

## **Summary Proof of Evidence**

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**Jonathan Owen Davies Murch MATCP MRTPI**

**Town & Country Planning Act 1990, Section 78**

**Appeal by Redrow Homes Limited**

**265 Burlington Road, London Borough of Merton**

**PINS Reference: APP/T5720/W/20/3250440**

**LPA Reference 19/P2387**

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# 1. Qualifications and Experience

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- 1.1 My name is Jonathan Owen Davies Murch. I hold a Masters degree in Town Planning from the University of Manchester. I am a Member of the Royal Town Planning Institute. In 2001 I joined Hephher Dixon Town Planning Consultants, who subsequently merged with Savills in April 2007. Up until October 2014 I was a Director within the Savills Planning Team. In October 2014 I founded DaviesMurch.
- 1.2 I have nineteen years' professional experience in consultancy. I have been involved in a very wide range of projects, for various clients. Most of my professional work over the years has been in London, and I know the Borough of Merton well. I have worked on and am currently working on a number of major applications within the borough. I am also very familiar with residential-led urban redevelopment schemes, such as this.

## 2. Introduction

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2.1 This summary proof has been prepared on behalf of the Appellant, Redrow Homes Limited, to accompany an 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. This statement sets out the Appellants' case, having regard to the Council's draft reasons for refusal.

2.3 The application was submitted on the 5<sup>th</sup> June 2019 and was assigned the reference number 19/P2387. It was validated on the 22<sup>nd</sup> July 2019. The description of development, as publicised by the Council, is as follows:

*“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.”*

2.2 The application was recommended for approval by officers of the Council for the reasons set out within the officer's report to committee. Despite this, the Council's Planning Committee resolved to refuse permission at its meeting on the 13<sup>th</sup> February 2020. The following reasons were given for refusal:

### **Draft Reason for Refusal 1**

1. *The proposals by reason of the number of units proposed, the location of the main vehicle access coupled with the prevailing intermittent road congestion arising from the operation of the nearby level crossing, and in the absence of a controlled parking zone or other additional parking controls operating locally, would be likely to:*

- *Exacerbate potential for congestion, already prevalent in the vicinity of the application site and at the nearby junction of West Barnes Lane and Burlington Road, precipitated by the level crossing that results in significant queuing, impacting on the road and various junctions and more so at the existing egress to the site, leading to a harmful*

*impact on the overall environment including safety and the efficient operation of the highway network within the vicinity of the appeal site. The proposals would contribute towards a motorised vehicle dominant environment which diminishes the quality of environment for pedestrians and cyclists and does not encourage sustainable modes of movement;*

- *Exacerbate pressure on kerbside parking locally to the detriment of the amenities of existing residents, as a controlled parking zone or other additional parking controls operating locally, could not be implemented unilaterally by the Council as Traffic Authority on the basis of a S106 undertaking, any such proposal being subject to consultation processes and Cabinet member approval and thus any outcome cannot be pre-judged; and*
- *The proposals would be contrary to policies 6.3 and 6.10 of the London Plan (2016), policies CS18 and CS20 of the Merton Core Planning Strategy (2011), and policy DM.T2 of the Merton Sites and Policies Plan (2014).*

## **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).*

2.4 Responses to the above two draft reasons for refusal are dealt with within the evidence of Mr Mike Saveage and Mr Colin Pullan respectively.

2.5 In addition to the above, The Raynes Park and West Barnes Residents Association has Rule 6 status. The basis of their objection can be summarised as follows:

- Scheme design, density and building height;

- Increase in traffic congestion;
- Change of use of the site from retail and employment to residential;
- Damage to the environment and carbon footprint;
- Conflict between density/ height and sustainable onsite energy generation;
- Carbon footprint;
- The proposals relationship with the wider allocation within the Council's draft Local Plan and failure to deliver a comprehensive redevelopment; and
- Incompatibility of residential and flood risk.

### 3. Scope of my Evidence

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3.1 The scope of my evidence focuses on the issues outside of the draft reasons for refusal. This includes housing supply and the other matters identified by the Rule 6 party and third party objections.

