

Borough Plan Advisory Committee

Date: 06th December 2012

Agenda item:

Wards: all

Subject: Additional consultation on sites and policies – towards a final plan

Lead officer: Director for Environment and Regeneration, Chris Lee

Lead member: Cabinet Member for Environmental Sustainability and Regeneration, Councillor Andrew Judge

Forward Plan reference number: 1218

Contact officer: Future Merton strategic policy and research manager, Tara Butler

Recommendations:

That the Borough Plan Advisory Committee recommends to Cabinet

- A. That proactive community engagement take place on stage 3 of *Merton's sites and policies Development Plan and Proposals Map, towards a final plan* for six weeks between January and February 2013.
 - B. That Members note the progress in delivering new government guidance on the accommodation needs for Gypsies, Travellers and Travelling showpeople.
 - C. That Members delegate approval of the documents and other consequential matters in accordance with the appropriate Regulations prior to public consultation to the Director of Environment and Regeneration in consultation with the Cabinet Member for Environmental Sustainability and Regeneration.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. Once adopted in 2013, Merton's *Sites and Policies Development Plan Document* (DPD) will replace the remainder of the Unitary Development Plan 2003. It will provide detailed planning policies and allocate sites for new development. Merton's Proposals Map DPD is being revised at the same time, which will designate land for specific uses.
- 1.2. Over the course of the past year, research, consultation results and changes to national policy mean that additional information is now available on some of the sites (for example, more information on Wimbledon Greyhound Stadium, changes to national planning policy on Gypsies, Travellers and Travelling showpeople).
- 1.3. This report is to recommend the final round of community engagement on sections of the plan, to take place over six weeks in January-February 2013 to encourage people to have their say on the new information.
- 1.4. This report also updates Members on sites that have been withdrawn from the final plan during the course of its preparation from July 2011 to date. (see Appendix A of this report)

2 DETAILS

2.1. It is proposed that the consultation contains the following:

2.2. **Potential development sites** – publishing the final list of sites for public consultation. In particular, this will emphasise the sites where more information has become available over the past 12 months, such as the Wimbledon Greyhound Stadium.

2.3. **Development management policies** - publishing three revised development management matters:

(i) Clarifying Merton's approach to affordable rent, sheltered housing and supporting town centres

(ii) Approach to student accommodation – a new policy in response to the Mayor of London's comments.

(iii) Approach to environmental protection (pollution)

2.4. All other policy issues will not be the subject of further consultation but if anybody wants to provide further comments on the earlier drafts, they will be welcome to do so.

2.5. **Land designations on the Proposals Map**- publish the final consultation on revised land designations, including open space. Earlier versions have been published for community engagement during 2012. This will bring together all of the information on an area basis to make it easier for people and organisations to see what is proposed for their area.

2.6. **Meeting government guidance on the accommodation needs of gypsies, travellers and travelling showpeople**

2.7. Government guidance (*Planning for traveller sites, March 2012*) states that councils must identify the accommodation needs and set targets for gypsies, travellers and travelling showpeople in their area over 5, 10 and 15 years in their Development Plan.

2.8. The guidance states that councils must find specific sites to meet these needs over the first five years and update this each year. As well as being a requirement for preparing a Development Plan, the guidance also states *if a local planning authority cannot demonstrate an up-to-date five year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.*

2.9. Other neighbouring south London boroughs are taking a variety of approaches:

- Kingston Council has identified a target, based on local research, of 14 additional gypsy and traveller permanent pitches and is in the early stages of preparing a *Gypsy and Traveller Development Plan Document* to deliver sites.
- Croydon Council is seeking to deliver at least 10 additional Gypsy and Traveller pitches in the borough by 2021 via the development planning process.
- Sutton Council have two adjoining existing Gypsy and Traveller sites in the Green Belt and are working to assess local needs and identify a local target.

