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## **Urban Design**

### **Proof of Evidence**

**265 Burlington Road**

**Planning application ref. 19/P2387**

**Appeal ref: APP/T5720/W/20/3250440**

On behalf of

**Redrow Homes (London)**

Prepared by

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# 1. Qualifications and Experience

- 1.1. My name is Colin Michael Pullan. I am National Head of Urban Design and Masterplanning at Lambert Smith Hampton (LSH). I hold a Bachelor of Arts Degree in Planning and a Post Graduate Diploma in Urban Design. I am on the executive of, and former Chair of, the Urban Design Group, a membership charity established in 1978 open to all who care about the quality of life in our cities, towns and villages and believe that raising standards of urban design is central to its improvement.
- 1.2. I have over 30 years' experience as an urban designer in the private sector, covering all design matters. I studied at the Oxford Polytechnic JCUD (now Oxford Brookes), one of the most distinguished urban design universities before moving into private practice as an urban designer & masterplanner at Thamesmead Town Ltd from 1987. From Thamesmead Town Ltd I moved into a private consultancy at Town Planning Consultancy in 1995 and then Chapman Warren Associates in 1999, during which time my experience broadened to take on national projects and more general planning and urban design issues.
- 1.3. From 2000 until 2011 I worked at RPS, a multidisciplinary practice where my responsibility as Urban Design Director was to provide urban design advice to public and private sector clients, with an awareness of both current and emerging best practice. From February 2011 until December 2019, I was an Urban Design Director at Lichfields. In January 2019 I joined LSH to head up their Urban Design team.
- 1.4. I have been the principal urban designer on many residential projects for both private and public sector clients and I have considerable experience in the preparation of layout and masterplans supported by development strategies, development briefs, design codes and design statements.
- 1.5. I have presented urban design evidence at appeal covering issues that are pertinent to this appeal, including matters of character, design quality and scale.
- 1.6. Most recently I presented urban design evidence on behalf of St William at appeal for residential development at a former gasworks in Hertford. Matters addressed included design quality, height, scale, character and context. The appeal was allowed January 2020.

- 1.7. I am very familiar with the site and its surrounding area and I have studied the relevant national, regional and Local Plan policy background. I was first instructed with regard to the appeal scheme in October 2018, to assist in the development of the then emerging scheme and attend a pre-application meeting at the GLA. Essentially my initial brief was to act as 'critical friend' or auditor of the design, a role I have continued to fulfill. I was appointed by Redrow Homes Ltd in February 2020 to prepare evidence in support of the appeal scheme.
- 1.8. My evidence is confined to urban design related matters. The Appellant's supporting architectural evidence prepared by Mr. Bacon of TP Bennett addresses matters of detailed design, scheme evolution and design quality. I confirm that, insofar as the facts stated in my evidence are within my own knowledge, I have made clear what they are, and I believe them to be true; and that the opinions I have expressed represent my true and complete professional opinion.

## 2. Introduction

2.1. This Urban Design evidence has been prepared on behalf of Redrow Homes Ltd (**“the Appellant”**). It considers urban design matters relating to the appeal against the non-determination of a planning application that was submitted to the London Borough of Merton (**the “Council”**) for the redevelopment of the site at 265 Burlington Road, London, KT3 4PJ for:

*“Demolition of the existing buildings and erection of two blocks of development ranging in height between seven and 15 storeys and comprising 456 new homes, of which 114 will be one beds, 290 will be two beds and 52 will be three beds. 499sqm of B1(a) office space will be accommodated at ground floor level along with 220 car parking spaces, 830 cycle parking spaces, a realigned junction onto Burlington Road, hard and soft landscaping and associated residential facilities. The application also includes minor changes to the layout and configuration of the retained Tesco car park.” (**“appeal scheme”**)*

2.2. The application submission was submitted to the Council on the 19<sup>th</sup> June 2019 and registered on the 22<sup>nd</sup> July 2019. It was reported to the Planning Committee of 13<sup>th</sup> February 2020 with a recommendation that permission be granted, subject to any direction from the Mayor of London, completion of a S.106 legal agreement and S.278 agreement and conditions.

2.3. However, members voted against that recommendation of the Planning Officer. Council officers provided draft reasons for refusal (**rfr**) in an email dated 17<sup>th</sup> March 2020. Within same email, they confirmed that administration issues are preventing the application from being referred to the Greater London Authority (**GLA**) for Stage 2 consideration.

2.4. Following conversations between the Appellant and officers at the GLA, it was confirmed that the Mayor was unlikely to take over the application as planning authority and would be content to refer it back to the Council for determination. Given the uncertainty following the Coronavirus outbreak and the delay this may have on government functions, the Appellant decided to appeal against non-determination.

2.5. This evidence sets out the Appellant’s urban design case, having regard to the Council’s draft rfr 2 which relates to contextual design matters:

*“Notwithstanding metropolitan planning objective of optimising housing potential, as set out in policy 3.4 of the London Plan, the proposals by reason of their size, massing and bulk, would result in an overdevelopment of the site that would be overly dominant and unduly prominent, failing to relate positively and appropriately to local character to the detriment of the visual amenities of the area and failing to deliver a housing development of the highest quality in relation to its context. The proposals would be contrary to policies 3.5, 7.4 and 7.6 of the London Plan (2015), policy CS.14 of the Merton Core Planning Strategy (2011), and policy DM.D2 of the Merton Sites and Policies Plan (2014).”*

2.6. The substance of draft rfr 2 reflects the resolution of the Planning Committee (Appendix 1 – Committee Minutes).

### **Scope of Urban Design Evidence**

2.7. This evidence appraises the urban design merits of the appeal scheme in light of relevant national and local planning policy and guidance. It considers:

- The local character and qualities;
- The features and merits of the appeal scheme and how they relate to the above; and
- The urban design matters to be addressed.

2.8. To arrive at a balanced judgement as to whether a scheme is harmful or not upon the quality of its surroundings, it is necessary to undertake a careful assessment of the scheme in light of the urban design related policies referred to in draft rfr 2. There are a number of relevant criteria set by the policies referred to and guidance which provide the basis upon which the appeal scheme’s appropriateness can be appraised. Accordingly this evidence undertakes a review of the appeal scheme against these criteria.



## The Principal Urban Design Issue

- 2.9. Having regard to draft rfr 2, the Council's Statement of Case, the Committee Report, Committee Minutes and third party representations, I consider that the principal urban design issue to be addressed concerns:
- The effects of the proposed development upon the character of the local context and whether they are significantly harmful
- 2.10. From the outset, Redrow Homes has worked with the GLA and Council Officers to produce a planning application consistent with the aspirations of policy and the site. The appeal scheme has evolved through an iterative process with Council Officers and stakeholders and including the local community through an exhibition.
- 2.11. The Officer's Committee Report covers the design of the appeal scheme in depth, and has been informed by the comments of other officers, statutory consultees, third parties and design review. The Committee Report concluded that planning permission should be granted.
- 2.12. It is reasonable to expect that when recommending the appeal scheme for approval, the Case Officer was well versed with the local context, the site constraints and opportunities, having regard to all the views of consultees and local residents, design review and the requirements of design policy and guidance to come to an informed and balanced judgment. I concur with the Case Officer's support for the appeal scheme and set out my own supportive views against relevant design polices and guidance within this evidence.
- 2.13. Considering local context, the site has no local or strategic policy designations within adopted policy. It does not lie within a conservation area and does not contain any listed buildings, or is within the setting of any heritage assets or protected views. It is within an urban area for which the principle of redevelopment and change is supported by emerging planning policy (Policy N3.4 Raynes Park: Site Allocation RP3 - Merton Local Plan 2015-2030 second consultation). The Committee Report acknowledges the value that the development would bring and states at paragraph 7.3.5:

*"The site is an underutilised brownfield site which is considered to present opportunities for a more intensive mixed use development. The proposals would meet NPPF and London Plan objectives by contributing towards London Plan housing targets and the redevelopment of brownfield sites."*

2.14. Neither draft rfr 2 nor the Council's Statement of Case cite harm in relation to the following matters usually associated with overdevelopment:

1. Quality of the living accommodation.
2. Amenity provision (private and public).
3. Outlook and privacy.
4. Sunlight and daylight.
5. The impact on neighbouring properties.

2.15. These are all matters that are comprehensively addressed in the Committee Report.

2.16. Furthermore, the GLA Stage 1 Report had no objections with regard to the proposed quantum/density of development:

*"36. The proposed scheme has a density of 194 units per hectare or 562 habitable rooms per hectare, which complies with the London Plan's density matrix for 'urban' locations. The draft London Plan prescribes a design led approach to ensuring that sites optimise densities, through taking a site's context and location into account and requiring greater scrutiny on higher density schemes. The proposed development does not fall within the range specified in part C of draft London Plan Policy D6, where additional scrutiny and information is required. Subject to addressing the issues raised within this report, it is considered that the scheme appropriately optimises its density and complies with draft London Plan Policy D4."*

2.17. Considering the effects of the appeal scheme upon the 'visual amenities' of the area, beyond stating that the difference in height and scale of the appeal scheme would not be in keeping with the context, draft rfr 2 and the Council's Statement of Case do not attempt to substantiate any harm of the appeal scheme.

2.18. It is acknowledged that the London Borough of Merton is predominantly a suburban area typically characterised by predominantly two storey houses. The appeal site is within one of the few areas identified in the borough appropriate for tall buildings (Tall Buildings Paper 2010 - Page 59) and an area with tall buildings (greater than four storeys) as defined by the Council's Tall Buildings Background Paper. The application is supported by a Design and Access Statement (**DAS**) and a comprehensive Townscape and Visual Impact Assessment (**TVIA**), which described the surrounding character and appraised the effects of the appeal scheme upon the surrounding context. It is evident from the site appraisals in the DAS and TVIA that where there are views of the site, any development over two storeys will be a

noticeable change – since much of the site is a car park and the buildings are at two storeys. However, change is emphatically not to be equated to harm.

- 2.19. The GLA Stage 1 report supported the proposed height and scale and the mediation of both considering the local context:

*“... The proposed heights and massing are supported in terms of optimising housing delivery.”*

*“44. ...The development of a seven-storey shoulder height with variations of two to three storeys along the eastern edge of the site is supported and assists in providing variation between the buildings. The 17 storey maximum height is supported in terms of optimising housing delivery.*

*45. ...Whilst it is noted that the proposal would result in a noticeable addition to the surrounding low-density area, the distribution of massing across the site responds appropriately to the surrounding context.”*

- 2.20. The appeal scheme is up to 15 storeys - lower than the scale of development which the GLA were consulted on, and did not raise a concern with regard to scale.