3.2 The requirement to deliver sustainable development is set out in Section 2 of the NPPF. It identifies three overarching objectives, namely:

- 1) An economic objective;
- 2) A social objective; and
- 3) An environmental objective.

3.3 I consider the planning benefits arising from the development proposals against the overarching objectives below.

#### Economic Objective

3.4 Consistent with the NPPF, the development will optimise an underused brownfield site to provide new homes and jobs. The substantial benefits arising from the proposal are identified within the Economic Benefits Statement attached at **Appendix 12** of my evidence, which can be summarised as follows:

- £124m investment in construction;
- 700 construction jobs per year;
- 120 jobs once completed supported through additional expenditure in the area;
- £11.4m additional household spend in the local economy;
- £0.87m additional Council tax revenue;
- 40 FTE jobs supported by the on-site employment space;
- £1.4m salary values for those working on site;
- £2.6m gross GVA per annum; and
- £95,000 of additional business rates revenue for the Council.

- 3.5 The site as it currently exists provides little economic benefit to the area. In my opinion the vacant office building detracts from the area.
- 3.6 I consider the appeal proposals fully meet the economic objective defined by the NPPF and I would attach moderate weight to the economic benefits arising from the proposal.

#### A Social Objective

- 3.7 The appeal proposals will provide 456 new homes and make a substantial contribution to the Council's housing targets. 35% of these homes will be affordable housing, for which there is an acute need as a result of lack of delivery. My evidence identifies that the Council does not have a five year land supply and therefore paragraph 11d of the NPPF is engaged.
- 3.8 Furthermore, the scheme will provide a range of unit sizes, which the Council's housing officers have confirmed will help address need.
- 3.9 The high level of affordable housing provision and mix of unit sizes will support the delivery of a strong, vibrant and healthy community as sought by the NPPF.
- 3.10 The scheme will provide short term construction jobs. The employment space within the development will provide opportunities for longer term jobs, appropriately sized to take account of the high proportion of micro businesses locally, reducing the need to travel to other areas.
- 3.11 The site is well located in respect of local services available in West Barnes and Raynes Park.
- 3.12 The development will provide new areas of open space, including the potential for future public access along Pyl Brook, as part of the delivery of a wider masterplan.
- 3.13 The development has identified significant opportunities for investment and improvement in the surrounding area consistent with the Mayor's Healthy Streets initiative.
- 3.14 I consider that the proposals fully meet the Social Objective requirements of the NPPF and I would attach very substantial weight to the housing delivery element of the scheme, particularly in light of



the Council's lack of five year land supply and its poor track record in relation to affordable housing delivery. I would also attach moderate weight to the economic benefits and access to local services arising from the proposal.

### An Environmental Objective

3.15 The proposed development will optimise this underused brownfield site therefore reducing the pressure on releasing less sustainable sites, including greenfield sites.

3.16 The scheme includes a package of measures that will provide significant environmental benefit, including:

- An energy and sustainability strategy that complies with the DLP policies;
- Biodiversity enhancements, including improvements to Pyl Brook, green roofs, opportunities for bird and bat nesting and insects;
- A flood risk and sustainable urban drainage system to reduce runoff rates to 3 x greenfield which is a significant improvement over the current situation;
- Tree planting; and
- Offsite works that are proposed as part of the Mayor's Healthy Streets initiative.

3.17 I consider the appeal proposals fully meet the Environmental Objectives set out by the NPPF. I would attach substantial weight to the benefits of making effective use of this brownfield site. I would also attach moderate weight to the other aspects of the proposal in relation to energy and sustainability, biodiversity, floodrisk and off-site public realm improvement works.

### Summary

3.18 Above I have identified that the proposed scheme complies with all objectives of a sustainable development. I have identified the weight I consider ought to be given to each element against these objectives.

3.19 Paragraph 11 of the NPPF requires that decisions should apply a presumption in favour of sustainable development. The presumption in favour of sustainable development is therefore engaged in relation to both part 11c and 11d of the framework.

## 4. Conclusion

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4.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states:

*“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”*

4.2 My evidence has considered the various issues that are relevant to the assessment of this appeal against the requirements of the development plan outside of the two draft reasons for refusal which are covered by Mr Savage and Mr Pullan. Both conclude that the proposed development is in accordance with the development plan and that the draft reasons for refusal are not sustainable.

