a standard above Decent Homes. This would involve a programme of works both internal improvements (such as new kitchens and bathrooms) and external works (such as new building cladding and roofs to improve thermal performance).
- 4.14 No consideration was given to a "do nothing" approach.
- 4.15 Partial regeneration was not considered to be a reasonable alternative because:
- 4.15.1 the existing stock within the Eastfields Estate was built at the same time and is all broadly of the same condition and so no part of the existing Eastfields Estate would require less investment to keep as refurbished properties; and
 - 4.15.2 the layout and urban design of the Eastfields Estate is considered as being poor and so retaining any of the existing properties would not offer the best opportunity to deliver a high quality residential development which optimises the use of the land within the Eastfields Estate.
- 4.16 Neither Option 1 nor 2 were considered to be a reasonable alternative:
- 4.16.1 they would not deliver significant increases in the quality and quantity of residential accommodation, or diversification of the housing mix, type and size of dwelling, or improvements to the general environment of the Eastfields Estate in accordance with key policy objectives at national, regional and local levels;
 - 4.16.2 neither option would include the creation of any new non-residential land uses such as the introduction of any community space, nor would they present any ability to alter the layout and urban design;

- 4.16.3 neither option allows for the integration of parking and navigation throughout the Eastfields Estate or the definition of streets or the creation of stronger connections from the Eastfields Estate;
 - 4.16.4 there is limited or no potential for increasing the sustainability of the Eastfields Estate through the introduction of sustainable drainage systems, green and brown roofs and ecological enhancements. Further, while Options 1 and 2 would both offer energy performance benefits, financial analysis demonstrates that the upgrades required would have significant payback periods, making these options less attractive; and
 - 4.16.5 the jobs created by refurbishment of the Eastfields Estate, while having a positive impact on residents in the local area, predominantly in trades and services, would be of shorter duration than those created if the Eastfields Estate is fully regenerated and so the benefits are much more significant and wide-ranging.
- 4.17 Therefore, the positive benefits do not outweigh the potential drawbacks of both options in the long term, particularly in comparison with a full regeneration of the Eastfields Estate.
- 4.18 Refurbishment was also discounted due to the significantly high cost, estimated to be over £79,828,810 as detailed in a Condition Survey Report & Life Cycle Cost Analysis June 2016 by Baily Garner (Document 36). Whilst refurbishment would improve the quality of the existing stock, the longevity of the improvements would be limited before the condition began to decline again (so that significant further investment would be required). Refurbishment works alone offer very limited potential to optimise the housing potential of the Eastfields Estate as a whole.
- 4.19 The Developer has decided that full regeneration is the most cost effective way of delivering longer term sustainable Decent Homes through the provision of new, well designed, energy efficient homes that will meet the needs of residents now and in the future.
- 4.20 An assessment carried out for the Developer by Savills dated October 2016 (Document 37) concluded that full regeneration of the Eastfields Estate was considered to be the most appropriate in terms of delivering key planning policy objectives at national, regional and local levels as it is the only option that is able to deliver significant increases in the quality and quantity of residential accommodation, as well as improvements to the general environment of the Eastfields Estate.

Improvements delivered by the Eastfields Estate regeneration

- 4.21 The Eastfields Estate regeneration is consistent with the Estates Local Plan. The Estates Local Plan sets out that regeneration will be expected to provide a range of choices and benefits including:
- 4.21.1 high quality well designed neighbourhoods;
 - 4.21.2 wider housing mix;
 - 4.21.3 private outdoor space for all residents;
 - 4.21.4 better quality green spaces and community facilities; and
 - 4.21.5 job creation opportunities.
- 4.22 The proposed redevelopment will also be an opportunity to provide much needed new homes by making more efficient use of brownfield land, improving the quantity, quality and mix of new homes on the Eastfields Estate.
- 4.23 The Eastfields regeneration:
- 4.23.1 optimises the housing potential of the Eastfields Estate and ensures that this large brownfield site is used effectively, delivering a net uplift of up to 334 homes (and no net loss of affordable housing), helping to meet the increased housing need in Merton, and London as a whole;
 - 4.23.2 has a high quality design, with the overall proposed scale, massing and design of the proposed development being fully supported by the Council's Urban Design team. The proposal was also presented to the 'Design Review Panel' on 3 November 2021. A summary of the review revealed that the Eastfields Estate masterplan performed well against the 'Build For Life' 12 questions, which offers a tool kit aimed at assessing residential quality for new developments;
 - 4.23.3 includes improvements in terms of access that will ensure improvements to pedestrian routes across the Eastfields Estate and to nearby parks, bus and tram stops, with routes being linked into the proposed and existing street networks;
 - 4.23.4 provides a good level of community space and open space; and
 - 4.23.5 includes a Design Code (Document 38) which sets key principles and design parameters that inform and control the design for future reference in the Reserved Matters applications and the detailed

design of future phases. These include; landscape and public realm, built form, architectural quality and materials and building typologies.

- 4.24 The Estates Local Plan also makes it clear that any regeneration proposals that come forward should include a commitment to keeping the existing community together in each neighbourhood, as well as for existing residents to have a guaranteed right to return to a new home in their regenerated neighbourhood. The Eastfields Estate regeneration provides for precisely such a commitment.

5 Planning considerations

- 5.1 In making the Order, the Council has had regard to its statutory development plan and other relevant local policy and guidance, together with other material considerations as required by section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the 1990 Act (Document 51 and 48). A comprehensive appraisal of the Scheme and all relevant planning policy is set out in the Officer's report to the Council's Development and Planning Application Committee on 8 March 2018 (Document 9).

Planning permissions

- 5.2 Outline planning permission was granted on 29 April 2019 for the Eastfields Estate regeneration (reference 17/P1717) (as amended by section 73 application dated 15 March 2022 (reference 21/P4078)) and non-material amendments dated 29 November 2021 (ref: 21/P3691) and 4 October 2023 (ref: 23/P0518) (Document 27).
- 5.3 As mentioned above the S106 Agreement secured various obligations in relation to the Outline Permission (Document 30). This agreement also secured planning obligations in relation to outline planning permissions granted in respect of the High Path and Ravensbury Estates and bound all three estates together in viability terms.
- 5.4 The Outline Permission is subject to a pending non-material amendment (ref 23/P0518) to allow for some conditions to be discharged in respect of individual plots, rather than on a phase wise basis. A variation of the S106 Agreement is currently being negotiated to allow some obligations to be discharged on a plot by plot basis.
- 5.5 Reserved matters for Eastfields phase 1, to which the Eastfields Order relates was granted on 29 April 2022 (reference: 21/P4430) as amended by non-material amendment dated 31 January 2023 (ref: 22/P3041) (Document 29).
- 5.6 The Outline Permission is due to be implemented in 2023 through construction works within phase 1A.

- 5.7 Given that outline planning permission has been granted for the Scheme, and that reserved matters have also been approved for the development that underpins the Order on part of the Order Land in particular, the following paragraphs do not address planning issues at length, but instead summarise briefly the key planning policy objectives.

Estates Local Plan

- 5.8 The Estates Local Plan forms part of the Council's Local Plan and sits alongside its Core Planning Strategy, Sites and Policies Plan and the South London Waste Plan.
- 5.9 The Estates Local Plan primarily guides how new homes will be delivered via a coordinated strategy considering the social, economic and environmental opportunities and provides the framework for sustainable development of these areas.
- 5.10 The Estates Local Plan sets out the overarching vision that underpins the whole Estates regeneration.
- 5.11 The Estates Local Plan also sets out an overarching "Case for regeneration" of the Estates, which makes it clear that the existing housing stock faces a multitude of shortcomings.
- 5.12 The Estates Local Plan goes on to identify a vision for each Estate and in particular with reference to the Eastfields Estate (Policy OEP1 (b) (i) page 28) states:

'Eastfields will be a contemporary compact neighbourhood. A new neighbourhood which demonstrates innovative design, reimagining suburban development by maintaining a distinctive character through the creation of a contemporary architectural style encompassing a variety of types, sizes and heights for new homes overlooking traditional streets and the improvement of links to the surrounding areas.'