- 2.21. The Committee Report concluded that the appeal scheme had no impact on visual amenities at paragraphs 7.6.31 and 7.6.65:

*“7.6.31. The proposal would have no effects on any designated heritage assets or any protected views. Officers acknowledge that there would be an impact on views from streets in the surrounding area and from further afield due to the scale of the proposed development. However, whether this harms the visual amenities of the area is a matter where judgement may be exercised and requires assessment in terms of the overall visual impacts of the scheme and, in turn, the overall merits of the scheme. In the event that the delivery of housing is accorded primary importance and that at street level there is the potential for enhancement, it may be concluded that the imposing skyline and departure from the surrounding built form created by the proposals would not in itself warrant refusal”*

*“7.6.65. The scheme would introduce a significant uplift in the level of built form across the site, which would be significantly taller than the surrounding suburban context. However, given the degree of flexibility afforded by adopted policy on tall buildings and the anticipated uplift in housing targets, it is considered, on balance, that the design, massing and*

*appearance of the proposal would deliver a significant quantity of new housing and improve the ground level streetscape and connectivity, without causing harm to the visual amenities of the area”.*

- 2.22. Considering matters of design quality whilst a Design Review Panel (**DRP**) ‘red flagged’ the scheme, for reasons that Mr. Bacon explains the Appellant was profoundly unconvinced as to the quality of advice being received by the DRP and decided not to resubmit the scheme back to the DRP following the various amendments which have taken place. I share the Appellant’s circumspection in this regard. . A design review can never replace the on-going dialogue that is possible to have with a well-informed case officer. The DRP was held on an evening session of 22<sup>nd</sup> November 2018 at an earlier point in the design iteration and as such, any recommendations can only be taken as a critique at a particular moment in time. There is no requirement to return to a DRP and the DRP was not invited to comment on appeal scheme. The Case Officer acknowledged in the Committee Report that matters raised by the DRP had been addressed (page 65):

*“Officers note that the currently submitted scheme has not gone before the DRP. However, members should note the following changes to the current scheme and supporting comments of the applicant since the DRP meeting:*

*Context: DAS includes the wider contextual analysis and design rationale. Townscape and Visual Appraisal (TVIA) prepared by Lichfield to accompany the planning submission document*  
*Height: Density/height of the development has been developed to its current form which includes:*

- 1. Potential future masterplan*
- 2. Unconstrained Site with opportunity for increased density*
- 3. Increase in density of recent residential development locally and changing streetscape*
- 4. Created more varied heights across the development, forming a seven storey lower shoulder height to Burlington Road with taller buildings to the west edge of the site, while introducing a vertical variation in the massing to break up the overall scale.*

*Massing: Introduced a varied roof design to the taller buildings creating a more dynamic roof scape from both short and distant views”*

- 2.23. Given that the DRP commented upon an earlier iteration of the scheme, and the consideration of the Case Officer whom as set out above, carefully justified why they chose to

depart from the recommendations of the DRP, as recorded in the officer's report, I attach no significance to the concerns of the DRP with regard to this appeal scheme.

## **Summary**

2.24. The appeal scheme comprises sustainable development and has been designed taking into account the site context, pre-application discussions with the Council, including DRP, the GLA and third parties. The scheme has been designed to accord with the requirements of national, regional and local planning policies, having regard to material considerations specific to the individual circumstances of the site.

2.25. The Committee Report concluded that the appeal scheme would have a positive effect upon the surrounding context:

*"8.2 The delivery of this site for housing would provide a significant contribution towards Merton's housing need, including the provision of affordable housing. There is a tension between the scale and height of the proposed buildings and the existing more low level suburban built form and the proposed buildings would be prominent in both short and long views into the site to the extent that the proposed development would become a new landmark in the borough.*

*8.3 The site has no physical, access or heritage constraints that would preclude a suitably engineered and conditioned scheme from being delivered. The site is not over looked or constrained by neighbours not being next to sensitive residential properties which it may cause harm to, in terms of loss of light and outlook, therefore providing opportunity for taller denser development, which would contribute significantly towards meeting housing needs in the borough.*

*8.4 The scale of the proposed development would be a contrast to the existing built form. The proposals would however have the potential to improve the street environment. Officers consider the proposals would make a positive contribution to the Burlington Road frontage with the potential to enhance the public realm".*

2.26. I concur with the Case Officer.

2.27. This is not an area particularly sensitive to change. I concur with the findings of the TVIA, the GLA and the Case Officer and I do not consider that the visual effects of the appeal scheme will be harmful to the surrounding character for the following reasons:

1. The prevalent context within which the appeal scheme will sit is an area of growth, regeneration and change. As such, I consider that there is a greater tolerance for change within the context of the site, which is accepted by the emerging policy and site allocation.
2. The surrounding context is not an area of valued townscape quality. The wider area to the east and south west is typical London suburbia, not protected by conservation area status or other designations (i.e. setting of heritage assets).
3. The site is set apart from the surrounding suburban areas, which may be more sensitive to change, historically and by railway and highway infrastructure.
4. There are higher buildings (greater than four storeys) in the context of the appeal site.
5. Change in suburban areas is accepted. With reference to the London Plan paragraph 31.7:

*“London is the product of a complex set of inter-related processes and layering of different phase of cultural, social and economic evolution. As change is a fundamental characteristic of London, respecting character and accommodating change should therefore not be seen as mutually exclusive. Understanding the character of place should not seek to preserve things in a static way but should ensure an appropriate balance is struck between existing fabric and any proposed change”*

6. The scale of the scheme has responded to its context. There is a lower scale of development along Burlington Road that mediates the surrounding scale of development. Behind the Burlington Road frontage and into the site are taller buildings, which will not be readily apparent in local views, or in my opinion, harmful in distant views.
7. The massing of the built form, articulation and detailing of the elevations and the use of high quality materials mitigate the perceived massing and prominence of the appeal scheme. Just discernible in long views, but particularly up close, the appeal scheme has rich and articulated elevations.
8. The appeal scheme will enhance local views, replacing poor quality buildings and a car park along Burlington Road with an attractive frontage of residential apartments.
9. As demonstrated by the TVIA, for long views the appeal scheme provides a varied skyline of different scale and proportion from different viewpoints.

2.28. The policy imperative for seeking to secure ‘high quality’ design is set by the National Planning Policy Framework (NPPF) at Section 12, Policies 3.5, 7.4 and 7.6 of the current London Plan (2016), Policy CS.14 of the Merton Core Planning Strategy (2011), Policy DM.D2 of the Merton Sites and Policies Plan (2014), and the National Design Guide.

- 2.29. For the proposed development to be sufficiently harmful to justify refusal within the context of the NPPF, Local Plan policies and design guidance - outweighing of any benefits that sustainable development would bring, there must be a clear, adverse material difference to the visual and other impacts arising from the appeal scheme upon the local surrounding area. The appeal scheme will enhance the local character, replacing a poor quality building and a car park frontage along Burlington Road with a new 'place' that improves the surrounding built fabric. Through an appraisal of the appeal scheme in its context, this evidence concludes that whilst the development will of course give rise to change, this is not harmful and that:
- Relevant urban design policies and guidance have been met; and
  - The appeal scheme will enhance the local context.

### **Structure**

- 2.30. This evidence comprises the following sections:
1. At Section 2 (this section), I outline the principal design issue of this appeal.
  2. At Section 3, I summarise the character and qualities of the site and surroundings.
  3. At Section 4, I summarise relevant design policy and guidance framework.
  4. At Section 5, I appraise the appropriateness of the appeal scheme against the design policy criteria set by draft rfr 2.
  5. At Section 6, I respond to draft rfr 2.
  6. At Section 7, I draw my conclusions.

### 3. Site and Surroundings

3.1. Details of the site are described within the DAS. The following paragraphs summarise the site context and describe the surrounding character.

3.2. The 2.35 hectare site comprises two parts (See Figure 1):

- A: A vacant two storey office building with ancillary warehouse and 100 car parking spaces to the north which occupies approximately two thirds of the site area. This building is 265 Burlington Road; and
- B: Part of an existing Tesco car park which has been identified as being surplus to the store's operational requirements and to allow some minor changes to its layout to improve operations generally.

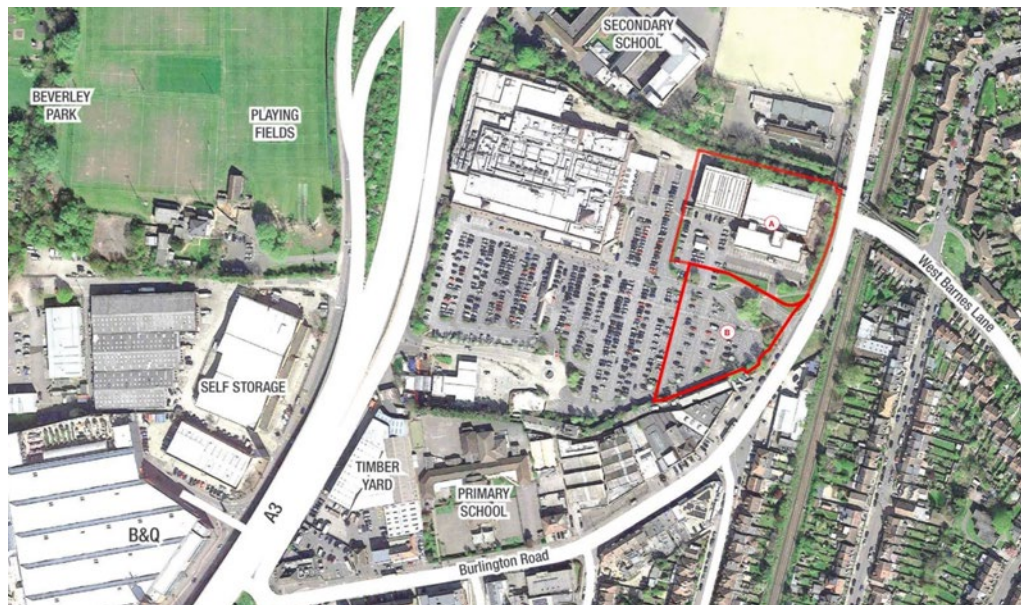


Figure 1: Site location plan – showing two halves of the development site (A and B) redlined (DAS page 12).

3.3. The Site has no physical or access constraints and is not overlooked or particularly constrained by neighbouring buildings. Vehicular access / egress (24 hour) to the Tesco store (car park and service yard) will be unaffected and, as such, would not result in land locking.



- 3.4. The Site lies in a highly accessible location. On the A3 corridor, it is an area identified for change and growth. The site forms part of allocated site RP3 within the emerging Merton Local Plan 2015-2030 (second consultation). The area of RP3 is shown at Figure 2.

