Dear Future Merton,

Please see attached my comments on the small sites toolkit consultation.

Kind regards,

Merton Small Sites Tool Kit Consultation

March 2021

Overall, the toolkit has many positives. Most of the key principles set out are good, specifically from section 5 to section 8. If developers were *inclined to follow closely what is written,* then future developments on small sites should be beneficial. However, there is also ambiguity and contradiction in projects seen as "exemplar" examples which are not, and which could result in a poor interpretation, or even opportunistic cherry-picking, of what is written.

The toolkit needs clarity and improvement in the following areas:

1. *Set clearer standards.* The toolkit is guidance, not a code. It is therefore very open to interpretation which defies the purpose.. There are still many risks that come with the uncertainty this creates. It is a missed opportunity to make it easier for small developers to know what is expected of them. Many of the figures (photos) you provide contradict the written words and give the wrong impression of what is suitable for an area/site.

2. *Set higher expectations for community engagement and locally popular design.* Following the National Planning Policy Framework (NPPF) and the National Design Guide (NDG), the toolkit should require better community engagement and, given these sites' sensitive infill nature, more clearly locally popular design. The toolkit doesn't mention this and yet it wants to create a "Made In Merton" product. If you don't fully include local and popular design and even try co-designing, it remains a Made in Merton Council design, creating a lot of local opposition. The toolkit, as it stands, doesn't advance Merton planning from where it currently exists.

3. *Make use of the NPPF, the NDG and new National Model Design Code (NMDC).* Recent national policy gives excellent 'hooks' to this toolkit. However, they have been all but been completely ignored. Why? This is a great opportunity to "get it right" and make Merton the kind of place that is attractive and functional, a destination not a pass-through.

4. *Shorten the toolkit.* The toolkit's length reduces its accessibility and usability. It should be concise and clear, above all, to help residents and smaller developers. At 49 pages this can be trimmed down.

5. *Don't select images which contradict the toolkit's principles.* Some of the toolkit's illustrative examples contradict the principles they are supposed to illustrate or other principles within the toolkit. This is particularly problematic and will sharply reduce the toolkit's use as a mechanism to insist on good design.

1. Set clearer standards: a missed opportunity to create a design code.

Design codes provide greater certainty to all those involved in and affected by development. They provide more certainly to developers by clarifying what is highly likely to be approved.

They also provide more certainty to the local community that development will be in keeping with the local context.

Most small sites lend themselves to design codes of varying levels of prescription. The street facing sites can be more prescriptive, drawing much of the external characteristics of the development from the street in which it is situated. These characteristics include, but are not
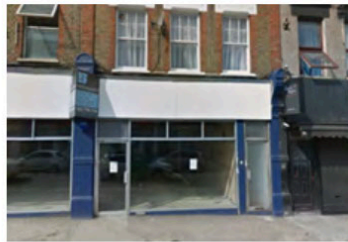
Existing elevation   Proposed elevation

limited to, building height, bay width, fenestration patterns, materials and colour.

An example of a retail to residential façade code. From the report: Permitting Beauty by Create Streets

Other sites need not be as prescriptive. Retail to residential conversion codes should aim to code around materials, colour and type of glass. For certain rooftop sites you could dictate building height and upper floor setback, for different street types. There would be less to code as they tend to have fewer variables to take into account. On more irregular backland plots, height and materials could usefully be coded. In short, more detail on matters such as height, material and form should be included in section 5: Made in Merton, specifically pages 32 to 35.

By setting out so many principles of good design, but not resolving them you are not making development much easier for small developers, nor helping them resolve tensions between unavoidably competing priorities, or creating a Made in Merton that is supported and encouraged by locals.

2. Set higher expectations for community engagement and locally popular design.

The toolkit should require better community engagement and, given these sites' sensitive infill nature, more clearly locally popular design must be at the fore, not an afterthought as is usually the case with applications landing on the portal and locals having to comment After the fact!

The toolkit should refer to paragraph 16.c) of the NPPF:

"Plans should be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees"

The toolkit should also refer to paragraph point 17 of the National Design Guide NDG:

> *"Local communities can play a vital role in achieving well-designed places and buildings and making sure there is a relationship between the built environment and quality of life. Communities can be involved in design processes through approaches such as co-design, design workshops and other engagement techniques, so that places and buildings reflect local community preferences, improve their quality of life and fit well into their surroundings. The design-related chapters of the planning practice guidance explain these and other design processes."*

Relevant sections of the NPPF and NDG could be referenced in sections 2.1, 2.2 and 5.1 "How does your project learn from the neighbourhood?" of the toolkit. These types of approaches, however, need to be genuine and not a box-ticking exercise with communities' voices lost and ignored. (Wimbledon Theatre public space is a prime example. Wimbledon's SPD is another)

3.   Make use of the NPPF, the NDG and the NMDC (National Model Design Code)

Many of the toolkit's key principles are good, particularly in sections 5 to 8. Section 5: "Made in Merton", talks well about how Merton's context should inform the development. To help smaller developers and homeowners, it would be helpful if the toolkit footnoted chapter 12 of the NPPF, "Achieving well designed places." Paragraph 127.c) particularly makes this point:

> *"Planning policies and decisions should ensure that developments: 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)."*