National Planning Policy Framework (NPPF)

- 5.13 The revised NPPF was published in September 2023 (Document 41). As national policy, the document aims for sustainable development to strengthen and support the economy, communities and the environment (paragraphs 7 and 8).
- 5.14 Paragraph 8 of the NPPF defines the three over-arching objectives of the planning system to deliver sustainable development:
- 5.14.1 Economic – helping to build a strong economy by ensuring that enough of the right type of land is available in the right places;

- 5.14.2 Social – supporting communities by ensuring that a sufficient number and range of homes can be provided and fostering a well-designed and safe built environment; and
 - 5.14.3 Environmental – protecting and enhancing the environment by making effective use of land, helping to improve biodiversity, using natural resources prudently and minimising waste and pollution.
- 5.15 The Scheme is consistent with sustainable development principles of the NPPF.

London Plan

- 5.16 The Mayor of London's new London Plan (Document 42) was formally adopted in March 2021. It provides a strategic spatial strategy within Greater London and forms part of the Council's development plan. The London Plan sets out a number of objectives:
- 5.16.1 building strong and inclusive communities;
 - 5.16.2 making the best use of land;
 - 5.16.3 creating a healthy city;
 - 5.16.4 delivering the homes Londoners need;
 - 5.16.5 growing a good economy; and
 - 5.16.6 increasing efficiency and resilience.
- 5.17 The Scheme will play a key role in achieving the objectives under new London Plan.

Core Planning Strategy

- 5.18 The Core Planning Strategy (Document 43) forms part of the Council's Local Plan and sets out the spatial strategy for the borough and the key elements of the planning framework.
- 5.19 Strategic Objective 3 of the Core Planning Strategy is:
- "To provide new homes and infrastructure within Merton's town centres and residential areas, through physical regeneration and effective use of space. This will be achieved by a range of actions including through the delivery of higher density new homes that respect and enhance the local character of the area."*

- 5.20 The Scheme is not only consistent with Strategic Objective 3 but it is also supported by key Core Planning Strategy policies such as CS9 (Housing Provision), CS8 (Housing Choice) and DMH2 (Housing Mix).
- 5.21 Also of relevance to the Scheme is the Council's draft Local Plan which was submitted to the Secretary of State on 2 December 2021 (Document 45). The Stage 2 Examination has taken place. As of August 2023, the planning inspectors are considering revisions to the draft Local Plan made during the course of the examination alongside additional clarification and information that they requested. The next update should be available by November 2023.
- 5.22 The key strategic housing policies which support the Scheme in the draft Local Plan include H11.1 (Housing Choice) and H11.2 (Housing Provision). Once adopted, these strategic policies will replace the Council's Core Planning Strategy. The draft Local Plan will not supersede any policies in the Estates Local Plan.

Other relevant policy and Guidance

- 5.23 The Mayor of London's Housing Supplementary Planning Guidance (March 2016, updated August 2017) (Document 46) includes the guidance relevant to estate regeneration. The guidance states the overarching objectives for any estate regeneration scheme will usually be to:
- 5.23.1 deliver safe and better quality homes for local people;
 - 5.23.2 increase the overall supply of new and affordable homes; and
 - 5.23.3 improve the quality of the local environment through a better public realm and provision of social infrastructure (e.g. schools, parks, or community centres).
- 5.24 The Scheme and the Eastfields Estate regeneration comply with these objectives.

Conclusions

- 5.25 The Scheme, the proposed regeneration of the Eastfields Estate, and the regeneration of the Order Land (Phase 1 of the Eastfields Estate) in particular benefit from strong policy support at national, regional and local level. The development plan and other relevant local policy and guidance all support the Eastfields Estate regeneration as proposed and the Council is satisfied there is no viable alternative to deliver its benefits.

6 The Council's power to acquire land compulsorily

- 6.1 Section 226 of the 1990 Act confers power on a local authority to acquire land compulsorily for development and other planning purposes.
- 6.2 Section 226(1)(a) of the 1990 Act allows a local authority to acquire compulsorily any land within its area if the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to that land.
- 6.3 The power to acquire land compulsorily conferred by section 226(1)(a) of the 1990 Act is subject to subsection (1A), which provides that the acquiring authority must not exercise the power unless it thinks that the proposed development, redevelopment or improvement is likely to contribute to the achievement of any one or more of the following objectives:
- 6.3.1 the promotion or improvement of the economic well-being of its area;
 - 6.3.2 the promotion or improvement of the social well-being of its area; and
 - 6.3.3 the promotion or improvement of the environmental well-being of its area.
- 6.4 The CPO Guidance states that a compulsory purchase order should only be made where there is a compelling case in the public interest.
- 6.5 The CPO Guidance provides recommendations to acquiring authorities on the use of compulsory purchase powers and the Council has taken full account of this guidance in making this Order.

7 Justification for use of compulsory purchase powers

- 7.1 The purpose of the Order is to secure the acquisition of all relevant interests in the Order Land to facilitate the vital redevelopment of the Eastfields Estate.
- 7.2 If the relevant interests are not able to be acquired the redevelopment of the Eastfields Phase 1 element of the Scheme would be severely compromised as all of the units to be acquired lie within the main redevelopment area of this part of the Eastfields Estate. Seeking to construct new development around these few outstanding interests would not only compromise the construction process but it would also compromise the Council's aims to deliver the wider regeneration benefits of the comprehensive redevelopment of the Eastfields Estate. It would severely impact on the place-making benefits, the wider social benefits, the delivery of affordable housing and the delivery of higher quality homes.

- 7.3 The Council maintains that there is a compelling case in the public interest for the making of the Order and that an appropriate balance has been struck between public and private interests in that the development will make a positive contribution to the promotion or achievement of the economic, social and environmental well-being of its area. For those private interests that will be the subject of the CPO, the Council is satisfied that the Residents' Offer and the Developer's 10 Commitments adequately addresses the loss of those interests.
- 7.4 The overarching consideration for the Secretary of State in deciding whether the Order should be confirmed is set out in paragraph 12 of the CPO Guidance:
- 7.4.1 *"A compulsory purchase order should only be made where there is a compelling case in the public interest.*
- 7.4.2 *An acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention."*
- 7.5 In the context of that overarching consideration, having regard to paragraph 106 of the CPO Guidance, the following issues should be considered:
- 7.5.1 whether the purpose for which the land is being acquired fits with the adopted planning framework for the area;
- 7.5.2 the extent to which the proposed redevelopment of the Eastfields Estate would contribute to the achievement of the promotion and/or improvement of the economic, and/or social, and/or environmental well-being of the Council's area;
- 7.5.3 the potential financial viability of the proposal to redevelop the Eastfields Estate, general funding intentions and the timing of available funding;
- 7.5.4 impediments to implementation of the proposed regeneration and whether that regeneration has a reasonable prospect of going ahead; and
- 7.5.5 whether the purposes for which the proposed Order Land is to be acquired could reasonably be achieved by any other means within a reasonable timeframe.
- 7.6 The issues summarised above are addressed below.