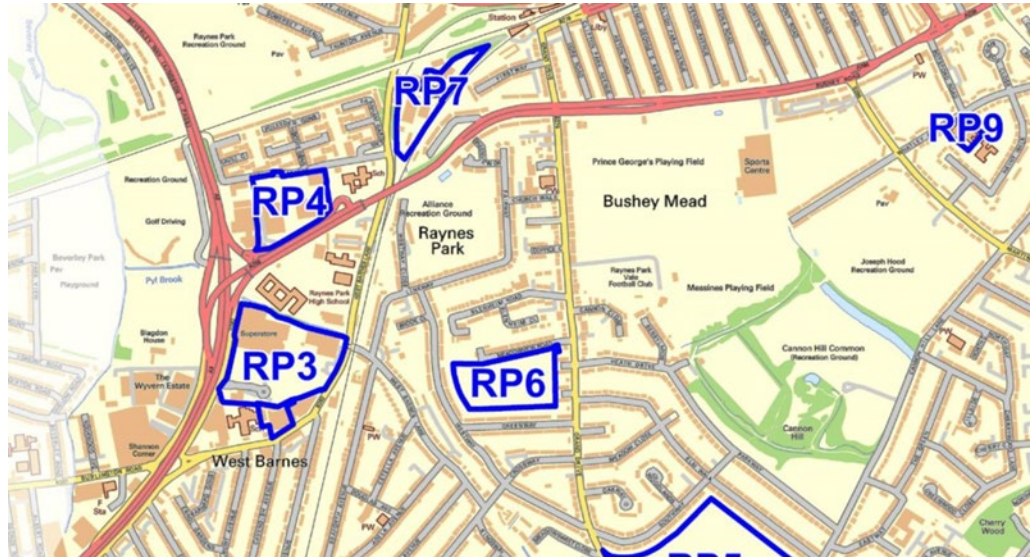


Figure 2: Site RP3 within the context of emerging Policy N3.4 Raynes Park. Site RP3 Raynes Park - Merton Stage 2 Local Plan.

- 3.5. RP3's size and prominent position means that it serves as a gateway to West Barnes and beyond. The local context of RP3 is very much a part of the urban / mixed use pattern of development that straddles the A3 corridor, and is quite distinct and apart from the surrounding suburbs to the south and east.
- 3.6. On the A3 corridor, the site is an area of interest for significant growth and change as acknowledged by the Committee Report:

*“7.2.0 Along with other land along this part of the A3 corridor in both Merton and Kingston there is a growing interest in land and buildings and opportunities the sites can present to deliver significant new housing. Development of the application site along with adjoining land provides an opportunity to address this objective and at the same time engage in place making and, cumulatively, the creation of what might be considered as a new neighborhood.”*

### **Pattern of development**

- 3.7. With reference to the DAS (analysis page 27) and the historic maps at page 9 of the TVIA, the pattern of growth has resolved distinct differences between the character of the outer suburban housing areas and that of the site and west of Burlington Road (See Figures 3, 4 and

5). To the west of Burlington Road and along the A3 corridor, buildings are generally in commercial or educational use of various ages. There are a number of large footprint buildings and heights are greater than the predominantly two storey dwellings within the housing areas to the east.



Figure 3: Pattern of growth. (DAS, page 28)



Figure 4: Urban grain and block analysis (DAS, page 27)

3.8. Within the Shannon Corner TCA buildings are of larger footprints, typically rectangular warehouse structures.

3.9. The difference in the context to the appeal site and wider housing area is acknowledged at Paragraph 7.6.13 of the Committee Report which states:

*“The site is not considered to be within a suburban area with a distinct low scale and cohesive character, as the site is within an area that is fragmented in terms of built form and character.”*

3.10. There is a variety of building heights, generally from one to five commercial storeys. Figure 5 illustrates the existing variation in height and scale within the context of the appeal site. There is a noticeable increase in heights towards the A3 corridor and along Burlington Road towards the Appeal Site.

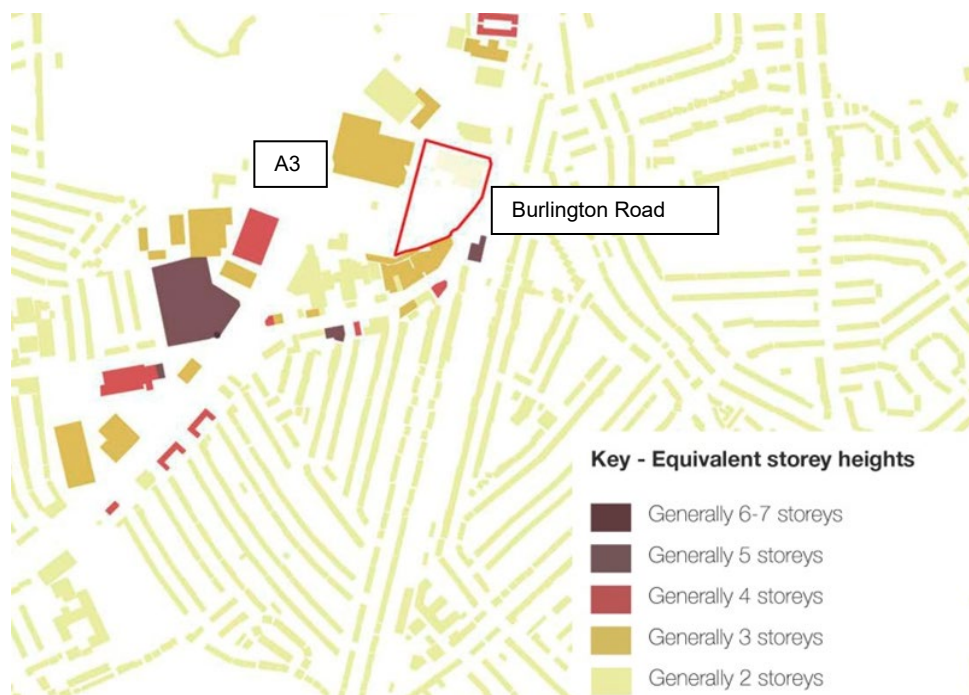


Figure 5: Existing building heights – equivalent residential heights, (DAS, page 26).

3.11. The Shannon Corner area is not resistant to tall buildings and in principle, the provision of tall buildings within the site is accepted by the Council. With reference to the concluding paragraphs of the Committee Report:

*“7.6.20. At the time of drafting the Core Strategy the focus on the Shannon Corner Area was on industrial regeneration and indicated a degree of support for taller buildings that would contribute to regeneration. Taller buildings were thus not ruled out in the area.”*

## Character

- 3.12. The character appraisals within the DAS and TVIA describe the local context. They underline the difference in character from the suburban areas to the east and south of the railway line and the areas north and west of Burlington Road towards the A3.
- 3.13. To the south and east, the surrounding context comprises medium intensity suburban development ( defined and illustrated by the Merton Local Plan Figure 22.2) which is typically characterised by semi-detached and terraced two storey dwellings arranged within linear streets, large open spaces affording an overall sense of ‘openness’.
- 3.14. Along Burlington Road and the A3 corridor there is a greater intensity of development and a more ‘urban character’.
- 3.15. There is a natural boundary in character at Burlington Road and also at the railway line (See Figure 6). As described by the TVIA at paragraphs 3.46 and 3.48:

*“... Burlington Road and the railway line form a physical barrier clearly separating this townscape character Area (TCA) from the West Barnes suburban area....”*



Figure 6: View of divide between suburban housing to the east and the site, Burlington Road to the west taken from the railway bridge.

3.16. The local character is described by the Council’s Draft Borough Character Study 2016. The appeal Site lies within the Shannon Corner Townscape Character Area (TCA) (Extract Figure 7 below and Appendix 2).

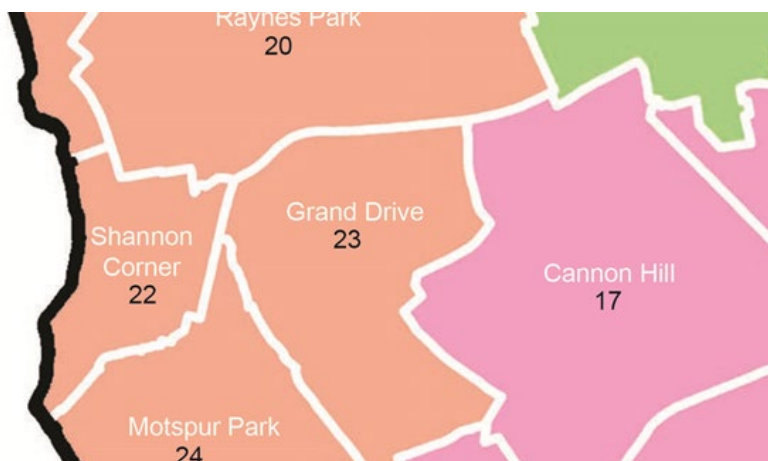


Figure 7. Draft Borough Character Study 2016. Extracts Appendix 2.

3.17. A local character study is not available at this time for the Shannon Corner TCA or for the adjoining Motspur Park TCA. There is a study for the Grand Drive TCA which is illustrated below at Figure 8. Of relevance to the context and this appeal, the study does not identify any significant views from Grand Drive towards the appeal site.

### Grand Drive Local Neighbourhood Neighbourhood Analysis

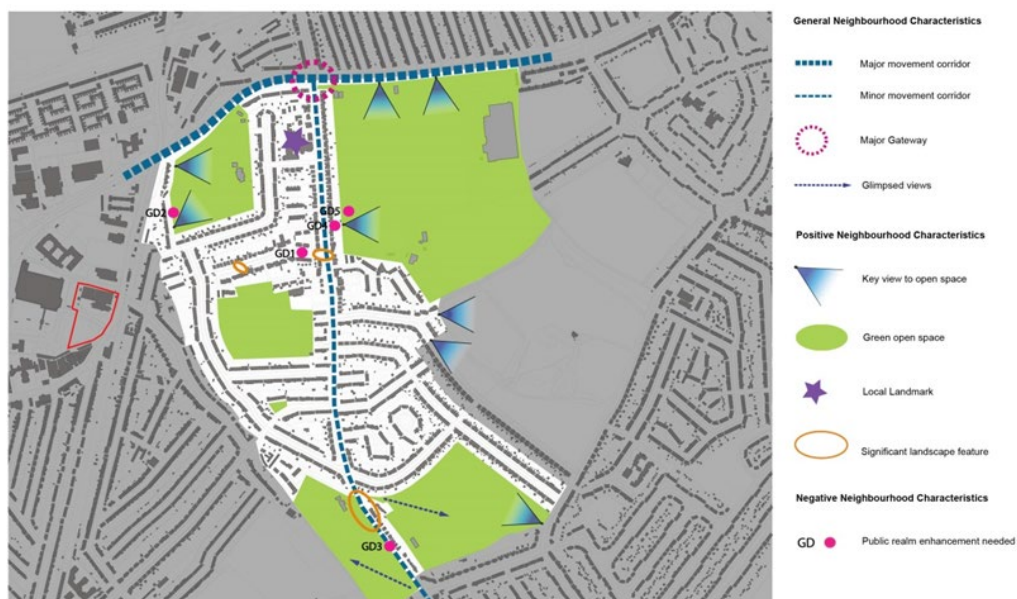


Figure 8. Draft TCA Borough Character Study: Grand Drive neighbourhood analysis. There is one glimpsed view (far bottom) identified in the above analysis that is in a westerly direction and that is south of the Appeal Site.