- Wandsworth Council and Lambeth Council both have existing sites of c15 pitches each just across the respective borough boundaries from Merton, and both boroughs are undertaking research to assess their local needs and set targets.
- 2.10. From initial research in Merton, it currently appears that Merton' can meet the accommodation needs of four Gypsy and Traveller households in caravan pitches over the next 10 years (until 2023). Meeting the needs of two Gypsy and Traveller households over the next 5 years may be able to be met through re-letting expected vacancies on Merton's existing site at Brickfield Road. Brickfield Road currently has 15 caravan pitches.
- 2.11. As re-letting vacancies on the existing Gypsies and Travellers site at Brickfield Road currently presents itself as the most deliverable approach to meet government guidance, the current recommended target for additional Gypsy and traveller pitches is zero. However Members are advised that the evidence does not yet include research into the needs of the existing residents of Brickfield Road. Should the outcome of the research indicate that additional pitches are needed, then the options include:
- the council identifying a suitable site (likely to be council-owned or RSL-owned land) and applying for planning permission for gypsy and traveller pitches.
 - the council delaying the *Sites and Policies DPD* to find and allocate a site through community consultation
 - the council not meeting identified needs at this stage. In this case, the *Sites and Policies Plan* would be very unlikely to pass the Planning Inspector's examination and be able to be adopted by the council. There is also a risk of planning permission being granted on appeal for gypsy and traveller caravan pitches.
- 2.12. **Community engagement**
- 2.13. It is proposed that community engagement be concentrated as much as possible on an area basis, by ward, town centres or across several wards, to help generate interest and make it easier for people and groups to relate to the future plans for their area.
- 2.14. Officers will continue proactive community engagement with residents associations, community groups and others who have participated in the *Sites and Policies DPD* and in other council consultations. Officers will also publicise engagement on an area-specific basis, and promote the issues raised in the *Sites and Policies DPD* through a variety of channels, including social media, piggy-backing on existing community meetings and attending events.
- 2.15. Under the Localism Act 2011, the council has a legal "duty to co-operate" with other councils and various statutory bodies such as the Environment Agency, Transport for London etc. During the course of preparing the DPD, the council has met all surrounding boroughs and will continue this dialogue on the issues that the neighbouring boroughs have raised that are of interest to them.

3 ALTERNATIVE OPTIONS

- 3.1. Doing nothing, and publishing the final *Sites and Policies DPD* for submission to the Secretary of State in Spring 2013 without any further significant community engagement. This is not considered to be an effective option as people and organisations may be unaware of significant changes on some of the sites and policy issues that have taken place during 2012.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. Merton's Sites and Policies DPD was started in July 2011 and since then has been through three stages of public consultation over a total of more than eight months:
- 4.2. July-September 2011 – **Stage 1 Call for sites** to encourage respondents to submit sites for potential redevelopment, issues to be considered for new detailed planning policies and potential land designations on the Proposals Map
- 4.3. January-May 2012 – **Stage 2 Preferred options** for approximately 20 detailed planning policies, approximately 50 potential sites and Proposals Map changes
- 4.4. June-July 2012 – **Stage 2a Preferred options continued** for an additional 15 sites suggested at Stage 2, three detailed planning policies and some Proposals Map amendments.
- 4.5. January-February 2013 – **Stage 3 Towards a final plan**
- 4.6. The next stage will be the final draft of the plan, which will be submitted to the Secretary of State and be examined in a public hearing by an independent planning inspector.

5 TIMETABLE

- 5.1. Merton's Local Development Scheme 2012 sets out the following timetable:

	Timetable
Pre-submission consultation	March-April 2013
Submission to Secretary of State (<i>exact timetable set by Sec of State from now on</i>)	July - September 2013
Examination and Inspector's report (<i>exact timetable set by Sec of State</i>)	October-December 2013
Adoption, if pass examination	February 2014

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. Resources for this work can be met from the Future Merton budget.
- 6.2. In considering the accommodation needs for Gypsies, Travellers and Travelling Showpeople under the new government guidance (see paragraph 2.6 of this report), there may be financial and property implications for the council, depending on the level of need identified.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1 The Planning and Compulsory Purchase Act 2004 (the Act (2004)) and associated Regulations brought about a stepped change in the way development plans were prepared, intending to make the planning system more responsive and involve communities throughout the preparation process.
- 7.2 Government reviewed the 2004 Act and associated Regulations, bringing in the Planning Act 2008 and amendments to the Regulations (Town and Country Planning (Local Development (England) (Amendment) Regulations 2008 and subsequent Town and Country Planning (Local Development (England) (amendments) Regulations 2009
- 7.3 The Localism Act 2011(the Act (2011) and the associated Town and Country Planning (Local Planning) (England) Regulations 2012 has brought about further significant changes to the planning system. These changes are aimed at making the planning system less complex and more accessible, and to promote sustainable growth.
- 7.4 The processes that must be followed in preparing a local plan are set out in the Acts, Regulations and in the National Planning Policy Framework 2012.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. An equality impact assessment is carried out and published alongside the DPDs.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. None for the purposes of this report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. The recommendations in this report to extend the timetable arises from the risk management log for the *Sites and Policies* and *Proposals Map* DPDs.