Whether the purpose for which the land is being acquired fits with the adopted planning framework for the area

- 7.7 The Order will help deliver the Council's vision for the regeneration of the Eastfields Estate. That regeneration is supported in a variety of policy documents, namely the London Plan, the Estates Local Plan, the Core Planning Strategy, and the National Planning Policy Framework, as well as relevant guidance documents. The planning framework is set out in more detail in Section 5 of this Statement.
- 7.8 Once adopted, the regeneration of the Eastfields Estate will also be supported by the Council's draft Local Plan which was submitted to the Secretary of State in December 2021 and is currently at Stage 2 examination.
- 7.9 The Council is therefore satisfied that the promotion of the Order is in accordance with the strategic objectives of the adopted planning framework. Please see paragraphs 5.8 to 5.23 of this Statement for a consideration of the relevant planning policy framework.

Contribution to the social, economic and environmental well-being of the area

- 7.10 Section 226(1)(a) of the Act directs that an acquiring authority may not exercise the powers under this section unless it thinks that the proposed development, redevelopment or improvement is likely to contribute to the economic, social or environmental well-being of the area for which the Authority has administrative responsibility.
- 7.11 As set out in this Statement, the Eastfields Estate – and indeed the Estates in general – face a number of major shortcomings. As detailed above, the Council has undertaken a comprehensive investigation of the options for the repair and/or redevelopment of the Estates and it has determined that regeneration is the most viable means to achieve the Estates Local Plan objectives. The Eastfields Estate regeneration, as part of this wider Scheme, will make a very material contribution to the economic, social and environmental well-being of the area.

The Scheme generally

- 7.12 Promotion or improvement of *economic well-being* will occur through the increased vitality and viability of the Estates. The main economic benefits previously identified for the Scheme as a whole will be:

- 7.12.1 a total investment of c.£1.8 billion in the Estates and wider Merton area;

- 7.12.2 the creation of approximately 4,584 gross temporary construction jobs (equating to 459 permanent construction jobs);
 - 7.12.3 increased economic activity by reason of increased employment and expenditure during each Phase of the Scheme; and
 - 7.12.4 increased economic activity by reason of increased employment and expenditure during the operational phase of the Scheme and the introduction of expanded residential uses.
- 7.13 Promotion or improvement of *social well-being* will be delivered by:
- 7.13.1 provision of new, well-designed, energy-efficient homes that will meet the needs of residents now and in the future;
 - 7.13.2 up to 3,272 new homes across all three Estates (pursuant to the Proposed OPA in respect of the High Path Estate – see *the Appendix for more information*). With 1,175 existing homes being demolished across all three Estates, this results in a net uplift of up to 2,097 new homes;
 - 7.13.3 the provision of c. 29% affordable housing overall across the Estates on a habitable rooms basis which includes no net loss of affordable housing;
 - 7.13.4 an improved housing mix better suited to meet the needs of existing affordable housing tenants on the estates having regard to the Housing Needs studies undertaken for each estate;
 - 7.13.5 improved public realm and green spaces, including safety improvements for residents on the Eastfields Estate. The neighbourhood park and green spaces will ensure significantly improved play and exercise opportunities for both children and adults; and
 - 7.13.6 improved pedestrian, cycle and vehicular access links to improve permeability and to foster the creation of a healthy and safe community.
- 7.14 Promotion or improvement of *environmental well-being* will occur through the following main environmental benefits:
- 7.14.1 redevelopment of a brownfield site;
 - 7.14.2 provision of new, well-designed, energy-efficient homes that will meet the needs of residents now and in the future;

- 7.14.3 enhancement of the townscape through the replacement of outdated buildings with a contemporary and well-designed residential development. The public realm will be improved and heritage assets appropriately and respectfully treated within the Scheme;
- 7.14.4 increased housing density appropriate to the suburban locations of the Estates and to national and local planning policy;
- 7.14.5 provision of efficient layouts and high quality public open space, community and recreational facilities; and
- 7.14.6 replacement of poorly insulated properties by new, energy efficient homes.

Eastfields Estate and the Order Land

- 7.15 In respect of the Order Land, the proposed regeneration will improve the social, economic and physical environment of the Eastfields Estate specifically by developing a new mixed tenure neighbourhood where all homes are built to a high quality with their own outside space with well-designed and maintained public open space.
- 7.16 The Eastfields Estate regeneration will help to address the socio-economic inequalities of the area. Eastfields Estate has a distinct socio-economic profile compared to the borough as a whole and generally contrasts with the socio-economic conditions of the borough as a whole. Specifically, the following characteristics have been identified as worsening in respect of Eastfields Phase 1 without redevelopment:
 - 7.16.1 the projected increase in the child population, alongside low levels of income and high unemployment in the area will heighten concerns over child poverty;
 - 7.16.2 high levels of youth unemployment constrain the skills and occupational profile of the local population which will impede access to higher value employment opportunities. This constrains the spending power of residents, contributes to further inequalities in skills in the Borough and local area, reducing residents' economic prosperity and social well-being; and
 - 7.16.3 the poor quality living environment, limited housing opportunities and affordability issues will also adversely affect economic and social prospects contributing to poor levels of health; higher levels of deprivation; further health risks associated with overcrowded dwellings; an unattractive living environment; and reduce social cohesion.

- 7.17 The economic consequences of the COVID-19 pandemic have not yet been fully captured by local statistics but it is likely that this will exacerbate the existing issues faced by the local community.
- 7.18 Promotion or improvement of *economic well-being* will occur in respect of Eastfields Phase 1 through:
- 7.18.1 the creation of 60 gross temporary construction jobs on a three year annual basis throughout the construction period of Eastfields Phase 1 which would support five net additional jobs at a local level;
 - 7.18.2 investment in Eastfields Phase 1 is anticipated to generate £19 million in gross value added, of which £1.7 million will be net additional to the local area and £4.7 million to the Council;
 - 7.18.3 the anticipated uplift of an additional 230 persons within the resident population of Eastfields Phase 1 which would unlock an additional:
 - (a) £135,000 in additional Council Tax revenue per annum once fully occupied; and
 - (b) £1.1 million of additional residential expenditure is anticipated of which £400,000 is likely to be in the retail and hospitality sectors, once Eastfields Phase 1 is fully occupied;
 - 7.18.4 there is potential for on-site training in construction which could develop local skills which in turn will benefit the local economy;
 - 7.18.5 the development will be liable to Community Infrastructure Levy (CIL) payments, and these monies can be utilised by the Council to fund improvements in social infrastructure, including to education, healthcare and community facilities, leisure and open space; and
 - 7.18.6 the New Homes Bonus will enable the Council to retain a greater proportion of the Council tax revenue to be made available to spend in the borough.
- 7.19 Promotion or improvement of *social well-being* will be delivered by:
- 7.19.1 of the 201 homes being constructed in Eastfields Phase 1, 143 will be affordable homes all of which form part of the Order Land and all will be replacement homes;
 - 7.19.2 the proposed housing development reinforcing the attractiveness of Eastfields as a vibrant and balanced community; and

7.19.3 the proposal increasing the supply of high quality housing, creating an attractive living environment in the area and providing better quality affordable housing.

7.20 Promotion of environmental *well-being* will occur through:

7.20.1 the redevelopment of a brownfield site;

7.20.2 the provision of new, well-designed, energy-efficient homes that will meet the needs of residents now and in the future;

7.20.3 the enhancement of the townscape through the replacement of outdated buildings with a contemporary and well-designed residential development;

7.20.4 public realm improvements;

7.20.5 provision of an efficient layout and a high quality public open space;

7.20.6 provision of community, recreational and gym facilities; and

7.20.7 replacement of poorly insulated properties by new, energy efficient homes.