## Townscape

- 3.18. The photos in Appendix 3 and within the DAS illustrate that there is no overall consistent architectural style or built form along Burlington Road and within the Shannon Corner TCA. Contemporary architecture sits alongside suburban houses. Paragraph 3.47 of the TVIA describes the Shannon Corner TCA as being:

*“...of very low townscape value with considerable potential for enhancement.”*

- 3.19. Many of the former employment and industrial buildings along Burlington Road are in a very poor state and contribute little to the streetscene. There is redevelopment within the immediate context of the site - the apartments at Albany House immediately opposite the site and the adjacent flats on Burlington Road /Claremont Avenue (see Figure 9). These developments are of a greater scale than the suburban houses, creating a transition of height from the prevalent two storeys of the suburban houses to five storeys towards the appeal site at the edge of Burlington Road.



Figure 9: Albany house to the left and new flats to the right of the frame from Burlington Road at the junction with Claremont Avenue.

- 3.20. At the corner of Claremont Avenue and Burlington Road, Albany House steps in height from three to five storeys – gradating height and scale from the adjacent housing area towards the appeal site. In determining the application for Albany House, the contemporary design of the building was supported by the Council (Committee Report, Appendix 4, paragraph 7.15).

## Views

- 3.21. There are no views identified in policy or guidance of relevance to the appeal site. The TVIA identified a number of viewpoints of the appeal site agreed with the Council as representative of the surrounding area (see Figure 10). These are principally from areas of open spaces (view 8) and along the avenues from within the adjacent housing areas (views 3, 4, 5 and 6). Presently, views of the site are generally glimpsed and filtered by trees (views 3 and 5) or not visible (views 4 and 6).

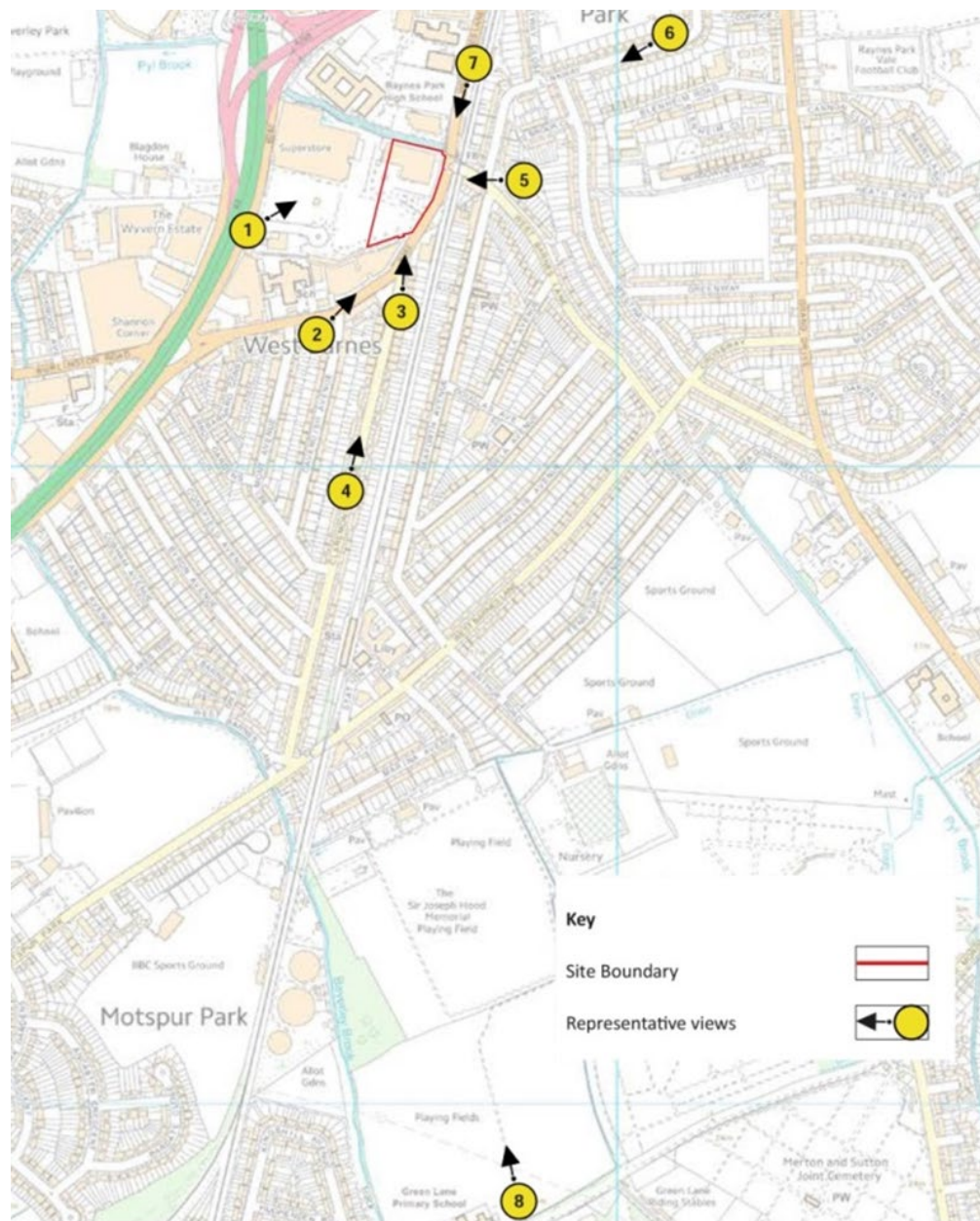


Figure 10: TVIA Extract, page 31.

## Summary

- 3.22. The immediate context is an area of regeneration and change, set apart from the surrounding suburban area. The analysis in the DAS and TVIA demonstrates that the site possesses characteristics which warrant an increase in the density of built form, as well as buildings of increased scale overall.
- 3.23. There is significant tolerance for change which is accepted by emerging policy. In summary:
1. The site is within a sustainable location. There is an emerging policy supporting regeneration and as such, development should seek to optimise capacity, subject always to producing a design of high quality.
  2. The surrounding development pattern and grain has been shaped by residential growth to the south and east of the railway line and mixed use development of a greater scale west and within the context of the appeal site along the A3 corridor.
  3. Along with other land along this part of the A3 corridor in both Merton and Kingston there is a growing interest in land and buildings and opportunities the sites can present to deliver significant new housing.
  4. The local townscape on Burlington Road is not of high design quality.
  5. There is no overriding character within the Shannon Corner TCA in terms of building style. Shannon Corner is not identified as a suburban area and from the nearest defined suburban area (Grand Drive TCA) there are no significant views into the site.
  6. There are no policy designations or guidance that seeks to define a character or quality that should be preserved at Shannon Corner over and above the imperative for good design that has regard for its context.
  7. There are no important views identified within the local context.



## **4. Design Policy and Guidance**

4.1. Relevant design policy and guidance is set out in the Statement of Common Ground and the Appellants Statement of Case and summarised below:

### **National Planning Policy Framework (NPPF)**

4.2. The appeal scheme seeks to create a high quality place. Of particular relevance to this evidence are the following paragraphs of the NPPF:

1. Paragraph 122: Which requires development to make the efficient use of land.
2. Paragraph 123: Which requires development to optimise the use of the site.
3. Paragraph 124: Which underlines that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, being clear about design expectations.
4. Paragraph 127: Which sets six qualitative design criteria.
5. Paragraph 128: Which states that design quality should be considered throughout the evolution and assessment of individual proposals.
6. Paragraph 130: Which states that where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

### **Adopted Local Plan (2011-2026)**

#### **Policy CS14 Design**

4.3. Policy CS.14 states that all development needs to be designed in order to respect, reinforce and enhance local character. As noted earlier, the local character has not yet been described.

4.4. At sub point 'b' - to promote high quality design development, the policy sets a number of design criteria which are not referenced in the draft rfr 2.

4.5. At sub point 'c' the policy states that:

*“development should protect the valued and distinctive suburban character of the borough by resisting the development of tall buildings where they will have a detrimental impact on this character. Tall buildings may therefore only be appropriate...where of exceptional design and architectural quality, where they will not cause harm to the townscape...”*

4.6. At sub point 'e' the policy sets the criteria for well-designed housing, none of which are referenced in the draft rfr 2.

4.7. The supporting text to the policy states that the character, distinctiveness and viability of a successful area often lie in the quality of its environment and public realm.

### **Tall buildings**

4.8. Of relevance this appeal are paragraphs 22.20, 22.22 and 22.23 of the Local Plan which reference tall buildings with regard to the Tall Buildings Background Paper.

4.9. Paragraph 22.20 reiterates the paper and:

*“advises that tall buildings are generally not appropriate within the borough due to its predominately suburban low rise character, and will be resisted in all areas of the borough where they will be detrimental to this valued character. Tall buildings may be suitable in areas of the borough where all of the following factors are present:*

- *Regeneration or change is envisaged*
- *Good public transport accessibility*
- *Existing higher building precedent”*

4.10. Considering the above three points: change is envisaged; it is agreed there good public transport accessibility (statement of common ground); and there are higher buildings within the context of the site. The definition of 'tall building' is set out in Merton Tall Building Background Paper (2010) as any building over four storeys in height (as described below at my paragraph 4.47).

4.11. Paragraph of the Local Plan 22.22 states that designated industrial locations including those at Shannon Corner and Morden Road Industrial Area are sensitive areas of the borough where taller buildings may be appropriate where contributing to the regeneration and enhancement of employment uses, and where they will not have a detrimental impact on areas outside of the designated industrial area. This 'direction of travel' is picked up in the draft allocation Policy N3.4 Raynes Park: Site Allocation RP3 as described later.

4.12. Paragraph 22.23 states that tall building proposals in Merton will need to have regard to the environmental impact of certain locations, including where adjoining or located nearby to conservation areas, the setting of listed buildings and scheduled ancient monuments, where

overlooking open spaces, where they may impact on important local or strategic views, and where their presence could affect the valued and distinctive suburban residential character of the borough. None of these criteria apply other than that the area is suburban to the south and east.

## **Sites and Policies Plan (2014)**

### **DM.D1 Urban Design and the Public Realm**

- 4.13. Draft Policy DM.D1 is not cited in draft rfr 2 although the impact of development upon the public realm is raised by the Council's Statement of Case at paragraph 8.8. The Draft Policy states that development proposals must impact positively on the character and quality of the public realm and must be of the highest standard, adhering to the most appropriate policy guidance and best practice.

