

Committee: Borough Plan Advisory Committee

Date: 08 March 2017

Agenda item: 3

Wards: Abbey, Figges Marsh, Ravensbury.

Subject: Estates Local Plan – submission to the Secretary of State

Lead officer: Chris Lee, Director of Environment & Regeneration; James McGinley, Head of Sustainable Communities;

Lead member: Councillor Martin Whelton, Cabinet Member for Regeneration, Environment & Housing.

Contact officer:; Tara Butler, Programme Manager, futureMerton; Valerie Mowah, Principal Spatial Planner, futureMerton.

Recommendations:

That, following the Estates Local Plan pre-application publication for eight weeks between December 2016 and February 2017, the Borough Plan Advisory Committee note the responses to the publication, and advise the Director of Environment and Regeneration in consultation with the Cabinet member to recommend the proposed minor amendments to the Plan to the Secretary of State.

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Merton's Estates Local Plan is the detailed development plan which, if adopted in 2017, would allocate three estates in Merton - Eastfields, High Path and Ravensbury – for regeneration and set the policy framework for development that would take place within these areas.
- 1.2 Council's work on the Estates Local Plan started in 2014. These Plans have been prepared in line with statutory regulations, informed by four months of public consultation, and local research. The plans are in general conformity with the Mayor's London Plan 2015 and the National Planning Policies Framework 2012.
- 1.3 In November 2017, the Borough Plan Advisory Committee resolved to advise Cabinet (14 November 2016) and council (23 November 2016) to publish the final Estates Local Plan for comments for at least six weeks and then to submit the Plan and the sustainability appraisal to the Secretary of State by 31 March 2017 for an independent examination.
- 1.4 This report summarises the responses received and recommends minor amendments to the Plan.
- 1.5 BPAC are asked to advise the delegated decision-makers (the Director of Environment and Regeneration in consultation with the Cabinet Member for Regeneration, Environment and Housing) to recommend the minor amendments to the Secretary of State.

2. DETAILS

- 2.1 BPAC, Cabinet and Council received an extensive report on the Estates Local Plan at their meetings in November 2017 and resolved to submit the Plan to the Secretary of State. Subsequently the Estates Local Plan was published from 8th December 2016 to 3rd February 2017 for final comments.
- 2.2 Authority is delegated to the Director for Environment and Regeneration, in consultation with the Cabinet Member for Environmental Sustainability and Regeneration to approve alterations to the Plan prior to submission at the end of March 2017.

3. ALTERNATIVE OPTIONS

- 3.1 The alternative option is not to submit the Estates Local Plan to the Secretary of State. This would be contrary to the council's resolution in November 2016 to do so and would not be supported by the evidence (including consultation responses) to date. Therefore this alternative option is not recommended.

4. CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1 Merton's Estates Local Plan was started in July 2014 and has undergone several rounds of consultation (CHMP have also conducted extensive consultation on the detail of their proposed masterplans and regeneration but this is not the subject of this report)
- **September to November 2014:** short leaflet and a long questionnaire, public meetings, meetings with residents groups
 - **February and March 2016:** draft plan published, a short questionnaire, public meetings, drop in sessions on evenings and weekends and meetings with residents groups
 - **December 2016 to February 2017:** pre-submission publication of final plan, letters to all respondents
- 4.2 Both rounds received a wide range of responses including letters, petitions, forms, hard copy and web replies from a wide range of residents and residents groups.
- Stage 2: February to March 2016**
- 4.3 In the second stage, when residents were asked to comment between options for complete regeneration, partial regeneration and ongoing repair and maintenance, 312 responses were received:
- Eastfields: 86 responses
 - High Path: 106 responses
 - Ravensbury: 113 responses
- 4.4 There were also some multiple responses from the same household (2% each on Eastfields and High Path and 10% on Ravensbury).
- 4.5 On both Eastfields and High Path the option of entire regeneration received the most support, preferred by 64% for Eastfield and 42% for High Path residents.
- 4.6 By contrast, Ravensbury respondents had a strong preference for the repair option.