7.21 These benefits should be looked upon in tandem with the benefits of the regeneration of High Path Phases 2 and 3 and Ravensbury Phase 2 to 4.

7.22 For the above reasons, the Council considers that the well-being tests set out in section 226 are fully satisfied in respect of the Order as made and submitted for confirmation.

Viability of the regeneration and general indication of funding intentions

7.23 The Developer has considerable experience and resources. It manages over 125,000 homes across 176 local authorities. It is the largest housing association in the UK and is one of the country's leading housebuilders, set to build a high volume of high quality homes of all tenures during the next ten years.

7.24 The Developer has an impressive track record of working on large regeneration schemes across the UK.

7.25 To support the Scheme as a whole, the Council and the Developer varied the existing Stock Transfer Agreement dated 22 March 2010, in particular the Development and Disposals Clawback Agreement also dated 22 March 2010, to suspend clawback payments unless the Scheme achieves a surplus.

- 7.26 The Developer has shared with the Council details of projected costs and revenues and its financial strategy for delivery of the Eastfields Estate regeneration pursuant to the planning permissions. The Developer has confirmed they have sufficient resources to carry out the development and do not anticipate requiring external, development-specific, funding. The Developer's Board resolved on 30 September 2021 to reaffirm its commitment to delivering the Scheme even though there is anticipated still to be a deficit between the costs of the Scheme and the income generated by the sale of the private units.
- 7.27 The Council does not consider there to be any funding impediment to acquiring the Order Land and the delivery of that part of the Eastfields Estate regeneration being brought forward pursuant to the Order. The Developer is fully committed to delivering this element of the Estate's regeneration, (and indeed the wider regeneration of the Estate and the wider Scheme), having expended considerable resources to date on acquiring relevant interests, negotiating to acquire further interests by agreement, and in obtaining the main planning approvals required to authorise and deliver it.
- 7.28 The Developer has entered into an indemnity agreement with the Council dated 7 February 2019 which fully indemnifies and provides protection for the Council in relation to all costs associated and arising in the preparation and making of the Order, acquisition of Order Land and the payment of compensation arising from such acquisition.
- 7.29 The Council is satisfied, having regard to the Developer's resources, its standing as the UK's largest housing association, its reaffirmed commitment to the Scheme and the requirements of the Guidance, that the 2022 CPOs are deliverable and that, having regard to national guidance, there is sufficient probability that that proposed regeneration of the Estates will proceed.

Prospect of Scheme proceeding: Implementation of the Scheme

- 7.30 The Council is confident that there is no impediment to the successful delivery of the regeneration of Eastfields Estate.
- 7.31 As set out above, the Council has granted outline planning permission for the regeneration of each of the Estates. The Council envisages that the related orders can successfully be obtained.
- 7.32 Two Stopping Up orders will be required in respect of Phase 1 of the redevelopment of the Eastfields Estate. All of these areas are shown on the Stopping Up plan (Document 6). The stopping up order required in respect of Clay Avenue has been obtained and there is no reason why the other Stopping Up order will not be secured at the appropriate time.

- 7.33 The Council's investigations have revealed no other legal, financial or physical impediment and the Council is confident that there is a good prospect of the Scheme proceeding.

Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means

- 7.34 As discussed above, other options to meet the obligation to provide housing stock to Decent Homes standards were discounted as not being cost effective or delivering the significant benefits of the Scheme.
- 7.35 As regards the Eastfields Estate, in order to deliver its regeneration the Developer requires unencumbered ownership with vacant possession of all the property interests which will form part of the new development.
- 7.36 The Council and the Developer have made considerable efforts to acquire all land interests on the Eastfields Estate by agreement but the prospects of acquisition of all interests in the Order Land by agreement within a reasonable timescale are unlikely.

Conclusions regarding the need for the Order at this time

- 7.37 In pursuing the Order, the Council has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the redevelopment of the Order Land. Interference with rights under the European Convention on Human Rights (as further set out in Section 10 of this Statement) is considered by the Council to be justified, in order to secure the economic regeneration and environmental and public benefits which the proposed regeneration will bring.
- 7.38 The Council is satisfied that the redevelopment of the Order Land will have a positive impact on the social, environmental and economic well-being of the area, as the redevelopment will provide an overall improvement in the quality of life for local residents. Compulsory acquisition of individuals' property situated within the Order Land is necessary to allow this comprehensive redevelopment to proceed, and for these benefits to be delivered.
- 7.39 Due to the substantial public benefit which would arise from the regeneration of the Eastfields Estate, it is considered that the use of compulsory purchase powers is both necessary and proportionate, and that there is a compelling case in the public interest for the making and confirmation of the Order. It is considered that the Order does not constitute any unlawful interference with individual property rights.
- 7.40 All of the Order Land is required to deliver the comprehensive redevelopment of Phase 1 of the Eastfields Estate regeneration. There is no certainty that the

necessary land and interests can be assembled by agreement within a reasonable period and as such the Order is necessary, although efforts to acquire all interests by negotiation will continue in parallel.

8 Consultation and Engagement

8.1 The Council and the Developer have been firmly committed to understanding the aspirations of residents of the Estates and their views have helped shaped masterplan proposals. The Developer has engaged in a comprehensive consultation process with local residents and statutory consultees across each of the Estates, details of which are set out below:

- 8.1.1 the Developer started consultation with residents about the future of the Estates in the summer of 2013;
- 8.1.2 in 2013 feasibility studies and summer consultation events encouraged residents to join the conversation about the future of their homes and introduced the idea of replacing homes in the three neighbourhoods;
- 8.1.3 in winter 2013 the decision to explore regeneration was taken based on feedback from consultation events. The (then) Merton Priory Homes Board decided that regeneration would be the best way of delivering long-term improvements in the three neighbourhoods;
- 8.1.4 2014 - Design stage. Architects were selected to support the proposed regeneration of the three Estates;
- 8.1.5 in summer 2014 a series of consultation events were held including coffee mornings, drop-in events, design workshops, community events and one-to-one meetings. These events were held locally and focussed on:
 - (a) getting to know the architects and what their role would be;
 - (b) walkabouts so the architects could get a better understanding of the neighbourhood from the residents' point of view;
 - (c) visits to other regeneration schemes in London; and
 - (d) gathering and presenting feedback from residents on the design ideas.
- 8.1.6 landlords, homeowners and tenants were provided with specific information about what regeneration would mean for them and the choices available to them;

- 8.1.7 September 2014 – Ten Commitments. The Council and the Developer signed up to Ten Commitments to the residents of the three neighbourhoods (discussed in detail below);
- 8.1.8 October 2014 - draft master plans were presented. Residents were shown potential layout for neighbourhoods and homes. Over 400 people attended these events to view the plans and look at the wide variety of housing types proposed. Three drop in events were held on each Estate (Saturdays and weekday evenings) and there were home visits to the elderly and vulnerable;
- 8.1.9 May 2015 - Master plans and Residents Offer. Revised master plans were presented to residents. The Residents' Offer (discussed below) was published setting out the guaranteed package of financial support that residents would be entitled to if regeneration were to go ahead. Three consultation events were held for residents of each Estate. Support was also provided by a dedicated member of staff from the Citizens Advice Bureau to provide residents with free, impartial and confidential advice;
- 8.1.10 June 2015 - Independent residents' survey. An independent survey was carried out by Membership Engagement Services. There was a 52.5% response rate achieved with the views of 634 residents collected. Overall 50.5% of respondents agreed that regeneration would be the best for their household and 58.4% agreed that the regeneration would be the best for their neighbourhood overall;
- 8.1.11 October 2015 - decision to proceed with initial planning applications. The Developer's Management board gave its approval for the submission of initial planning applications. Leaflets and letters were issued to Eastfields' residents confirming planning applications were being prepared in October 2015;
- 8.1.12 October to December 2016 – master plan consultation. Consultation events in each Estate were held to discuss the latest master plan proposals. These included designs for the neighbourhoods, house types and phasing plans, ahead of outline planning applications being submitted. Newsletters and leaflets were issued to residents of Eastfields Estate throughout the spring and summer of 2016 with updates on next steps;
- 8.1.13 February 2017 - design training workshops took place in February 2017 to assist residents in understanding technical drawings and what makes good design and newsletters were issued in Winter 2017 to confirm that the outline planning application had been submitted to

the Council along with a planning guide to the Eastfields outline planning application aimed at residents;