### **DM.D2 Design Considerations in all Developments**

- 4.14. Draft Policy DM.D2 (a) sets 14 design criteria of which I consider the following are relevant to draft rfr 2. Points i and ii state that all development proposals will be expected to:

*"i. Relate positively to the siting, rhythm, scale, density, proportions, height, material and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area.*

*ii. Use appropriate architectural forms, language, detailing and materials which complement and enhance the character of the wider setting;"*

- 4.15. The supporting text to the policy states that:

*"High quality design*

*6.16. As with policy DM D1, the council will promote or reinforce local distinctiveness and encourage high quality innovative, contemporary and sustainable design. Development proposals will be welcomed that respect the character of the wider area and reinforce a "sense of place" by recognising the local distinctiveness of areas as identified in the Borough Character Study or Conservation Area Character Appraisals...*

*6.41. Well-designed buildings make an important contribution to the character and quality of an area. Whilst the council would not wish to remove or reduce the freedom of architectural*

*expression, some basic guidelines are considered necessary for the public and developer alike in order to protect the established character and distinctiveness of the borough or enhance this wherever possible.”*

- 4.16. As described earlier, the local context is not considered to be of a great value and of poor townscape quality. Whilst there are surrounding suburban areas, these are quite distinct and separate from the context of the appeal site.

**Policy N3.4 Raynes Park: Site Allocation RP3**

- 4.17. The appeal site forms part of allocated site RP3 ‘Burlington Road Tesco’ within the emerging Merton Local Plan. The allocated site includes the New Malden Tesco Extra store, retail surface level parking and the vacant office and warehouse building at 265 Burlington Road. The proposed site allocation seeks to re-provide the existing supermarket (equivalent floorspace) and redevelop the remainder of the site for new homes. The emerging site allocation does not specify an indicative residential density or maximum building heights. It states:

*“The character of the area is changing to have an increased residential emphasis, particularly to the south. Residential development at the Site would complement both the existing retail use and this existing and emerging residential development in the immediate and surrounding area”*

- 4.18. The supporting text to Draft Policy N3.4 (Surrounding Area of Raynes Park Local Centre) states the following in support of residential development that is sensitively designed and improves the public realm and setting, replacing an unattractive local environment:

*“3.4.7. Raynes Park’s share of Merton’s new homes will be provided on some larger sites closer to Shannon Corner...”*

*3.4.10. ...Many of these sites may be suitable for new homes where these are sensitively designed to improve the setting and public realm, improve links to the town centre.*

*3.4.13. The suburban neighbourhoods within the sub-area will be conserved and enhanced by ensuring that new development respects local character and amenity, and where appropriate historic value.”*

## **London Plan (2016)**

4.19. Relevant policies and extracts to this evidence are set out below:

### **Policy 3.5 Quality and Design of Housing Developments**

#### **Policy 7.4 Local Character**

4.20. Policy 7. 4 states at point 'A'

*“Development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area’s visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area.*”

4.21. The supporting text at paragraph 7.14 states:

*“7.14 The physical character of a place can help reinforce a sense of meaning and civility – through the layout of buildings and streets, the natural and man-made landscape, the density of development and the mix of land uses. In some cases, the character is well preserved and clear. In others, it is undefined or compromised by unsympathetic development. Through characterisation studies, existing character can be identified and valued, and used to inform a strategy for improving the place.”*

#### **Policy 7.6 Architecture**

4.22. Policy 7.6 states:

*“Architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context.*”

4.23. The supporting text states:

*“7.21 Architecture should contribute to the creation of a cohesive built environment that enhances the experience of living, working or visiting in the city. This is often best achieved by ensuring new buildings reference, but not necessarily replicate, the scale, mass and detail of the predominant built form surrounding them, and by using the highest quality materials.”*

- 4.24. Considering the appropriateness of taller buildings, well designed tall buildings can effect a positive change for regeneration. The London Plan states:

*“7.25 Tall buildings can make a positive contribution to city life, be excellent works of architecture in their own right, can affect the image and identity of a city as a whole, and can serve as beacons for regeneration and stimulate further investment... they should be resisted in areas that will be particularly sensitive to their impacts and only be considered if they are the most appropriate way to achieve the optimum density in highly accessible locations, are able to enhance the qualities of their immediate and wider settings, or if they make a significant contribution to local regeneration”*

**Policy 7.7 Location and design of tall and large buildings**

- 4.25. Policy 7.7 is not cited in draft rfr 2. The Policy states that tall and large buildings should be part of a plan-led approach to changing or developing an area by the identification of appropriate, sensitive and inappropriate locations and that they should not have an unacceptably harmful impact on their surroundings. The policy sets a number of criteria for tall buildings which are ‘tested’ in this evidence.
- 4.26. The supporting text states that tall buildings should be resisted in areas that will be particularly sensitive to their impacts and only be considered if they are the most appropriate way to achieve the optimum density in highly accessible locations, are able to enhance the qualities of their immediate and wider settings, or if they make a significant contribution to local regeneration.

**The London Plan – Intend to Publish Version December 2019**

- 4.27. Relevant policies of the Intend to Publish London Plan are set out below:

**Policy GG2 Making the Best Use of Land**

- 4.28. Draft Policy CG2 states that to create successful sustainable mixed-use places that make the best use of land, those involved in planning and development must:

- A) *enable the development of brownfield land, particularly in Opportunity Areas, on surplus public sector land, and sites within and on the edge of town centres, as well as utilising small sites*
- B) *prioritise sites which are well-connected by existing or planned public transport*

- C) *proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling*
- D) *applying a design-led approach to determine the optimum development capacity of sites*
- E) *understand what is valued about existing places and use this as a catalyst for growth, renewal, and place-making, strengthening London's distinct and varied character*
- G) *plan for good local walking, cycling and public transport connections to support a strategic target of 80 per cent of all journeys using sustainable travel, enabling car-free lifestyles that allow an efficient use of land, as well as using new and enhanced public transport links to unlock growth*
- H) *H maximise opportunities to use infrastructure assets for more than one purpose, to make the best use of land and support efficient maintenance.*

#### **Policy D1 London's Form, Character and Capacity for Growth**

- 4.29. Draft Policy D1 states that in defining an area's character to understand its capacity for growth Boroughs should undertake area assessments to define the characteristics, qualities and value of different places within the plan area to develop an understanding of different areas' capacity for growth. As set out earlier, the Council have yet to undertake an assessment of the site's local character, though through the emerging plan site allocation RP3, and as set out in the Committee Report, the Council acknowledge that this is an area of change with capacity for growth.

#### **Policy D2 Infrastructure Requirements for Sustainable Densities**

- 4.30. Draft Policy D2 states that the density of development should consider, and be linked to, the provision of future planned levels of infrastructure rather than existing levels. This reiterates the Committee Report which acknowledges that the PTAL rating of the site will be improved.

#### **Policy D3 Optimising Site Capacity through the Design-led Approach**

- 4.31. Draft Policy D3 states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity. The evidence of Mr. Bacon described the design led approach to the capacity of the site for development.

## **Policy D4 Delivering Good Design**

4.32. Draft Policy D4 states:

*“B Where appropriate, visual, environmental and movement modelling/assessments should be undertaken to analyse potential design options for an area, site or development proposal. These models, particularly 3D virtual reality and other interactive digital models, should, where possible, be used to inform plan-making and decision-taking, and to engage Londoners in the planning process.*

*C) Design and access statements submitted with development proposals should demonstrate that the proposal meets the design requirements of the London Plan.*

*D) The design of development proposals should be thoroughly scrutinised by borough planning, urban design, and conservation officers, utilising the analytical tools set out in Part B, local evidence, and expert advice where appropriate.*

*E) The format of design reviews for any development should be agreed with the borough and comply with the Mayor’s guidance on review principles, process and management, ensuring that...6) planning decisions demonstrate how design review has been addressed.”*

4.33. The evidence of Mr. Bacon describes the design evolution of the appeal scheme, within which there were a number of 3D models presented to help determine the proposed scale and massing. As described earlier, the appeal scheme was subject to a DRP, and as noted in the Committee Report, the DRP comments addressed to the satisfaction of Council Officers.

## **Policy D9 Tall Buildings**

4.34. Policy D9 states that development proposals should address the following impacts:

*1) visual impacts*

*a) the views of buildings from different distances:*

*i long-range views – these require attention to be paid to the design of the top of the building. It should make a positive contribution to the existing and emerging skyline and not adversely affect local or strategic views*



*ii mid-range views from the surrounding neighbourhood – particular attention should be paid to the form and proportions of the building. It should make a positive contribution to the local townscape in terms of legibility, proportions and materiality*

*iii immediate views from the surrounding streets – attention should be paid to the base of the building. It should have a direct relationship with the street, maintaining the pedestrian scale, character and vitality of the street. Where the edges of the site are adjacent to buildings of significantly lower height or parks and other open spaces there should be an appropriate transition in scale between the tall building and its surrounding context to protect amenity or privacy.*

*b) whether part of a group or stand-alone, tall buildings should reinforce the spatial hierarchy of the local and wider context and aid legibility and wayfinding*

*c) architectural quality and materials should be of an exemplary standard to ensure that the appearance and architectural integrity of the building is maintained through its lifespan.*

4.35. The supporting text states that:

*3.9.1 Whilst high density does not need to imply high rise, tall buildings can form part of a plan-led approach to facilitating regeneration opportunities and managing future growth, contributing to new homes and economic growth, particularly in order to make optimal use of the capacity of sites which are well-connected by public transport and have good access to services and amenities”*

4.36. As noted earlier, the appeal scheme was submitted with a TVIA which undertakes a visual assessment of the scheme from views near and far and attention is drawn to this in the Committee Report.

4.37. The Committee Report also sets out the position of the Council with regard to this area and that tall buildings are not considered inappropriate; a position supported by the Local Plan as described above.

## **Character and Context SPG (2014) London Plan 2011**

- 4.38. In describing character the SPG underlines the importance of understanding the wider character of an area and that places ‘overlap’ (paragraph 3.14.). It states at paragraph 3.17 that:

*“3.17 London is the product of a complex set of inter-related processes and layering of different phase of cultural, social and economic evolution. As change is a fundamental characteristic of London, respecting character and accommodating change should therefore not be seen as mutually exclusive. Understanding the character of place should not seek to preserve things in a static way but should ensure an appropriate balance is struck between existing fabric and any proposed change...”*

## **Merton Design SPG (2004)**

- 4.39. With regard to views and building heights, the Design SPG states at paragraph 7.11 ‘Views’ that in considering issues such as the positioning, height or design of a proposed building it is essential to take account of the possible impact that the building might have on important views (existing and potential).

- 4.40. As described earlier there are no important views identified by policy in the context of the appeal site, and a number of views were considered by the TVIA.