4.3 I have identified that the current London Plan and Council’s housing targets set out in their respective policies are out of date and do not come anywhere close to meeting the OAN for either London as a whole or the LB Merton. The replacement housing targets that are set out in the DLP also do not meet London’s OAN and the Secretary of State has directed an immediate review.

4.4 As stated in section 6 above, weight should be afforded to the housing targets set out in the DLP given the stage that it has reached. Officers at the GLA have confirmed that they should be given *‘significant material weight’*.

4.5 I believe it is common ground with the Council that it does not have a five year land supply and therefore paragraph 11d of the NPPF is engaged. However, the Council may have changed their position at a late stage, prior to submission of evidence. It may be necessary to provide further clarification on this point within a rebuttal proof, or a supplementary statement of common ground.

4.6 There is dispute between the Council and the Appellant about their housing targets and therefore the percentage of housing supply it is able to demonstrate. In my view, the Council can show 79% of its five year land supply (3.9 years) based upon the targets within the DLP, which the Secretary of State has confirmed should be the baseline and will not come close to meeting OAN.

4.7 The 456 homes proposed by the development will make a significant contribution towards Merton’s housing need and should be given very substantial weight in the planning balance, consistent with the appeal decisions identified in section 9 above.

- 4.8 The 143 affordable homes will also make a substantial contribution to the substantial need within the borough. It will deliver more affordable housing from one scheme than the Council has managed from all schemes, on average, over the last eight years. The affordable housing should also be given substantial weight in the planning balance.
- 4.9 I have considered the various other planning matters arising from the development. I have identified that the scheme will deliver a very high standard of accommodation that complies with all of the relevant policies and standards, and should therefore also be given moderate weight.
- 4.10 I have identified that no material harm will be caused to existing neighbouring properties in respect of daylight, sunlight and overshadowing, overlooking and loss of outlook, which meet or exceed the development plan standards. In my experience, it is rare that a scheme in an urban London context has such limited material impact on existing neighbouring properties.
- 4.11 I have identified that the architecture, including detailed design and materials is of a very high standard, which the GLA Stage 1 report identifies as being of exemplary design. This should also be given substantial weight in the planning balance.
- 4.12 The appeal scheme has been future proofed to set the standard and allow the delivery of a wider masterplan.
- 4.13 The Economic Benefits Statement at **Appendix 12** of my evidence identifies the socio-economic benefits arising from the development in respect of construction and long term jobs, local spend, new homes bonus, Council tax, s106 and CIL contributions. This should be given moderate weight in the planning balance.
- 4.14 It is common ground that the Council do not have a five year land supply and therefore paragraph 11d of the NPPF is engaged. It is my opinion that the Council has, at best, a 79% (3.9 years) land supply.
- 4.15 Taking this into account along with the judgements identified in paragraphs 6.80 of chapter 6 above and the appeal decisions in chapter 9, I find that, taken together, very substantial weight ought to be given to the provision of housing and affordable housing, given the identified need in Merton and London.

- 4.16 Notwithstanding the fact that paragraph 11d of the NPPF is engaged for reasons previously explained, permission should also be granted on the basis that it accords with paragraph 11c of the NPPF for the reasons set out in chapter 7 of my evidence.
- 4.17 I have not identified any aspects of the scheme that cause material harm. I have not identified any harm that would justify a refusal of planning permission in this instance.
- 4.18 I have assessed the scheme against relevant development plan policy. S38(6) requires an overall judgment regarding whether the proposal is in accordance with the development plan. This case is unusual in that there is, in my judgment, no conflict with development plan policy. It is therefore my unequivocal position that this scheme is in accordance with the development plan. Further, there are substantial planning benefits arising from the scheme that weigh in favour of the proposals. It follows that the appeal proposal should be approved without delay.
- 4.19 On this basis, I find that the proposals constitute sustainable development consistent with the Development Plan policies and the NPPF as a whole and that the planning balance weighs heavily in favour of the proposals. Accordingly, I consider planning permission should be granted.