- 4.7 The consultation also asked residents about eight policies relating to townscape: height, traffic movement, street network, the natural environment, design quality open spaces and environmental protection.
- 4.8 The consultation responses for Eastfields and High Path showed support for all of the policy areas bar building heights, especially quality design of buildings and open space, support for traditional streets alongside the need to resolve traffic problems and high value placed on having access to well-designed parks, open spaces and play areas. Overall response rates on policy issues were very low on Ravensbury as many respondents didn't provide any information beyond their names, address and preference for repairs / partial regeneration / full regeneration. However the Ravensbury Residents Association provided an extensive 58-page response with detailed comments on the draft Estates Local Plan
- 4.9 At the second stage, building heights evoked the strongest responses overall, due to concerns about daylight, privacy, crime, micro-climates and deterioration in the character of the area.

Stage 3: December 2016 to February 2017

- 4.10 Following the council's resolution to submit the Plan to the Secretary of State, the Estates Local Plan was published on 8th December 2016 for eight weeks (two weeks more than the statutory timescale to take account of the holiday period).
- 4.11 As part of this the council:
- Wrote to all postal addresses within the three Estates and within the surrounding area (about 200m from the estate's boundary) and all previous respondents
 - Sent a reminder in January 2017 about the end of the consultation
 - Advertised it on the council's website, in local libraries and local newspapers
- 4.12 As the council had resolved that this was its final plan, we were not seeking amendments to the plan in the same way as at previous stages. Therefore the council did not organise dedicated meetings to seek amendments to the Estates Local Plan, but spoke to and met residents and other interested parties on request.
- 4.13 41 responses were received:
- Whole plan: 10
 - Eastfields: 10
 - High Path: 19
 - Ravensbury: 2
- 4.14 The 41 responses received varied in length from a paragraph to more than 25 pages. Altogether 269 issues were raised
- 4.15 Responses are all in text so are not clearly quantifiable (in terms of support or don't support regeneration). The issues raised in the responses can be summarised as
- Happy with / unhappy with the Estates Local Plan
 - Happy with / unhappy with the principle of regeneration
 - Comments on Clarion Housing Group
 - Questions / concerns regarding the potential Harris Wimbledon Academy within High Path
 - Concerns on building heights (including representations relating to Clarion Housing Group's proposals)

- Comments on movement, access, road layout, traffic and parking
 - Comments on what the estate would feel like once the regeneration was complete. Would it still be as neighbourly or
 - Commentary on the history, character, design, function and other important aspects of the estates
 - Concerns about the inclusion of the potential refurbishment of Ravensbury Court within the Estates Local Plan
- 4.16 Lots of the very detailed comments (specific building heights, materials, construction management, specific number of bedrooms and property internal layout) are not part of the strategic Estates Local Plan but will be part of planning applications.
- 4.17 The Mayor of London's response (GLA and Transport for London) is that the Estates Local Plan is in general conformity with the London Plan 2016 . This response is contained as appendix B to this report.
- 4.18 Sport England have objected to the Estates Local Plan, stating that the Estates Local Plan land use policies E.6 should specify the need for indoor and outdoor sports facilities to be provided on the estates. Sport England did not object to the Stage 2 draft of the Estates Local Plan. Their response is included as appendix C to this report.
- 4.19 Officers consider that Sport England's response is useful in preparing for the borough-wide Local Plan that the council has committed to undertake between now and 2019. Merton's Playing Pitch Strategy 2011-2016 is only just at its end and officers are already considering the borough-wide evidence needed to support the next Local Plan, including a new Playing Pitch Strategy as outlined by Sport England.
- 4.20 The Estates Local Plan focussed on three housing estates and other policies in Merton's borough-wide Local Plan remain, including: London Plan policies 3.16 *Protection and enhancement of social infrastructure* 3.19 *sports facilities*, Core Planning Strategy CS13 *open space, nature conservation, leisure and culture* and Sites and Policies Plan DM.O1 *open space* and C1 *community facilities*. These Local Development Plan policies require planning applications for new homes to assess the need arising from their scheme for sporting facilities open space and play space and, if a need is identified, meet that need in the local area. The Estates Local Plan is complementary to these policies and does not repeat them. In addition, the Estates Local Plan does not propose the loss of sporting facilities
- 4.21 Appendix A lists out the representations received to the plan and officer's recommendations for amendments.
- 4.22 The council has also fulfilled its duty to co-operate requirements in consultation with other London boroughs, particularly its neighbours of Kingston, Sutton, Croydon, Lambeth and Wandsworth. While the estates regeneration project is a very significant project for Merton, the three estates are not located close to neighbouring boroughs and, from their perspective, propose a steady but modest increase number of homes spread over 10 years. Therefore other London boroughs have not identified significant issues of co-operation required on this particular plan over and above ongoing co-operation on housing.