- 4.41. At paragraph 7.16 the SPG states that:

*“high buildings may present problems where they would affect the character of Conservation Areas, Metropolitan Open Land, Historic Parks, Historic Parks and gardens, landmark buildings, other existing tall buildings, Metropolitan Views or Listed Buildings. Any proposal for a tall building should be the subject of a contextual design which assess impact on skylines, local medium and distant views, places, neighbouring amenities and communities.”*

- 4.42. As discussed earlier, the appeal site does not lie within an area that is protected by any particular policy designation or status. The TVIA prepared in support of the application addresses the assessment of the proposal.

## **LB Merton - Draft Borough Character Study 2016**

- 4.43. The local character is described by the Council's Draft Borough Character Study 2016. The appeal site lies within the Shannon Corner TCA for which a study is not available at this time. The adjacent housing areas east of the railway line are Motspur Park (for which a study is also not available) and Grand Drive.

## **National Design Guide (NDG)**

- 4.44. The National Design Guide sets out ten characteristics of well-designed places which contribute towards the themes for good design set out in the NPPF. The Design Guide lends some objectivity to the inherently subjective issue of 'good design'.

## **National Planning Practice Guidance (NPPG)**

- 4.45. The NPPG establishes that 'good design' can be described with the ten characteristics of the National Design Guide.

## **LB Merton - Tall Buildings Background Paper 2010**

- 4.46. In 2010 the Council prepared a 'Tall Building Background Paper 2010' to address matters of tall building development within the Borough. The Council makes numerous references to this paper within its Statement of Case. The paper defines a tall building, with my emphasis at paragraph 1.4.2 as:

*"...any building that has a significant impact on the existing scale and character of an area through height can be considered a tall building. In the context of Merton, where most of the borough is characterized by 2 storey suburban houses, **any building of 4 storeys or higher** could be considered a tall building in these locations."*

- 4.47. At paragraphs 3.8.2 and 3.8.18 the paper states:

*3.8.2. Areas where regeneration is proposed within the Core Strategy including Morden and Colliers Wood offer some opportunity, through comprehensive redevelopment, to introduce higher building elements where this is consistent with the understanding of how the area will transform.*

*3.8.18. Designated industrial areas including those at Shannon Corner and Morden Road Industrial Areas are sensitive areas of the borough where taller buildings may be appropriate*

*where contribution to the regeneration and enhancement of employment uses, and where they will not have a detrimental impact on areas outside of the designated industrial area over time.”*

4.48. The appeal site is within one of the few areas of the borough identified by the paper that is inappropriate for tall buildings (Page 59 of Tall Buildings Paper 2010).

4.49. With regard to tall buildings and their impacts the paper states:

*“1.5.2 High rise tower blocks ... will be significantly taller than their surroundings and have a significant impact on the skyline. These tall buildings do not necessarily have a large building footprint and if designed well at the ground level can contribute positively to the streetscene*

*1.6.3. Tall buildings are highly visible. Designed well, and in the right locations, they can make a powerful contribution to the quality and vitality of their setting. They can also contribute to sustainable urban development.”*

4.50. And at paragraph 3.5.3 the Tall Buildings Background Paper creates the following building heights categories:

*“3.5.3. The Distinctive Areas of the Borough Map has been used as a starting point in generating the following building height categories:*

- Suburban Low rise and undeveloped land (0-3 storeys)*
- Mid-rise (4-6 storeys)*
- High rise (7-10 storeys)*
- Prominent high-rise towers (11+)”*

4.51. In the context of the appeal site as described earlier, there are nearby mid-rise buildings on Burlington Road and beyond, suburban low-rise.

## 5. Design Appraisal

- 5.1. This section considers the appropriateness of the proposed scale; massing and visual amenity with reference to the CGI's prepared in support of the application scheme and the DAS.

### Scale and massing

- 5.2. With reference to Figure 11 below, the layout of the appeal scheme creates a cluster of seven buildings above a podium within a traditional perimeter street block structure that reflects the local pattern and grain. The arrangement of buildings within the blocks provides an interesting urban form which changes depending on viewpoint and can be appreciated far and near.



**Building A** (12 storeys of residential)

**Building B** (10 storeys of residential)

**Building E** (14 storeys of residential)

**Building F** (8 storeys of residential)

**Building G** (8 storeys of residential)

Figure 11: Proposed massing and scale and maximum heights above podium. (Addendum to DAS, page 5).

- 5.3. The proposed scale and massing of development is mediated from the Burlington Road frontage into the site. The three buildings on Burlington Road (Blocks G, D and C) step up from 6, 7 and 8 storeys above podium level respectively. These 'high-rise' buildings (using the tall building categories as described above at my paragraph 4.50) create a transition in height from the surrounding 2 – 5 storey 'suburban low-rise' and 'mid-rise' buildings beyond the site as described earlier. Into the site, there is a further transition in height to the 'prominent high-rise' background buildings set close to the A3 corridor (Blocks A and E) which step up to 12 and 14 storeys above podium respectively.
- 5.4. The following paragraphs illustrate the articulation and transition of the height and scale of the proposals from far to near, and their visual effects with reference to the images and CGIs within the TVIA, reproduced in the Figures appended to this evidence.
- 5.5. Figure 12 below (TVIA View 4) is a view towards the appeal scheme from Claremont Avenue within the 'Motspur Park' suburban housing area.



Figure 12: CGI view from West Barnes Lane. TVIA View 4.

- 5.6. The proposed buildings are seen in the far distant background and set against the skyline. In this view, even at this distance, there is a definite articulation of the built form and a transition in height and a perceivable cluster of smaller individual buildings -not a prominent single 'mass'. There is a varied and interesting skyline.

- 5.7. I do not consider the appeal scheme to be remotely dominant in this view, nor to impact harmfully upon the suburban context. The distant new buildings differentiate the distant Shannon Corner area. Within this suburban streetscene, the foreground buildings, fences, hedges and parked cars remain prominent and there is a strong sense of suburban ‘openness’ – characterised by a wide street space and open sky. The distant view of the proposed buildings is contained by the two storey terraced housing in the fore and middle ground and no greater in height than the existing ridgelines. Block E (the tallest visible in the background) is no more prominent than the chimneys which animate the existing roofscape.
- 5.8. Figure 13 below (TVIA View 5) is a view from West Barnes Lane looking north towards the appeal site from the junction with Linkway at the edge of the Grand Drive TCA.



Figure 13: CGI view from West Barnes Lane. TVIA View 5 with labeled buildings.

- 5.9. The terraced frontage to West Barnes Lane draws the eye towards the railway crossing (the barriers are raised) and the appeal scheme in the background. The footbridge across the railway is to the right of the frame, seen alongside the new development, and with the raised barriers – which extend almost halfway up the elevation - usefully provides a sense of scale to the viewer in this location. This figure illustrates a well-defined ‘edge’ to the Shannon Corner TCA at the railway line and Burlington Road.
- 5.10. In this view, I consider that although there is noticeable change in character and style and the new buildings are prominent, this is not harmful upon the existing context or its visual amenity. There remains a sense of openness, the new buildings are not significantly greater in

height than the foreground corner shop ridge height. There is a varied roofscape and the individual buildings are discernible. Scale and massing is broken up by insets and the openness of balconies and extent of glazing. Horizontal and vertical rhythms in the elevation break the elevation into quarters - which are further accentuated by colour changes in the brick façade and the fenestration. Street trees and double height windows at the podium that are just visible, will provide an attractive base to the building. The proposed brown/red brick references the prevalent material of Grand Drive character area (See Figure 14 below), ensuring that while this development is of a different character area, it is visibly associated as part of the wider context.



Figure 14: View from railway bridge towards housing and apartments on the Linkway, noting brown/red colour palette.

- 5.11. I concur with the TVIA which concluded that given the architectural quality of the scheme, this is considered to be a positive change overall.



- 5.12. Figure 15 below (TVIA View 7) is a view towards the site from West Barnes Lane north and is within the Shannon Corner TCA. To the centre left of the view is Block C and to the right is the stepped Block A. The clustering of buildings and spatial separation between the Burlington Road frontage buildings and those within the site is illustrated. There is also a visible stepped change in height away from Burlington Road and into the site towards the A3.



Figure 15: View south along West Barnes Lane – leading to Burlington Road. TVIA View 7.

- 5.13. At the boundary to Pyl Brook and the school, the appeal scheme will retain most of the existing trees and vegetation, thereby providing separation and screening. The appeal scheme will not result in significant, let alone unacceptable, harm to the amenity of Raynes Park High School, as detailed in the daylight and sunlight report, and this is accepted by both the Mayor and the Council.

5.14. Figure 16 below (TVIA View 3) illustrates the appeal scheme from Claremont Avenue looking towards Burlington Road. The five storey Albany House is under white scaffolding below the crane to the right of the frame. This view contains a mix of buildings, a variety of style and heights. Defining the edge of the Shannon Corner area, Blocks E, G, D and C are seen just above the extended parapet line of the white apartments in the foreground and only slightly higher than Albany House. A sense of openness is retained by the new buildings being below the ridge and parapet lines of the foreground. Blocks G, D and C articulate the corner of Burlington Road, and even at this distance, one can appreciate the detailing in the façade, the inset corner balconies and variation in roofscape that make for an interesting streetscene.



Figure 16: CGI View: TVIA view from Claremont Avenue - View 3. The pitched parapet to Block E is to the left, Block G is to the centre and D and C to the right.

5.15. I concur with the TVIA which concluded that the built form would create an attractive built frontage that would repair the streetscene. The high quality materials and bespoke architectural treatment create an interesting focal point in the townscape.

5.16. Figure 17 below (TVIA View 1) is a transitory view from the A3 looking back towards the appeal scheme on travelling along the A3 and approaching the Shannon Corner TCA by car. Presently, the view is of a car park and the Tesco Store and there is no appreciation of the suburban housing areas beyond. As proposed, there is a new cluster of tall buildings that 'signal' the Shannon Corner area. The new skyline is articulated by Blocks A, B, E and F (from left to right). There is a perceived gradation in height lowering to the south (background) which corresponds to the edges of the existing suburban area and the transition in reduced height.



Figure 17: CGI view from the A3.

- 5.17. Figure 18 below is from opposite the site on Burlington Road close to Albany House. The Burlington Road frontage comprises three primary blocks set behind street trees - replacing those that will be lost on the site boundary to the car park and existing building.



Figure 18: CGI View: Burlington Road frontage. Amended Scheme, page 11. Block G is to the left and D to the right. In the background is Block B.