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

- Appendix A – comprehensive list of sites removed or withdrawn from the DPD
- Appendix B – proposed amendments for public consultation

12 BACKGROUND PAPERS

- 12.1. National Planning Policy Framework – March 2012
- 12.2. “Viability testing local plans” – Local Housing Delivery Group (June 2012)

Appendix A – Borough Plan Advisory Committee (December 2012)

A report to Cabinet on 21 June 2012 “Additional sites and policies”, stated in paragraph 2.8

2.8 Seven sites were submitted at various stages during the production of the Sites and Policies DPD between July 2011 and April 2012 that are not being taken forward for allocation. These are listed at the back of appendix A and are not being included because:

- *The council is already involved in the determination of a specific scheme on the site through a live planning application or appeal.*
- *The site already has permission for its proposed use*
- *Redevelopment proposals are being considered through another planning process.*

Unfortunately, the list of sites was not included in the back of Appendix A of the Cabinet report of 21 June. The missing list is reproduced below, and all sites recommended for removal from the DPD to date have been added, to create a comprehensive list of sites that were originally submitted to the DPD, but will not be included in the final plan.

Sites with live planning applications or appeals lodged at the time of submission

Sites submitted for allocation in the Development Plan that also had live planning applications have not been taken forward in the DPD. The council is already required to assess or be involved in the assessment of a specific scheme on the proposed site by another statutory planning process

- **77-91 Hartfield Road, Wimbledon** submitted by Newridge Trading Ltd (via CBRE) in 2011
 - Current use: office and residential
 - Proposed use: residential
- **Raynes Park Playing Fields**, submitted by All England Lawn Tennis Ground Plc (PCL planning) in 2011
 - Current use: private playing fields
 - Proposed use: residential on part of site, with sustainable drainage, new sports pitches and other associated infrastructure
- **3-5 Dorien Road, Raynes Park** submitted by the site owner in 2011
 - Current use: employment and residential
 - Proposed use: employment and residential

Sites with extant planning permission and non-strategic sites

- **21 Langley Road** (rear of), submitted by a resident
 - Current use: garden building plot where development has been started.
 - Proposed use: residential

This site has not been proposed for allocation as the DPD process should not be used for non-strategic allocation of lapsed permissions; this site is deliverable via the development management process.

- **Land adjoining the B&Q store, New Malden**, submitted by the Wimbledon Society
 - Current use: vacant land with planning permission for 51 homes
 - Proposed use: Local housing and employment

The site not proposed for allocation as the site already has extant planning permission; allocation would not add certainty. Between January and March 2012, officers contacted B&Q who said that they are preparing to deliver the extant planning permission for residential uses.

Sites being delivered through another LDF process.

- **Rainbow industrial area**, submitted by Workspace (via Rolf Judd)
 - Current use: employment
 - Proposed use: mix of employment and residential

- **Gap Road industrial area**, submitted by site owners (via DPP)
 - Current use: employment
 - Proposed use: employment and residential

These sites are allocated in Merton's Core Planning Strategy 2011 for "*employment led regeneration*" (paragraph 20.16, see extract below).

Merton's Core Planning Strategy, policy 12: Economic Development, paragraph 20.16 states:

"In recognition of the site-specific circumstances relating to the Locally Significant Industrial Sites at Rainbow Industrial Estate and Gap Road, a wider range of uses than B1(b), B1(c), B2 and B8 may be considered for each of these estates where these uses contribute to the site delivering policy CS12 and meet the terms of the other policies in the development plan for Merton. Any proposals seeking to incorporate uses other than B1(b), B1(c), B2 and B8 would be subject to the adoption of a planning brief (supplementary planning document) for the whole site, setting out how any employment led redevelopment proposals would meet the terms of Policy CS12 and the objectives of Merton's Economic Development Strategy."

Therefore, any redevelopment proposals for these sites that are not solely for business, industrial and warehousing uses will be pursued for specific schemes through the production of supplementary planning documents in conjunction with the local community.