This is developed further in chapter 16 of the NPPF which should also be referenced to help smaller developers. "Conserving and enhancing the historic environment", point 185:

"Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

> *a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;*

> *b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*

> *c) the desirability of new development making a positive contribution to local character and distinctiveness; and*

> *d) opportunities to draw on the contribution made by the historic environment to the character of a place."*

In the NDG, the chapters called context and identity should also be referenced. Whilst there are many points made in the NDG that would be appropriate for the toolkit, paragraph 56 in the *Identity* chapter is probably most relevant:

"Well-designed places contribute to local distinctiveness. This may include:

- *adopting typical building forms, composition, articulation, proportions, features, materials, details, patterns and colours of an area;*

- *drawing upon the architectural precedents that are prevalent in the local area, including the proportions of buildings and their openings;*

- *using local building, landscape or topographical features, materials or planting types;*

- *introducing built form and appearance that adds new character and difference to places, with particular attention to how buildings meet the ground and sky;*

- *creating a positive and coherent identity that residents and local communities can identify with."*

The draft NMDC, as part of the Building Better, Building Beautiful government commissioned report, is a framework for design Quality and Beauty. That word is absent from Merton's toolkit. The NMDC identifies the need for greater community support for new development but also incorporates "beauty" in a contextual approach and heightened specificity. Merton's small site toolkit mustn't leave behind these important elements; otherwise it will be a re-hash of what already exists. The NMDC outlines:

- *Layout of new development including street patterns.*

- *Landscaping to be approached properly including tree-lined streets.*

- *Facades of buildings to be of high quality*

- *Environmental performance of place and buildings contributing to net zero carbon targets.*

- *Development to clearly take account of local vernacular and heritage, architecture and materials.*

4. Shorten the toolkit to make it more accessible.

The toolkit's length reduces its accessibility and usability. It should be concise and clear, above all, to help residents and smaller developers rather than larger developers who already know how to 'win' planning permission.

Most of the toolkit's useful and important points are made in section 5 to section 8. Many of the actionable guidance is interspersed with supportive statements that aren't of use to the reader. For example, page 30, paragraph 5.1.1 states:

"Merton's Local Plan (Draft) is designed to help guide how the borough develops over time and create a vision that enables the council to successfully and responsibly manage growth, while always ensuring the best interests of the borough, its residents and

businesses. The plan guides decisions on whether planning applications are granted. Your proposal must respond to the vision set out in Merton's Local Plan (Draft)."

The removal of the supportive statements would reduce the document's size. Less would be more. The example could read:

"Your proposal must respond to the vision set out in Merton's Local Plan (Draft) as this guides decisions on whether planning applications are granted."

Section 3 could also be trimmed by:

- Condensing all the written text onto 2 pages with 1 to 3 lines on each subsection not 3 paragraphs.

- Maintain the site opportunity diagrams on 1 to 2 pages.

- Remove the examples. For each site opportunity make reference to the relevant case studies provided at the bottom.

These changes should enable section 3 to take up 3 to 4 pages, down from the current 13. This would mean each section is between 3 to 8 pages in length.

5. Don't select images which contradict the toolkit's principles.

The toolkit sets out many good design principles points. However, several of the visual examples you have chosen do not conform to the toolkit's guidance given. This is a **critical flaw as it means that developers and their lawyers will be able to use the toolkit to argue for bad as well as good infill development.**

One striking example is fig 5.9 on page 34, below the question; "How does your proposal respond to the language of the street?" From that image, there is a clear "rhythm" to the street, particularly with regard to height, frontage and fenestration of the buildings. How new developments should learn from these characteristics are written about earlier in the toolkit document; 5.1.4:

"You must consider the unique character and organisation of the local area and how your proposal might respond positively. Proposals should demonstrate that materials, massing

The building shown in fig 5.5 is out of context with the street's rhythm as well as the local context. The frontage and fenestration of the building are stark, metal doors are poor materials which are flaking four years on. More worryingly, this development has not sold all its flats. To place this image in the toolkit suggests to developers

and fenestration complement the neighbourhood."

To place this image in the toolkit as an exemplar suggests to developers that this form, fenestration and design are readily acceptable in this context. They are not. It does not fit the verbal assertions of quality, local context, rhythm, character ....

Given that Fig.5.9. has a very different form, materials and fenestration the rest of the street, it's ambiguous at best as to how it responds to the "rhythm" of the street or complements the features of the neighbourhood.

Other examples in which context is questionably considered or which contradict other principles include Fig.3.14., Fig.5.4., Fig. 5.5., Fig. 5.10., Fig 6.24 and Fig 8.39., Fig 9.66 and Fig. 9.80.

Many other illustrations (for example 5.13 and 5.15) may work in the contexts in which they are built but are unlikely to fit into Merton. It would be better to illustrate your principles (in these two cases integrated bins and discreet vehicle entrances) in ways which 'fit' for most of Merton. Most of the illustrations you chose for 'new builds' have a clear aesthetic preference but have you checked this preference with most residents? This is not what most locals want and seems to be a trend pursued by the Council

The toolkit has many strengths. However, it is also a missed opportunity. I believe that these changes would reduce the ambiguities and contradictions which could result in a poor interpretation, or even opportunistic cherry-picking, of what has been written.