- 5.18. The three visible blocks step from 6 and 8 storeys at Block G, 6 storeys at D, to 7 storeys at Block C (all above a podium level). The scale and massing of Blocks C, D and G is articulated by insets, balconies, large windows, materials and set-backs at upper floors to create a rich and articulated elevation that positively contributes to the streetscene.
- 5.19. There is a clear sense of proportion to the elevations, with detailed brickwork at the two storey base of the buildings and the glazed shop facades that provide for activity along the frontage. The detailing of the elevation with expressed inset balconies and decorative brick work is familiar to the contemporary Albany House opposite, reinforcing the emergent streetscene along Burlington Road.
- 5.20. In the background is the white elevation of Block A and through design and siting, this building appears spatially apart, differentiating the lower scaled Burlington Road frontage. The podium behind Block D and to the front of Block A is also discernible. Above the podium is the garden, glimpsed between the brick piers that create a vertical rhythm to the frontage along the access road.

5.21. Figure 19 below illustrates the view at the junction of Claremont Avenue and Burlington Road. From left to right are the cluster of Blocks F and E (white façade), G, D and A. The transition in height of the new buildings is noticeable, and the buildings articulated the skyline. As seen, the cluster of buildings though taller, are visually below the parapet of foreground apartment building on Claremont Avenue to the left and step up from Albany House to the right.



Figure 19: View of appeal scheme from the edge of Claremont Avenue. DAS Addendum.

5.22. There is depth to this view such that the new buildings are not overbearing upon the foreground buildings. Blocks E and F in white visibly recede into the background against the stronger red and brown brick of the foreground buildings. The foreground buildings retain their street presence by design (a strong collective horizontal emphasis accentuated by the contrasting parapet). Although there is a transition in height from the existing two storey foreground frontage (which as part of RP3 is part of the wider redevelopment area), the difference is not considered to be harmful to the streetscene. To the contrary the effect will be to add a new high quality development to the view which will plainly add interest in a way which will positively enhance the surrounding context.

## Summary

5.23. In summary:

1. The appeal scheme will enhance and define the character of the Shannon Corner TCA.
2. The appeal scheme will enhance the legibility of the Shannon Corner TCA.
3. The Shannon Corner TCA is considered an appropriate area for taller buildings.
4. The layout of the appeal scheme has resolved a spatial separation of buildings above a podium that resolves a perimeter street block at ground floor with many active fronts, and above, the siting of buildings to create a changing urban form depending on view point.
5. The appeal scheme proposes a cluster of blocks, spatially separated across the appeal site that gradates height from the edges along Burlington Road towards the A3. There is a lower scale and massing of blocks on the Burlington Road frontage at the transition to adjacent suburban character areas.
6. There are no identified views, heritage assets or Conservation Areas impacted.
7. Where seen, for close and long views the appeal scheme has been designed to articulate the massing and scale of the buildings to create a rich and interesting streetscene and skyline.
8. The architectural approach to the buildings resolves a depth of detail that further breaks up the mass of the buildings, through variation in brick detail and palette, variation in roof form and a distinctive change in material from red brick to white render.

5.24. The TVIA concludes:

*“6.10 ... notable enhancement of the townscape of the site itself and the Shannon Corner character area and provide a catalyst for wider regeneration that is being promoted in the area... The proposal is of excellent architectural quality and responds positively to its former industrial context to create a new sense of place that references the former printing and engraving works.*

*6.11 ... no effects on any designated heritage assets or any protected views. While there would be some localised minor adverse effects on some views from elevated streets in the surrounding suburban area, visual amenity in the immediate area would be considerably enhanced.”*

5.25. In the context of anticipated change, which includes an acceptance of tall buildings, and the conclusions of the TVIA, I support the proposed scale and height.

## 6. Response to Draft Reason for Refusal 2

*“2. Notwithstanding metropolitan planning objective of optimising housing potential, as set out in policy 3.4 of the London Plan, the proposals by reason of their size, massing and bulk, would result in an overdevelopment of the site that would be overly dominant and unduly prominent, failing to relate positively and appropriately to local character to the detriment of the visual amenities of the area and failing to deliver a housing development of the highest quality in relation to its context. The proposals would be contrary to policies 3.5, 7.4 and 7.6 of the London Plan (2015), policy CS.14 of the Merton Core Planning Strategy (2011), and policy DM.D2 of the Merton Sites and Policies Plan (2014).”*

### **Size, Bulk and Massing / Overdevelopment**

- 6.1. In accordance with London Plan Draft Policy D3 Optimising Site Capacity through the Design-led Approach - the development makes the best use of land by following a design led approach that optimises the capacity of the allocated site and determines the most appropriate form of development that responds to a site’s context and capacity for growth, and existing and planned supporting infrastructure capacity.
- 6.2. In accordance with London Plan Policy 7.4 Local Character, as described by the DAS and reported by the GLA Stage 1 report, the appeal scheme has demonstrably addressed the constraints and opportunities of the site and had regard to the local context.
- 6.3. There are no special circumstances in the local context to determine density or height. In accordance with London Plan Policy 7.7, the DAS and TVIA provide an urban design analysis that demonstrates that the following criteria for tall buildings are met:
  - a) *limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport*
- 6.4. The site is identified as an area of intensification and an opportunity in the draft Local Plan.
  - b) *only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building*

6.5. This point is 'tested' and met as described by the TVIA. Considering the context and draft policy allocation, the site is not considered a sensitive location of a great value and of townscape quality.

*c) relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;*

6.6. It is considered that the architecture has resolved a well-proportioned and appropriate development considering grain, landscape and public realm.

*d) individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London*

6.7. The group of buildings will improve the legibility of this regeneration area and through well designed and proportioned buildings, enhance and add interest to the skyline – presently lacking on the site.

*e) incorporate the highest standards of architecture and materials, including sustainable design and construction practices*

6.8. It is considered that the appeal scheme achieves the required standards.

*f) have ground floor activities that provide a positive relationship to the surrounding streets*

6.9. The scheme provides active frontages to Burlington Road, where there are presently none, and into the site.

*g) contribute to improving the permeability of the site and wider area, where possible*

6.10. The scheme reinforces the existing permeability.

*h) incorporate publicly accessible areas on the upper floors, where appropriate*

6.11. As a residential scheme above ground floor, there are no publically accessible areas.



*i) make a significant contribution to local regeneration.*

6.12. It is considered the scheme makes a significant contribution to local regeneration. The appeal site is within an urban area for which the principle of redevelopment and change is supported by emerging planning policy (Policy N3.4 Raynes Park: Site Allocation RP3 - Merton Local Plan 2015-2030 second consultation).

6.13. I consider it of note that none of the commonly found issues related to overdevelopment are alleged in draft rfr 2. In many instances overdevelopment expresses itself in a range of ways, for example cramped living conditions and inadequate amenity space. None of these issues are alleged in the draft rfr and I consider that appeal scheme accords with underlying policies that seek to optimise the use of development land. There are no identified departures from good urban design practice in terms of spatial layout, overlooking and privacy identified in the Committee Report. To the contrary, the layout demonstrates that the appeal site can comfortably accommodate the density of built form without limiting those features important for an acceptable living environment. This is in accordance with:

1. Local Policy CS14 Design 'b and e' to promote high quality design development, which sets a number of design criteria which are not referenced in the draft second reason for refusal.
2. Local Plan Policy CS14 Design 9(c) Tall buildings may therefore only be appropriate...where of exceptional design and architectural quality, where they will not cause harm to the townscape..."
3. Local Plan Policy DM.D2 (a) 1 with regard to considering the siting, rhythm, scale, density, proportions, height, material and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area.
4. London Plan (2016) Policy 3.5 Quality and design of housing developments:  
A - Housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment, taking account of strategic policies in this Plan to protect and enhance London's residential environment and attractiveness as a place to live.  
B - The design of all new housing developments should enhance the quality of local places, taking into account physical context"
5. LB Merton Tall Buildings Background Paper 2010. Where tall buildings within the Shannon Corner area are not considered to have a detrimental impact on areas outside of the designated industrial area over time.

6.14. At paragraph 8.6 of the Council's Statement of Case, the following is stated with regard to how the scale and massing could have been mitigated:

*“The proposed scheme does not seek to redevelop the whole site in the way envisaged by the site allocation and the Council's preference was for a whole-site approach incorporating the Tesco store which would have maximised housing output beyond that of the current application, and would have mitigated the design issues of mass and bulk as it could have been a complete 'neighbourhood' with the whole site. The part-site option was sub-optimal in terms of the housing numbers and overall urban design approach that could have been achieved. The part-site approach does not meet the strategic objectives of the local plan site allocation.”*

6.15. A separate application will not prejudice the comprehensive delivery of RP3 and RP3 does not seek a single application Policy. No harm has been cited that the Tesco store redevelopment and the remainder of the site cannot come forward (SoCG – Para 6.5 and 7.3). Furthermore, the DAS demonstrates how a much broader scheme could come forward at page 44 (See Figure 20).

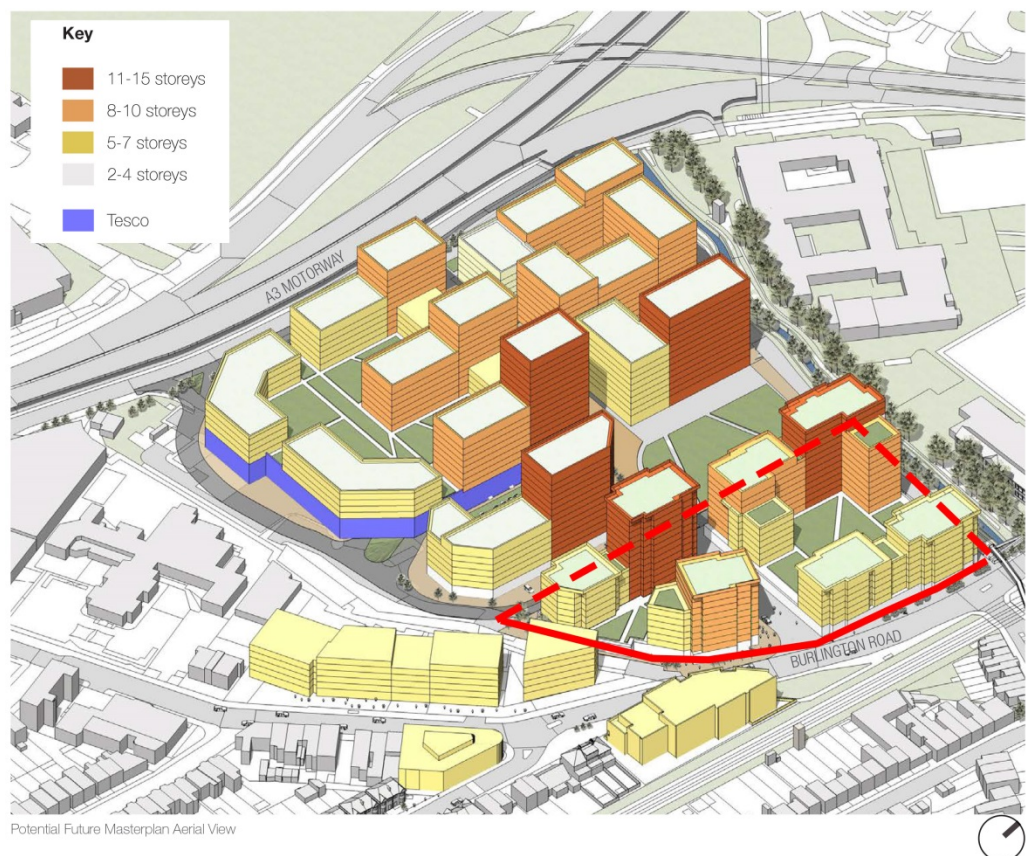


Figure 20: Page 44 DAS - a high level masterplan which addresses the council's ambitions for this site-wide development, while illustrating that Redrow's development proposal being brought forward will both integrate and be integral to this future potential.