- **Pollards Hill Housing Estate, Pollards Hill**, submitted by local Registered Social Landlord, Moat housing
 - Moat are proposing to consider upgrading their properties in this area, through refurbishment, infill development and associated landscaping. Such continuous improvements and small scale development and landscaping can be delivered through a masterplan in consultation with the local community. It does not need a site allocation as the uses of the site will remain as residential and open space.

List of sites removed from the DPD since September 2012

Site number, name, ward	Reason for recommending not to allocate the site in the DPD
Site 04 Bond Road Day Centre, Lavender Fields	This site will continue to be used as a day centre therefore is no longer allocated as a potential site for new use. <i>(approved by Cabinet, 24 Sept 2012)</i>
Site 06 Durnsford Road corner, Wimbledon Park	This site will remain a small park. <i>(approved by Cabinet, 24 Sept 2012)</i>
Site 07 Gifford House, Ravensbury	The site will continue to be used for council offices. <i>(approved by Cabinet, 24 Sept 2012))</i>
Site 19. Nelson Hospital	Planning permission was granted on 06 September 2012 for a hospital and a care home on this site therefore it is not required to be allocated for development in the DPD. <i>(approved by Cabinet, 24 Sept 2012)</i>
Site 27. Merton Hall, Abbey ward	The site will continue to be used for community purposes. <i>(approved by Cabinet, 24 Sept 2012)</i>
Site 30. Land adjacent 10 Home Park Road, Wimbledon Park	From the consultation results and further research, we are proposing to protect this site as open space rather than allocation for development. <i>(approved by Cabinet, 24 Sept 2012)</i>
Site 38 Thames Water Site	Thames Water advised that they are unable to provide sufficient information regarding the deliverability of the site within the timeframes bound my Merton's DPD progress. <i>(new for this report)</i>
Site 49 Wimbledon Delivery Office	Royal Mail advised that they have no intention to dispose of or relocate their operations from this site. <i>(new for this report)</i>
Site 55. Field B, St Catherine's Square, West Barnes	The site was assessed by independent ecologists and it does not meet the criteria to be designated as a Site of Importance for Nature Conservation at this point in time. Accordingly, the site will retain its existing Metropolitan Open Land, Green Corridor and Green Chain designations. <i>(approved by Cabinet, 24 Sept 2012)</i>
Site 72. Wolfson Hospital, Wimbledon Park	A planning application has been submitted and will be decided before the DPD is finished. <i>(approved by Cabinet, 24 Sept 2012)</i>

Site 76. 2 South Gardens	The site has been purchased by the council for use as a school and therefore it is not necessary to allocate this site. <i>(new to this report)</i>
Site 81 Moat housing estate	Long-term proposals for investment, including landscaping, investment in existing properties that do not involve land allocations at this stage.

Part 1
Draft Detailed Planning Policies for December 6th
BPAC meeting

DM.H1 Supported care housing for vulnerable people or secure residential institutions for people housed as part of the criminal justice system *(first published for Stage 2 (January 2012) and amended following research and consultation feedback)*

Policy aim

To provide a variety of accommodation with different levels of support or care, that is both appropriate to the needs of the potential residents and that is sensitive to the surrounding residential environment.

Policy

- a) The suitability of proposals for supported care housing will be assessed having regard to the following criteria:
 - i. Demonstrable need;
 - ii. The proximity of the site to public transport facilities;
 - iii. The provision of a safe and secure environment;
 - iv. The provision of an adequate level of amenity space which is safe and suitable;
 - v. The provision of adequate parking facilities for residents, staff and visitors;
 - vi. The convenience of the site's location in relation to local shops, services and community facilities;
 - vii. The quality of accommodation complies with all relevant standards for that use.
- b) Generally, proposals for supported care housing will be considered in respect to Core Strategy Planning Strategy Policy CS8 concerning affordable housing provision, unless this is made available through the council to nominate to individuals or households in housing need.
- c) The council will resist development which results in the net loss of supported care housing for vulnerable people or secure residential institutions for people housed as part of the criminal justice system unless either:
 - i. adequate replacement accommodation satisfies criteria DM H1 A (i) to (vii) inclusive above; or,
 - ii. it can be demonstrated there is a surplus of the existing accommodation in the area; or,
 - iii. it can be demonstrated that the existing accommodation is incapable of meeting relevant standards for accommodation of this type.
- d) Where the council is satisfied that the development results in the net loss of supported care housing for vulnerable people or secure residential institutions for people housed as part of the criminal justice system, is justified, we will expect that an equivalent amount of residential floorspace or permanent housing in use class C3 to be provided and these proposals will be considered in respect to Core Planning Strategy Policy CS8.