- 8.1.14 October 2018 – the updated residents offer was issued to residents of Eastfields Estate along with newsletter updates confirming outline planning permission was granted;
- 8.1.15 April and October 2019 – design consultations were held in respect of the detailed designs for phase 1 of the Eastfields Estate regeneration with architects available to answer residents' queries and to present options for landscaping, ball court facilities, a possible gardening project and opportunities to get more involved in the regeneration as part of a steering group;
- 8.1.16 July 2019 - a steering group was set up consisting of tenants and resident homeowners. This group monitors and reviews the progress of the project, including community engagement and community issues;
- 8.1.17 Summer 2020 – Eastfields regeneration newsletter was sent to residents to update them on Phase 1;
- 8.1.18 Autumn 2021 – Eastfields regeneration newsletter was sent to residents to update them on Phase 1;
- 8.1.19 November 2021 - a letter was issued to residents confirming that the section 73 application for Eastfields Estate was submitted to the Council and provided information about how to comment on the application;
- 8.1.20 January 2022 – Notices served under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and a letter was issued to residents to explain the reasoning behind section 16 notices and the section 16 notices themselves were issued to residents;
- 8.1.21 January 2022 – a letter was issued to residents confirming that the reserved matters application for Eastfields Phase 1 was submitted to the Council and provided information about how to comment on the application;
- 8.1.22 January 2022 – webinars for residents were held on 18 and 25 January 2022, giving residents a chance to raise questions regarding the compulsory purchase process;
- 8.1.23 Numerous Merton Community Panel events have been held since January 2022 across all three Estates;

- 8.1.24 May 2022 – an update was issued to local residents regarding the outcome the reserved matters approval which was granted on 29 April 2022;
 - 8.1.25 February 2023 – a newsletter was circulated to local residents providing an update on the regeneration;
 - 8.1.26 February 2023 – a letter was issued to residents regarding the non-material amendment to the outline planning permission for the Eastfields Estate;
 - 8.1.27 April – July 2023 – communications were issued regarding the stopping up order being granted in respect of Clay Avenue within the Eastfields Estate;
 - 8.1.28 October 2023 – a letter was circulated to local residents regarding the non-material amendment to the reserved matters for Phase 1 of the Eastfields Estate regeneration;
 - 8.1.29 An Eastfields Estate steering group made up of tenants and homeowners on the estate has been established and meets on a monthly basis with the regeneration team; and
 - 8.1.30 In addition, statutory consultation has been carried out as part of the Estates Local Plan process and each outline and reserved matters planning application in accordance with the legislative requirements.
- 8.2 In addition, the Developer has broadened its level of community engagement by sending a quarterly newsletter to all existing residents, informing residents of the latest updates on the regeneration proposal.
- 8.3 The Developer has also been in consultation with the Council as local planning authority throughout the planning application process as well as with statutory consultees. Feedback from this consultation has informed the planning applications.
- 8.4 Throughout the consultation exercise, all responses received have been thoroughly reviewed and considered and amendments to the proposals have been incorporated on an iterative basis. The result of this detailed exercise was the submission of four significant outline planning applications together with two Kickstart planning applications that ensured residents would only need to move once.

Eastfields Estate - Engagement

- 8.5 In relation to the Eastfields Estate specifically:

- 8.5.1 public consultation events have been held from July 2013 to January 2022 and will continue to be held. The design team consulted with existing residents, the local community and key stakeholders including the following groups:
- (a) existing residents of Eastfields Estate;
 - (b) counsellors for Merton Council and Figges Marsh and Siobhain McDonagh MP (MP for Mitcham & Morden);
 - (c) neighbouring residents and businesses; and
 - (d) local amenity groups, including: Lonesome Primary School, St Mark's Church of England Academy, Figges Marsh Safer Neighbourhood Team, Mitcham Community Forum, Acacia Centre, St. Mark's Centre, BMX Track, Streatham Park Cemetery, Streatham Jewish Cemetery, L&Q Housing Trust, YMCA – London South West, Tamworth House Medical Centre, Streatham Vale Baptist Church, The Church of St. Olave, Pollards Hill Baptist Church, Figges Marsh Surgery.

9 Efforts to acquire by agreement and residents' offer

- 9.1 The Council is exercising its powers under section 226(1)(a) and section 226(3)(a) because it has not been possible for the Developer to acquire by agreement all interests that are required to deliver Phase 1 of the Eastfields Estate regeneration, and it is not certain that the Developer will be able to acquire the remaining land by agreement. Although the owners of the interests have been approached on a number of occasions by the Developer with a view to purchasing their interests, agreement for purchase has not been reached because the owners have either not yet decided which of the options available to them they wish to exercise or they are waiting for as long as possible before selling their interests to the Developer.
- 9.2 Single ownership and control of the Order Land is necessary to enable the Eastfields Estate regeneration to proceed. It is not considered likely that the Developer will be able to acquire all the necessary interests by agreement within a reasonable period. The Council is therefore satisfied that the use of compulsory purchase powers is necessary and justifiable in the public interest.
- 9.3 In order for the 2022 CPOs to be delivered the following property interests will need to be acquired (as at 20 October 2023):
- 9.3.1 within Eastfields Phase 1, 39 property interest remain to be acquired;
 - 9.3.2 within High Path Phases 2 and 3, 18 property interests remain to be acquired;

9.3.3 within Ravensbury Phases 2 to 4, 1 property interest remains to be acquired.¹

9.4 Following the Order being made, the Developer has also continued its efforts to seek to acquire all interests voluntarily. Since the Order was made, the following 8 interests within the Eastfields Estate which are listed within the Schedule to the Order have been acquired by the Developer by agreement:

9.4.1 50 Pains Close;

9.4.2 86 Clay Avenue;

9.4.3 4 Thrupp Close;

9.4.4 11 Pains Close;

9.4.5 40 Clay Avenue;

9.4.6 77 Clay Avenue;

9.4.7 79 Clay Avenue;

9.4.8 5 Thrupp Close; and

9.5 The Council considers that the use of its CPO powers to acquire both the outstanding interests in the Order Land and the new rights is necessary, since the Developer has not been able to achieve this by agreement and it is unlikely that it would be able to do so within an acceptable timescale without the Order. The Eastfields Estate regeneration cannot proceed unless these interests are acquired. The Council is satisfied that the acquisition of these interests will facilitate the proposed regeneration, which will lead to the redevelopment and will contribute to economic, social and environmental improvements to the area.

9.6 In making its assessment of the justification for the Order, the Council has taken into account the rights of third parties protected by the European Convention on Human Rights which may be affected by the Order (as referred to in Section 10 of this Statement). In addition, the Council has had full regard to its public sector equality duty under section 149 of the Equality Act 2010 (as referred to in Section 11 of this Statement).