5 TIMETABLE

Next steps

- 5.1 Merton's Estates Local Plan (stage 3 pre-submission version) and associated sustainability appraisal will be submitted to the Secretary of State (via the Planning

Inspectorate) at the end of March 2017 along with all of the representations received and associated evidence.

- 5.2 A Planning Inspector will be appointed who will examine the Plan over a six month period. There is likely to be a public hearing as part of the examination; this usually takes place between 11 and 14 weeks after submission so may take place between mid June and early July 2017. However the exact dates and timings of the hearings will be lead by the Planning Inspector.
- 5.3 Following the public hearing, Inspectors usually ask for further consultation on the Plan of between three and six weeks so that residents, landowners and any other interested parties can have their say on any matters arising during the public hearings and other parts of the Plan's examination.
- 5.4 At the end of the examination, the Inspector will write a report recommending that the Plan is found sound or not. Should the Plan be found sound, it could be adopted by Merton Council.

6. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1 The report to council in November 2016 set out in detail the financial, resource and property implications relating to this project. These are not repeated here for the purposes of this report.

7. LEGAL AND STATUTORY IMPLICATIONS.

- 7.1 The Town and Country Planning (Local Planning)(England) Regulations 2012 have informed the statutory procedure to be followed before a Local Plan is submitted to the Secretary of State for independent examination. The Estates Local Plan has been prepared in conformity with these regulations. The Estates Local Plan is also in conformity with the National Planning Policy Framework 2012, the London Plan 2015 and other associated guidance.
- 7.2 Failure to adhere to the statutory procedure or a lack of robust evidence to support the Plan may result in legal proceedings to challenge the validity of the plan.

8. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1 Under section 19(5) of the Planning and Compulsory Purchase Act 2004, sustainability appraisal is mandatory for new or revised Development Plan Documents. The appraisal includes an assessment of the likely significant impacts - economic, social and environmental – of the plan.
- 8.2 The sustainability appraisal also incorporates a Strategic Environmental Assessment in accordance with the requirements of European Directive 2001/42/EC, transposed into legislation by the Environmental Assessment of Plans and Programmes Regulations 2004, section 12.
- 8.3 The report to council on 23 November 2016 set out the details relating to the sustainability appraisal. Prior to submission at the end of March 2017, new evidence (including consultation responses) and the proposed minor amendments to the Plan are being appraised for sustainability and equalities impacts.

- 8.4 As with the Sustainability Appraisal, the Equalities Impact Assessment of the Estates Local Plan has informed and influenced the development of the submission version of the Estates Local Plan and will continue to be reviewed towards adoption. A specific indicator on Diversity and Equality has been added to the SA Framework to ensure that equalities issues are identified, although these will also be incorporated within many of the Sustainability Objectives, for example housing, access to services and facilities, social deprivation, health and wellbeing etc.

9. CRIME AND DISORDER IMPLICATIONS

- 9.1 The process of preparing the Estates Local Plan and preparing for the estates regeneration has not itself had Crime and Disorder implications. The Met Police have responded to Stage 3 and generally support the Estates Local Plan.
- 9.2 The sustainability appraisal of the Estates Local Plan considers each of the policies against social, environmental and economic objectives, including those relating to crime and disorder.
- 9.3 The draft Plan does not require a specific planning policy relating to Crime and Disorder but instead incorporates a number of policies which enhance safety and perceptions of safety in the public realm and in residential areas. Collectively these policies support an approach of 'secure by design', creating places where people feel and are safe at all times of day and night, whether on foot, cycle or car, and both inside their homes and in public space.

10. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1 The sustainability appraisal of the Estates Local Plan has identified specific risks to the Estates Local Plan and potential mitigation measures.

Health and Safety Implications

- 10.2 No specific health and safety implications have been identified related to the preparation of the Estates Local Plan or the planning of the regeneration programme.
- 10.3 In considering the management of the regeneration programme the Council's Public Health Team has prepared a health impact assessment which has identified some areas where mitigation action is appropriate..
- 10.4 As the programme gets underway and sites come under construction there will of course be important facets of health and safety management which will be the responsibility of CHMP and their contractors.

APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

1. Schedule of representations - Estates Local Plan