SA/ SEA implications

- 1.1. The policy meets a number of sustainability objectives including objectives for social inclusion and addressing housing needs. This policy approach seeks to encourage mixed communities and social cohesion.

Justification

- 1.2. Merton's Core Planning Strategy Policy CS8 (Housing Choice) seeks the provision of a mix of housing types, sizes and tenures at the local level to meet the needs of all sections of the community. Policy DM H1 therefore builds upon this.
- 1.3. Policy DM H1 relates to any form of housing if it has been designated for use by vulnerable people or people being housed as part of the criminal justice system (bail / probation hostel) and commonly accommodates residents who get support from designated members of staff. It includes the following forms:
 - i. Self-contained homes where vulnerable people, or people being housed as part of the criminal justice system live individually or as part of a family (usually in use class C3);
 - ii. Shared homes occupied by no more than 6 people (usually in Use Class C3 but where no care is provided on-site some fall within Use Class C4);
 - iii. Clusters of self-contained homes or self-contained homes / bedsits within a scheme designated for vulnerable people, where low intensity support is available, sometimes on site (usually in Use Class C3, depending on the nature of the support);
 - iv. Hostels for a number of households or individuals. The occupiers are usually linked in terms of circumstances or age group. There is usually a common management regime and some shared facilities. Hostels are outside any use class;
 - v. Care homes and other supported accommodation where care is provided 24 hours a day (usually in Use Class C2);
 - vi. Secure residential institutions (usually under Use Class C2A).
- 1.4. Policy DM H1 does not relate to:
 - i. Self-contained homes that are suitable to meet general needs but have been let or sold in the market to meet the needs of vulnerable people, or people being housed as part of the criminal justice system (usually in Use Class C3);
 - ii. Hostel accommodation aimed at other non-vulnerable groups such as students and backpackers; or,
 - iii. Other types of accommodation in Use Class C2 but not specifically for vulnerable people, such as hospitals, boarding schools, residential colleges and training centres.

- 1.5. Vulnerable people include those with physical and sensory impairment, mental disability, drug and alcohol dependency or people who have experienced or are at risk of violence (e.g. domestic or hate crime).
- 1.6. Care for the elderly, the vulnerable or disadvantaged groups and for persons with health problems, learning difficulties, mental illness or physical disabilities are becoming increasingly community-based. People are increasingly choosing to live in their own homes with some supported care and assistance, or in supported communities.
- 1.7. In 2001, 17% (31,515) of Merton's total population were aged 60 and over, and 13% were aged 65 and over (24,288 persons), of these 15% were ethnic minorities. 19% (14,990 households) of Merton's households were pensioner households, and of these, almost 7 in 10 (68%) were lone pensioner households (10,119 households). Merton's Housing Needs Survey published in 2005 showed that single pensioner households in Merton had increased by 3% in 3 years to 10,442 by 2004. In Merton, it is estimated that in 2010 there were 9,873 adults (aged 18-64) with a moderate physical disability; 2,714 with a severe physical disability; 4,402 with a sensory impairment; 3,473 with learning disabilities; and 22,817 with mental health problems (POPPI & PANSI).
- 1.8. Older people in Merton make up the biggest client group living in supported housing (55%), followed by homeless people with support needs (14%) and people with mental health problems (9%). Other client groups living in supported accommodation include ex-offenders; people with physical disabilities and sensory impairment; people with learning disabilities; people with alcohol problems or HIV/AIDs, and people experiencing domestic violence or victims of hate crime.
- 1.9. The council faces the challenge of meeting the needs of an ageing population in Merton. Population projections shows that older people aged 65 and over in Merton will see a 22% (2,300 households) increase from 2010 to 2015, with the over 85 age group increasing by 34%. The projected 30% increase in the 65-69 age-group is above the London average increase of 34%. The number of older people with illnesses and disabilities is also projected to increase over the next 5 years.
- 1.10. The number of adults with disabilities is also projected to increase between 2010 and 2015:
 - People with a physical disability to increase by 560 or 5%.
 - Young adults aged 25-34 predicted to have a learning disability set to rise by 1,076 or 8% from 2010 to 1,163 in 2015.
 - Adults (aged 18-64) with a learning disability to increase by 213 or 6% to 3,686.
 - People with a mental health problem to rise by 1,352 or 6% from 2010 to 24,169 in 2015.
- 1.11. A variety of supported care accommodation is required for persons who require different levels of assistance, support or care in order to live independently. The council encourages the provision of non-institutionalised supported care housing with self-contained facilities. Supported care housing may include sheltered accommodation, extra care housing, and other types of care homes, on-site