9.7 The Council acknowledges that when proposing large scale regeneration, there are considerable uncertainties and challenges for residents. The Council and Developer have undertaken significant consultation with residents. To support

¹ As of the end of October 2023, the Developer has acquired 277 property interests across the Scheme area through voluntary sales under the terms of the 2015 residents offer (as updated by the 2018 and 2023 resident offers). Of these, 173 property interests are at High Path, 93 property interests are at Eastfields and 13 property interests are at Ravensbury.

the Scheme and to ensure fairness for residents, the Council and Developer agreed a series of promises to residents, known as the Ten Commitments (Document 31) which are:

- 9.7.1 the Developer will consult with residents, consider their interests at all times, and address concerns fairly;
- 9.7.2 current homeowners will be entitled to at least the market value of their home should they wish to take the option to sell their home to the Developer;
- 9.7.3 existing tenants will keep all their rights, including tenancy conditions and the associated rent level, in the new neighbourhood as they do now;
- 9.7.4 current tenants will be entitled to be rehoused in a new home of appropriate size considering the number of people in their household;
- 9.7.5 all new properties will be more energy efficient and easier to heat than existing properties, helping to keep down residents' fuel bills;
- 9.7.6 the Developer will keep disruption to a minimum, and will do all it can to ensure residents only move once if it is necessary to house them temporarily while their new home is being built;
- 9.7.7 the Developer will offer extra help and support for older people and / or disabled residents throughout the regeneration works;
- 9.7.8 the Developer will continue to maintain the homes of residents across the three neighbourhoods throughout the planning process until regeneration starts, including ensuring a high quality responsive repairs service;
- 9.7.9 any growth in the number of homes will be consistent with the Council's Development Plan so that it is considered, responsible and suitable for the area; and
- 9.7.10 as a not for profit organisation, the Developer will not profit from any regeneration and will use any surplus to provide more housing or improve existing neighbourhoods.

9.8 The Developer has made a detailed Residents' Offer (Document 32). They have also made a series of commitments on repairs and maintenance. These service elements, while not directly relevant to the Scheme, are of considerable importance to residents.

- 9.9 The Residents Offer details the Replacement Home Option which is offered to those resident homeowners who were living on one of the three Estates on the 27 May 2015 (when the Residents Offer was published). The Replacement Home Option confirms:
- 9.9.1 if you are currently a freeholder you will be offered a freehold on your new property;
 - 9.9.2 if you are a leaseholder you will be offered a new long lease on your new property;
 - 9.9.3 the Replacement Home will be at least as large as the home it replaces, unless you choose to move to a smaller home;
 - 9.9.4 every Replacement Home will have private outdoor space (i.e. a garden, balcony or roof terrace) irrespective of whether the original home had this or not;
 - 9.9.5 if you live in a house you will be offered a house, if a flat a new flat and a maisonette a new maisonette;
 - 9.9.6 the new home will have the same number of bedrooms as the existing home had when it was first built;
 - 9.9.7 there will be a Replacement Home for every resident homeowner who chooses to stay; and
 - 9.9.8 they will be entitled to a £3,000 disturbance allowance.
- 9.10 The Developer has committed, where possible, to moving resident homeowners straight into their new Replacement Home, i.e. without the need to be temporarily housed. The phasing plans for all three Estates' regenerations have been designed to accommodate this approach. For a small number of existing resident homeowners this may not be possible, for example as a consequence of their choice of location and its position in the phasing plan. The Developer may be able to offer a temporary home in the Eastfields Estate or another part of Merton.
- 9.11 A disturbance payment of £3,000 will be available. Resident homeowners will not be charged rent in their temporary home as long as they agree to the terms set out in the Residents Offer regarding accepting the market value plus 10% for their existing home, the value of the new home and the licence agreement for the temporary home.
- 9.12 The Council is satisfied that a strong Residents' Offer has been made that treats residents fairly and ensures communities within the Estates can remain consistent and cohesive after the regenerations.

10 Human Rights considerations

10.1 Section 6 of the Human Rights Act 1998 prohibits a public authority from acting in a way which is incompatible with the rights and fundamental freedoms set out in specified provisions of the European Convention on Human Rights (the **Human Rights**)

10.2 The Human Rights likely to be engaged in the process of considering, making, confirming and implementing a compulsory purchase order include those under Article 6 (right to a fair and public hearing to determine a person's civil rights), Article 1 of the First Protocol (right to peaceful enjoyment of possessions) and Article 8 (right to respect for private and family life including a person's home).

10.3 Any interference with a Human Right must be necessary and proportionate. Compulsory purchase and overriding private rights must be justified by sufficiently compelling reasons in the public interest and must be a proportionate means of achieving the objectives of the Order. Similarly, any interference with rights under Article 8 (right to home life) must be "necessary in a democratic society" and proportionate. The requirements under the Convention are reflected in paragraphs 17 and 18 of the CPO Guidance:

"17. A compulsory purchase order should only be made where there is a compelling case in the public interest. An acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.

18. The confirming Minister has to be able to take a balanced view between the intentions of the acquiring authority and the concerns of those whose interest in land it is proposed to acquire compulsorily. The more comprehensive the justification which the acquiring authority can present, the stronger its case is likely to be. But each case has to be considered on its own merits and the advice in this Part is not intended to imply that the confirming Minister will require any particular degree of justification for any specific order. Nor will a confirming Minister make any general presumption that, in order to show that there is a compelling case in the public interest, an acquiring authority must be able to demonstrate that the land is required immediately in order to secure the purpose for which it is to be acquired."

10.4 If a compelling case in the public interest can be demonstrated as the Council considers here, then this will meet the requirements of the Convention. In making this Order, the Council has carefully considered the balance to be struck between individual rights and the wider public interest. Having regard to the matters set out above a compelling case in the public interest exists for the

making and confirmation of the Order. Interference with Human Rights, to the extent that there is any, is considered to be justified in order to secure the economic, social and environmental benefits which the Scheme will bring, namely the creation of new, well designed, high quality neighbourhoods aimed at fundamentally improving the quality of life for existing and future generations living in the area. This coupled with the significant level of public consultation, and a robust, fair offer to residents in the Estates means the Scheme minimises the interference with the rights of those affected.

10.5 Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions.

10.6 In relation to the requirements of Article 6 (right to a fair and public hearing), these are satisfied by the statutory procedures which include rights to object and to be heard at any public inquiry and by the right to statutory challenge under the Acquisition of Land Act 1981.

11 **Public Sector Equality duty**

11.1 In discharging its functions, the Council has a statutory duty under section 149 of the Equality Act 2010 to have due regard to the need to:

- 11.1.1 eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- 11.1.2 advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- 11.1.3 foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11.2 The "relevant protected characteristics" are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

11.3 A full Equality Impact Assessment (**EqlA**) was undertaken as part of the Estates Local Plan. EqlAs (dated March 2022) were also undertaken to re-examine the equalities impacts of the Scheme as a whole, with specific assessments carried out for each Estate (Document 39).

11.4 The EqlAs have considered the impact upon protected groups whose lives may be affected by the acquisition of land and rights, by the construction of the Scheme and/or by the completed Scheme. The protected categories that could potentially be affected by the Scheme are: age, disability and race/belief.