- 6.16. Overall, I do not consider that the scheme would not be excessive in size and scale and result in overdevelopment. It would not be contrary to the policies set out in draft rfr 2.

### **Positive and Appropriate Response to Character**

- 6.17. There are no policy designations or guidance that seeks to define a character or quality that should be preserved over and above the imperative for good design that has regard for its context.
- 6.18. The Shannon Corner TCA is set apart from surrounding inter-war housing historically by railway and highway infrastructure. I consider that there is a much greater tolerance for change within the Shannon Corner TCA.
- 6.19. There is an expectation that change within the local context will occur, and how the area is perceived from the suburban surroundings will change. Consistent with allocation RP3 and NPPF Paragraph 130, the design accords with the clear expectations in plan policies to regenerate the area with regard to its surroundings. Notwithstanding that the site is considered appropriate for tall buildings, it is acknowledged, with reference to a recent recovered appeal decision for scheme including towers of up to 9 storeys, that there could be tall buildings within, and adjacent to, a suburban housing area (Appendices to Mr. Murch's Proof of Evidence: North London Business Park, Oakleigh Road South, London, N11 1GN - APP/N5090/W/17/3189843 - application Ref 15/07932/OUT). The reference appeal had a single townscape related reason for refusal citing:

*"The proposed development, by virtue of its excessive height, scale and massing would represent an over development of the site resulting in a discordant and visually obtrusive form of development that would fail to respect its local context and the pattern of development in its context, to such an extent that it would be detrimental to the character and appearance of the area"*

- 6.20. With reference to the Secretary of State's decision letter, such a complaint is not on its own, reason enough to refuse:

*"23. In considering the impact of the proposal outside the immediate surroundings the Secretary of State agrees with the Inspector at IR68 that, while the taller buildings would be visible from locations in the surrounding area, they would primarily be part of the background cityscape, a characteristic of London even in the suburbs."*

6.21. This decision reinforces the objectives of the Character and Context SPG (2014) London Plan 2011 which states at paragraph 3.17 that:

*“3.17 London is the product of a complex set of inter-related processes and layering of different phase of cultural, social and economic evolution. As change is a fundamental characteristic of London, respecting character and accommodating change should therefore not be seen as mutually exclusive. Understanding the character of place should not seek to preserve things in a static way but should ensure an appropriate balance is struck between existing fabric and any proposed change...”*

6.22. The appeal scheme will enhance the Shannon Corner local character, replacing poor quality buildings and a car park along Burlington Road with an attractive frontage of apartments with ground floor activity.

6.23. In accordance with London Plan Policy 7.6 Architecture: the appeal scheme will make a positive contribution to a coherent public realm, streetscape and wider cityscape. As described within the DAS, the appeal scheme references past uses, local materials and colours. It will incorporate high quality materials and design appropriate to its context. The appeal scheme will also help reinforce a sense of meaning and civility through: the layout of buildings and streets; the natural and man-made landscape; the density of development; and the mix of land uses at Shannon Corner In accordance with the supporting text to Policy 7.4 (paragraph 7.14) of the London Plan.

6.24. In accordance with the objectives of Draft Policy DM.D2, the appeal scheme relate positively to the siting, rhythm, scale, density, proportions, height, material and massing of surrounding buildings on Burlington Road. It will reinforce the street pattern along Burlington Road and relate through design to the historic context. The architectural form is considered appropriate, having regard to Albany House and the red / brown brick language and elevation detailing that complements and enhances the character of the wider setting.

6.25. As to whether the appeal scheme would be an adverse addition to local character, I consider that the design and appearance are well referenced to the local vernacular and appropriate to the location. The contemporary architectural form is appropriate to emergent character as expressed at Albany House, and the modern apartments opposite identified by the local context photos at Appendix 3. The wider prevalence of traditionally styled suburban dwellings

co-exist with contemporary designed flat roofed apartment. At its most visible, the proposals will be seen in the context of the modern apartments.

### **Visual Amenity**

- 6.26. There are no important views identified within the local context. Where views are identified within one of the nearby suburban housing areas, the Grand Avenue TCA – the only nearby area for which there is a character appraisal other than that prepared by the appellants – the identified views do not significantly impact upon the character of the area. Views will change looking towards the appeal site. This change is accepted and anticipated as part of the emerging policy that supports regeneration of the Shannon Corner TCA. The TVIA concludes there would be a major beneficial effect within the site itself.
- 6.27. For long distant views from within the surrounding suburban areas, the appeal scheme resolves a varied skyline of different scale and proportion for different viewpoints. The articulation of mass and scale ensure that from the various viewpoints there is an interesting skyline that will help define the Shannon Corner TCA and there remains a sense of openness.
- 6.28. For closer views, there are few dwellings that directly overlook the appeal site. There will be a transition in height and scale between the suburban houses and the new development, but the change is not considered harmful or to impact upon the qualities of these surrounding areas. The housing areas, which are set apart, will retain their characteristics.
- 6.29. Having considered the appeal scheme in its setting, I find that the buildings will be an attractive and well-designed addition to the local context which will enhance rather than detract from the visual amenities within the area, consistent with the objectives of Policy D9 Tall Buildings.

### **Design Quality**

- 6.30. In accordance with NPPF paragraphs 128 and 129, effective engagement has informed the design. Considering matters of design quality, neither the Committee Report nor the reasons for refusal provide any substantive evidence. NPPF Paragraph 127 sets six qualitative design criteria that should be met, and taking each in turn:

*a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

- 6.31. It is considered that the appeal scheme will enhance the quality and function of Shannon Corner as vibrant, urban place to live, and will deliver a high quality living environment to enhance the surrounding context.
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- 6.32. The appeal scheme is considered to be attractive architecture set out to create an attractive environment for residents and visitors. There are no in principle landscaping related objections, and the landscape setting is considered to be of a high quality.
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- 6.33. The appeal scheme is considered sympathetic to history and local character in materials, detailing and landscape setting, informed by pre-application engagement and a context appraisal. The density of development, a product of the flatted design, is considered appropriate and no harm concerning matters of overdevelopment has been substantiated in draft rfr 2.
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- 6.34. The appeal scheme is considered to deliver an attractive, strong sense of place that encourages walking.
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- 6.35. The quantum of housing proposed is considered entirely appropriate for this site, the development on the land is optimised in line with the NPPF and it gives rise to no material harm.

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience*

6.36. The layout will create places that are safe, inclusive and accessible, promoting health and well-being. There will be a high standard of amenity for visitors and residents, the environment and amenity of people walking along Burlington Road will also be improved, with active frontages and street trees addressing the streetscene.

### **National Design Guide's ten characteristics of successful places**

6.37. And, considering the merits of the appeal scheme against the National design Guide, I draw the following conclusions.

#### *1. Context*

6.38. As described by the DAS, the appeal scheme has demonstrably been informed by a robust understanding of the local existing and emerging context, to create a positive sense of place.

#### *2. Identity*

6.39. The appeal scheme has a strong identity informed by the former uses on the site and the emerging vernacular at Albany House. The buildings and landscape are designed to engage with visitors and residents through the quality of the landscaping, the activity of public facing edges. The architecture is attractive, references local materials and features, and is coherently applied across the blocks.

#### *3. Built form*

6.40. The built form responds positively to its context by creating an attractive frontage along Burlington Road and within the site, framing attractive spaces. Internally, the buildings frame legible spaces. The height, scale and massing of the built form is considered appropriate.

#### *4. Movement*

6.41. The appeal scheme is structured around attractive spaces. The movement patterns are clear and legible.

#### *5. Nature*

- 6.42. Details of the ecology, planting and detailing of the green spaces are provided within the DAS and supporting landscape statement. The scheme will deliver significant improvements to the Pye Brook.

#### *6. Public spaces*

- 6.43. The appeal scheme provides the enhancement of Burlington Road and well overlooked street spaces.

#### *7. Uses*

- 6.44. This is a residential led scheme, accessible to local services. There is a mix of tenures and range of apartment sizes and commercial uses.

#### *8. Homes and buildings*

- 6.45. The buildings are considered to provide good quality internal and external living environments for residents to promote health and wellbeing. Residents are afforded private and communal amenity spaces within the appeal scheme. The building design has considered servicing, access to refuse and servicing.

#### *9. Resources*

- 6.46. The appeal scheme proposes a compact and walkable development. It is considered to achieve the optimum and efficient use of this brownfield site.

#### *10. Lifespan*

- 6.47. The appeal scheme will be well managed to maintain the quality of the built form and open spaces.



## **7. Conclusion**

- 7.1. This evidence provides a commentary on national and local design policy, an appraisal of the appeal site context and an assessment of the appeal scheme against the context and issues raised by the first reason for refusal.
- 7.2. The appeal scheme has evolved through an iterative process with Council Officers. It has been prepared by a development team with experience of delivering quality schemes.
- 7.3. The Case Officer's Committee Report covers the design of the appeal scheme with regard to the policy and design framework in depth. It draws upon the comments of other officers, third parties and others.
- 7.4. It is reasonable to expect that when recommending the appeal scheme for approval, the Case Officer came to an informed and balanced view. I concur with the Officer's support for the appeal scheme.
- 7.5. The appeal scheme will create an attractive place that respects and enhances local distinctiveness. Views along street spaces will change, but the appeal scheme will be seen as reinforcing/enhancing the emerging character and qualities of the Shannon Corner TCA.
- 7.6. The imperative for seeking to secure 'high quality' design or 'design excellence' is set by the NPPF at Section 12, the National Design Guide and in the context of this appeal, underlined by Merton Local Plan Policy CS14. In my opinion, the appeal scheme is a well-designed and contextual proposal. In my view draft rfr 2 is not justified. The appeal scheme is of a high standard of urban design and the requirements and guidance on good design have been met. It is demonstrable that the design has been carefully considered with reference to architectural forms and details found within the local context to ensure that this will result in a high quality scheme which will enhance the character and appearance of this area.