accommodation for care workers, rehabilitation facilities, crisis response, as well as respite for carers.

- 1.12. Supported care housing needs to be easily accessible to shopping facilities and services in locations with good access to public transport, or with adequate on-site facilities, because of low car ownership and in some instances reduced mobility of the client group. Residential locations may be appropriate. Town or local centres may also provide suitable opportunities for provision, given the proximity of such locations to good public transport and local amenities, but this needs to be balanced against other relevant suitability factors e.g. noise.
- 1.13. Supported care housing will not be encouraged where the external environment is unsuitable. High quality design can help to provide design solutions (e.g ramps and levelled changes) that overcome topological issues and provide accommodation that is fit for purpose.
- 1.14. Core Planning Strategy Policy CS8 (Housing Choice) requires all new homes to be built to Lifetime Homes Standards. This ensures that all new residential accommodation is sufficiently flexible so that with minor modifications a dwelling can be made appropriate for persons with mobility or physical disabilities.
- 1.15. Housing sites that have a lower market value than those available for general market housing are rare and the council will resist development that would involve the net loss of residential floorspace.
- 1.16. Generally proposals for supported care housing will be considered in respect to Core Planning Strategy policy CS8 concerning affordable housing provision, unless this is made available through the council to nominate to individuals or households in housing need with a reasonable preference on the council's waiting list, or individuals or households in housing need referred by one of the council's nomination panels for vulnerable people.
- 1.17. Where self contained housing (e.g. categories 1,2 & 2.5 sheltered housing and extra care housing) is proposed for occupants to buy, rent or lease we will seek affordable housing in accordance with policy CS8. By contrast residential care institutions (usually in use class C2 / C2A) operate on a fee charging basis, with occupants not given a tenancy, and often moving in and out of these institutions depending on their care needs. Local authorities do refer people to care institutions, via adult social care services rather than from the Housing Register. As such it is unlikely that care institutions will be considered by the council in respect to Core Planning Strategy policy CS8 concerning affordable housing provision, however the council will assess all proposals on a case by case basis.
- 1.18. Proposals must demonstrate that they cater for needs identified in a Local Housing Market Assessment or in an appropriate needs assessment such as that of a recognised public body. There is a recognition that the private sector also caters for those in housing need and that this role in partnership with the council is continuing to grow as this sector responds to the falling levels of public expenditure.

- 1.19. The council will work with Registered Providers, developers and the Homes and Communities Agency in the delivery of supported care accommodation to meet the needs and demands of the sector of Merton's community that require this accommodation. This delivery will be monitored via the Annual Monitoring Report.

DM.H3 Support for affordable housing (*amended since first published as part of Stage 2a (June 2012) following consultation feedback*)

Policy aim

To clarify the application of Merton's Core Planning Strategy Policy CS8 Housing Choice particularly in the light of central government's new "affordable rent" product and the proposed Revised Early Minor Alterations to the London Plan (June 2012), particularly Policy 3.10: definition of affordable housing and Policy 3.11 affordable housing targets.

Policy

Where affordable housing is to be provided in accordance with the London Plan and Merton's Core Planning Strategy Policy CS.8 Housing choice, 60% of the affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale.

SA / SEA implications

- 1.20. This policy meets a number of sustainability objectives including affordable housing, and poverty and social inclusion.