- 11.5 However, the EqIA concludes that the impacts of the Scheme will be broadly positive through:
- 11.5.1 opportunity to reduce overcrowding amongst its tenanted households. Overcrowding is proportionately more likely to affect households from the BAME community and so the regeneration provides an opportunity to address inequality in this area. Significant amenity and size improvements will be provided for residents, with all new homes built to current space standards with private outdoor space; and
 - 11.5.2 the regeneration is an opportunity to provide new lifetime homes for all tenants, this will enable older tenants (and homeowners) to remain independent in their own homes for longer. New homes can be adapted to meet the specific needs of disabled residents, 10% of all new homes will be fully accessible and adaptable for wheelchair users.
- 11.6 Steps are being taken to ensure that the acquisition and relocation processes are applied in a fair and non-discriminatory way. However, it is acknowledged that the process of redeveloping the Estates itself is likely to have a negative impact on older, disabled and vulnerable residents, due to the requirements to move house, potentially more than once, if temporary accommodation is necessary during the construction period. The greatest impact on equalities will be the mechanics of the Estates' regeneration including: the residents' offer; moving existing residents into new homes; addressing overcrowding; and minimising disruption during this extensive process.
- 11.7 The Developer has committed to designing the Phases to minimise the need to "double decant" and where at all possible older, vulnerable or disabled tenants will only be asked to move once, straight into a new home. Help will be provided to assist with such moves.
- 11.8 In promoting the Order and delivering Phase 1 of the Eastfields Estate regeneration the Council and the Developer will seek to keep the existing community together with existing residents having a guaranteed right to return to a new home in their regeneration neighbourhood. The Ten Commitments and Residents Offer (discussed in Section 9 above) provide a strong mechanism to achieve this.
- 11.9 The EqIA will continue to be monitored and reviewed throughout the progression of the proposals in order to ensure that any future impact can be measured and mitigated against as necessary.
- 11.10 To conclude, steps are being taken to ensure that the acquisition and relocation processes are applied in a fair and non-discriminatory manner. Steps will also be taken to minimise the adverse effects on protected groups

during construction and any such effects suffered by surrounding ethnic minority businesses. The proposals will bring a range of benefits to disabled and other protected groups including in relation to enhanced access, housing provision, lifetime homes.

12 Council's response to objections to the Order

- 12.1 In total, three objections were received in relation to the Order. However, all of these objections have subsequently been withdrawn following the Developer, and in one case the Council, entering into voluntary agreements with the relevant objectors. This Statement does not set out the Council's response to those withdrawn objections. A schedule of the withdrawn objections is attached at Document 40.

13 Details of contacts for further information

- 13.1 Those parties affected by the Order who wish to discuss matters with a representative of the Council and/or the Developer should contact:

13.1.1 for the Council – Simon Hogue at mertoncpo@merton.gov.uk; and

13.1.2 for the Developer – Iona McConnell at Iona.McConnell@clarionhg.com.

- 13.2 A copy of the Order, the Order Map, the appendices to this Statement may be viewed at:

London Borough of Merton
Civic Centre
London Road
Morden
SM4 5DX

14 List of documents

- 14.1 In the event that it becomes necessary to hold a public inquiry into the Order, the Council may refer to the documents listed in the table below. The list is not exhaustive and the Council may also refer to additional documents in order to address any objections made to the Order.
- 14.2 Electronic or hard copies can be provided on request. To request copies please contact Simon Hogue at mertoncpo@merton.gov.uk.

	Document	Date
A - The Order and Accompanying Documents		
1	The Order and Order Schedule	13 June 2022
2	The Order Map	13 June 2022
3	The Statement of Reasons	
B - Plans and Drawings		
4	Indicative Phasing Plan	
5	Estates Plan	
6	Stopping up Plan	
C – Council Reports and Authorisations		
7	London Borough of Merton Cabinet Report	15 January 2018
8	London Borough of Merton Full Council Report	07 February 2018
9	Report to Council Planning Committee	08 March 2018
10	London Borough of Merton Full Council Report	02 February 2022
11	London Borough of Merton Cabinet Report	21 March 2022
12	Officer report to Council Planning Committee on 15 June 2023	18 May 2023
D - Planning Permissions and Supporting Documents		
13	High Path Phase 1 Permission (ref: 16/P3738)	05 October 2017
14	High Path Phase 1 Section 106 Agreement	17 October 2017
15	High Path Extant OPA (ref 17/P1721)	29 April 2019
16	Variation to High Path Extant OPA (ref 21/P1932)	19 July 2019

17	Variation to High Path Extant OPA (ref 21/P2806)	21 January 2022
18	Variation to High Path Extant OPA (ref 22/P1740)	14 October 2022
19	High Path Phase 2 Reserved Matters Approval (ref: 19/P1852)	03 October 2019
20	High Path Phase 2A Reserved Matters Approval (ref: 22/P0085)	31 March 2022
21	High Path Phase 3A Reserved Matters Approval (ref: 22/P2199)	12 December 2022
22	High Path Phase 2A Certificate of Lawfulness (ref: 22/P1653)	13 August 2022
23	Ravensbury Estate Outline Planning Permission Phases 2-4 (ref: 17/P1718)	29 April 2019
24	Ravensbury Estate Phases 2-4 Reserved Matters (ref:19/P1845)	09 December 2019
25	Eastfields Estate Outline Planning Permission dated 29 April 2019 (ref: 17/P1717) as varied by section 73 permission (ref: 21/P4078)	15 March 2022
26	Eastfields Estate Non-Material Amendment to Outline Planning Permission (ref 17/P1717) (ref: 21/P3691)	29 November 2021
27	Eastfields Estate Non-Material Amendment to Outline Planning Permission (ref 21/P4078) (ref: 23/P0518)	4 October 2023
28	Reserved Matters Approval for Eastfields Phase 1 (ref: 21/P4430)	29 April 2022
29	Eastfields Estate Phase 1 Non-Material Amendment to Reserved Matters Approval (ref: 21/P4430) (ref: 22/P3041)	31 January 2023
30	Section 106 Agreement dated 26 April 2019 (S106 Agreement)	26 April 2019

E - Other Scheme related Documents		
31	The 10 Commitments	September 2014
32	Developers Residents Offer	2023
33	2015 Housing Needs Study	February 2015
34	Urban Design Review Study	February 2015
35	Ellis and Moore Consulting Engineers Ltd Report	October 2014
36	Condition Survey Report & Life Cycle Cost Analysis - Baily Garner LLP	June 2016
37	Savills Assessment	October 2016
38	Design Code	August 2018
39	Equality Impact Assessments	March 2022
E – Objections		
40	Schedule of Withdrawn Objections	
F - Planning Policy and Guidance Documents		
41	National Planning Policy Framework	September 2023
42	The London Plan	March 2021
43	Core Planning Strategy, Sites and Policies Plan – Merton Council	July 2011
44	Estates Local Plan	07 February 2018
45	Draft Local Plan – Extract Policies H11.1 and H11.2	Submitted 02 December 2021
46	Mayor of London's Housing Supplementary Planning Guidance	August 2017
G - Legislation and Guidance		

47	The Town and Country Planning Act 1990 (section 226)	
48	The Town and Country Planning Act 1990 (section 70(2))	
49	The Local Government (Miscellaneous Provisions) Act 1976 (section 13)	
50	Housing and Planning Act 2016 (section 203)	
51	Planning and Compulsory Purchase Act 2004 (section 38(6))	
52	Guidance on Compulsory Purchase and the Crichel Down Rules	July 2019
53	Decent Homes Programme	June 2006

Glossary

Definitions Used in this Statement of Case

1976 Act means Local Government (Miscellaneous Provisions) Act 1976;

1990 Act means Town & Country Planning Act 1990 (as amended);

2016 Act means Housing & Planning Act 2016;

2022 CPOs means the Order, the Eastfields Order and the Ravensbury Order;

Council means the London Borough of Merton;

Developer means Clarion Housing Group, formerly Circle Merton Priory Homes and Merton Priory Homes;

Eastfields Estate means the Eastfields Estate, Mitcham as shown outlined in red on the Estates' Plan marked "Eastfields Estate";

Eastfields Order means the London Borough of Merton (Eastfields No.1) Compulsory Purchase Order 2022;

Estates: the Eastfields Estate, the High Path Estate and the Ravensbury Estate;

Estates' Plan means the plans showing all three Estates;

Guidance means Guidance on Compulsory Purchase and the Crichel Down Rules for the Disposal of Land acquired by, or under the threat of, Compulsion published in July 2019 by the Department for Levelling Up, Housing and Communities;

High Path Estate means the High Path Estate, South Wimbledon as shown outlined in red on the Estates' Plan marked "High Path Estate";

NPPF means the National Planning Policy Framework, September 2023;

Order means the London Borough of Merton (Eastfields No 1) Compulsory Purchase Order 2022;

Order Land means the land included within the Order and is shown on the plans appended to this Statement;

Phase 1 means the first Phase of the Eastfields Estate being the land subject to reserved matters approval granted on 29 April 2022 (ref: 21/P4430);

Phase 2 means the second Phase of the Eastfields Estate shown indicatively shaded green on the Phasing Plan;

Phase 3 means the third Phase of the Eastfields Estate shown indicatively shaded purple on the Phasing Plan;

Ravensbury Estate means the Ravensbury Estate, Morden as shown outlined in red on the Estates' Plan marked "Ravensbury Estate";

Ravensbury Order means the London Borough of Merton (Ravensbury No.1) Compulsory Purchase Order 2022; and

Scheme means the Developer's proposals for regeneration of the Estates.

Appendix 1

Planning Permissions for the Estates

Please see below a summary of the various planning permissions issued to date in respect of each Estate relating to the Scheme.

1 High Path Estate

- 1.1 A detailed 'kickstart' permission was granted on 5 October 2017 for High Path Phase 1 (reference 16/P3738) for 134 new homes (the **Phase 1 Permission**) (Document 13).
- 1.2 An agreement dated 17 October 2017 pursuant to section 106 of the 1990 Act secured various obligations in relation to the Phase 1 Permission (Document 14). The Phase 1 Permission has been built out in full.
- 1.3 Outline planning permission granted on 29 April 2019 for High Path Phases 2-7 with reference 17/P1721) (Document 15) (subject to variations with references 21/P1932 granted to 19 July 2019 (Document 16), 21/P2806 granted on 21 January 2022 (Document 17) and 22/P1740 granted on 14 October 2022 (Document 18)) (the **High Path Extant OPA**). The current description of development reads:

"(with all matters reserved, except in relation to parameter plans) for the comprehensive phased regeneration of High Path Estate comprising demolition of all existing buildings and structures; providing up to 1570 residential units (C3 Use Class); provision of up to 9,900 sqm of commercial and community floorspace (including replacement and new floorspace, comprising: up to 2,700 sqm of Use Class A1 and/or A2, and/or A3 and/or A4 floorspace, up to 4,100 sqm of Use Class B1 (office) floorspace, up to 1,250 sqm of flexible work units (Use Class B1), up to 1,250 sqm of Use Class D1 (Community) floorspace; up to 600 sqm of Use Class D2 (Gym) floorspace); provision of new neighbourhood park and other communal amenity spaces, including children's play space; public realm, landscaping, lighting; cycle parking (including visitor cycle parking) and car parking (including within ground level podiums), associated highways and utilities works."
- 1.4 Phases 2 – 7 of the High Path Estate (in respect of the High Path Extant OPA) and the outline planning permissions in respect of the Eastfields Estate and the Ravensbury Estate are subject to the S106 Agreement.
- 1.5 Reserved matters in relation to the Extant OPA have been granted as follows:
 - 1.5.1 reference 19/P1852 for Phase 2 granted on 3 October 2019 for the construction of 113 homes and to which the Order relates (Document 19);

- 1.5.2 reference 22/P0085 for Phase 2A granted on 31 March 2022 for the Nelson Grove Road Garages (Document 20). This permission has been built out; and
- 1.5.3 reference 22/P2199 for Phase 3A granted on 12 December 2022 for the demolition of the existing houses at 50-60 Pincott Road and the provision of a multi-use games court including associated landscaping, lighting and highways work (Document 21).
- 1.6 Temporary Phase 2A is now complete and a Certificate of Lawfulness of Existing Development (reference 22/P1653) was granted by the Council on 13 August 2022 confirming the implementation of the Extant OPA (Document 22).
- 1.7 A reserved matters application for Phases 3B and 3C (which will include demolition of the buildings in Phase 4) was validated on 10 January 2023 and allocated reference number 22/P3688 for:
- "Demolition and site clearance and the construction of buildings for residential dwellings (and associated communal open space and play space), non-residential floor space, an energy centre, public open space comprising a new public square, public realm and landscaping works, cycle and car parking spaces together with associated highways and utilities works including underground refuse stores."*
- This reserved matters application will be updated following Government confirmation of the requirements of the fire safety (second staircase) regulations.
- 1.8 The Extant OPA is subject to a pending non-material amendment (reference 23/P0515) to allow for some conditions to be discharged in respect of individual plots, rather than on a phase wise basis.
- 1.9 A new outline planning application for Phases 4 to 7B was submitted and was validated on 18 January 2023 with reference number 22/P3686 for revised proposals for part of the phased regeneration of the High Path Estate comprising demolition of all existing buildings and structures and the erection of buildings to deliver new homes, flexible non-residential floor space (including retail, leisure, business and community uses); provision of public open space (including remainder of neighbourhood park) and other communal amenity spaces including children's play space, public realm, landscaping, lighting, cycle parking and car parking together with associated highways and utilities works. The application relates to phases 4-7B (based on the illustrative phasing) (the **Proposed OPA**).
- 1.10 On 15 June 2023, the Council's Development and Planning Applications Committee unanimously resolved to grant planning permission for the

Proposed OPA subject to conditions and planning obligations being secured. The Proposed OPA is now going through GLA Stage 2 review.

- 1.11 A variation of the S106 Agreement is currently being negotiated by the Council and the Developer to bind the planning permission to be granted pursuant to the Proposed OPA.

2 **Ravensbury Estate**

- 2.1 Full planning permission was granted on 9 May 2017 for Phase 1 of the Ravensbury Estate (reference: 16/P1968).
- 2.2 Outline planning permission was granted on 29 April 2019 for Phases 2-4 of the Ravensbury Estate regeneration (reference: 17/P1718) (Document 23).
- 2.3 Reserved matters were approved on 9 December 2019 for 179 new homes in Phases 2-4 (reference: 19/P1845) (Document 24).

3 **Eastfields Estate**

- 3.1 Outline planning permission was granted on 29 April 2019 for the Eastfields Estate regeneration (reference 17/P1717) (as amended by section 73 application dated 15 March 2022 (reference 21/P4078)) and non-material amendments dated 29 November 2021 (ref: 21/P3691) and 4 October 2023 (ref: 23/P0518) (Document 27) for:

"the comprehensive regeneration of the Eastfields Estate comprising the demolition of all existing buildings and structures; erection of new buildings providing up to 800 residential units (C3 Use Class); provision of up to 275 sqm of non-residential floorspace (Flexible Use Classes A1 and/or A2 and/or A3 and/or A4 and/or B1 and/or D1 and/or D2). Provision of new public open space and communal amenity spaces including children's play space; new public realm, landscaping works and new lighting; cycle parking spaces (including new visitor cycle parking) and car parking spaces (including within ground level podiums), together with associated highways and utilities works."

- 3.2 Reserved matters for Eastfields phase 1, to which the Eastfields Order relates was granted on 29 April 2022 (reference: 21/P4430) as amended by non-material amendment dated 31 January 2023 (ref: 22/P3041) (Document 29).