Justification

- 1.21. Social rented, affordable rented, intermediate and market housing are defined in the National Planning Policy Framework (March 2012) and London Plan Revised Early Minor Alterations policy 3.10 (June 2012).
- 1.22. As set out in the London Plan Revised Early Minor Alterations policy 3.10 (June 2012), affordable rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges where applicable). The Mayor's Housing Supplementary Planning Guidance (Nov 2012) states that for investment purposes, the Mayor has agreed a strategic, London-wide average rent at 65% of market rent, taking into account the need to provide family-sized housing at lower proportion of market rents.
- 1.23. There is a wide variation in market rents in Merton. Homes with a rent of up to 80% of market rent could prove unaffordable to applicants in housing need, particularly those needing family-sized homes. In dealing with individual planning applications the council will have regard to Merton's Housing Strategy, and Merton's Interim Policy Statement on Affordable Rent (07 November 2011) and the Council's draft Tenancy Strategy (November 2012). In accordance with Merton's Housing Strategy, the council will only support new housing schemes in Merton where average rent levels across all bed sizes do not exceed 65% of market rent, unless registered providers can demonstrate exceptional circumstances. Affordable rent levels for any bed size must not exceed 80% market rent or 65% for larger homes with three or more bedrooms.

Sites and Policies |

- 1.24. All affordable housing provided within the borough will be subject to nomination agreements with Merton's Partner Register Providers to ensure that they are occupied by persons nominated by the council.
- 1.25. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable provision.

Delivery and monitoring

- 1.26. The council will work with Registered Providers, developers and the Homes and Communities Agency in the delivery of affordable housing. This delivery will be monitored and kept under review as part of the LDF Annual Monitoring Report and may result in subsequent adjustments being made to it.

DM. H5 Student housing, other housing with shared facilities and bedsits. *(new policy for stage 3 January 2013 following consultation feedback from the mayor of London)*

Policy aim

To create socially mixed communities, catering for all sectors of the community by providing a choice of housing with respect to dwelling size and type in the borough.

Policy

- a) The development of student housing , other housing with shared facilities and bedsits is supported (other than supported care housing for vulnerable people or people housed in secure residential institutions as part of the criminal justice system to which Policy DM DH 1 applies) provided that the development:
- i. will not involve the loss of permanent self contained homes;
 - ii. will not compromise capacity to meet the supply of land for additional self contained homes;
 - iii. meets an identified local need;
 - iv. will not result in an overconcentration of similar uses detrimental to residential character and amenity;
 - v. complies with all relevant standards for that use; and.
 - vi. is fully integrated into the residential surroundings;

Additionally with regards to student housing;

- vii. caters for recognised educational establishments within Merton or adjoining boroughs;
 - viii. during term-time, it is available exclusively to students;
 - ix. includes a range of layouts including those with shared facilities;
 - x. is located in an area well served by public transport concerning the recognised higher educational establishment it serves;
 - xi. has an ownership or management arrangement secured by legal agreement in place with the recognised higher educational establishment it serves; and,
 - xii. where requirements DM H5 (vii) to (xi) inclusive cannot be demonstrated the proposal will be considered under Core Strategy Policy CS8 in respect of affordable housing provision.
- b) The council will resist development which results in the net loss of student housing and other housing with shared facilities and bedsits unless either it can be demonstrated that:
- i. there is a surplus of the existing accommodation in the area; or,
 - ii. the existing accommodation is incapable of meeting relevant standards for accommodation of this type.
- c) Where the council is satisfied that the development results in the net loss of student housing, other housing with shared facilities or bedsits, is justified, we will expect that an equivalent amount of residential floorspace or permanent self contained

housing in Use Class C3 to be provided and these proposals will be considered in respect to Core Planning Strategy Policy CS8.

SA/ SEA implications

- 1.27. This policy meets a number of sustainability objectives and ensures housing choice to meet the needs of Merton diverse community.

Justification

- 1.28. Statistics produced by the Higher Education Statistics Agency indicate that there were around 2.5million students in higher education in the UK in the academic year 2010/11, 402,500 of which were in London. A recognised higher educational establishment generally refers to those funded by the Higher Education Funding Council for England (HEFC). Wimbledon College of Art, Wimbledon is located within Merton. Additionally there are several higher education establishments located wholly or partly within adjoining boroughs which are Kingston University, Roehampton University, St George's Medical School and St Mary's University College Twickenham.
- 1.29. The provision of student housing, other housing with shared facilities and bedsits can make a contribution to creating mixed and inclusive communities. However addressing these demands should not compromise the borough's capacity to meet the need for permanent self contained homes, affordable homes and family homes.
- 1.30. The precise definition of housing with shared facilities and bedsits is complex but includes the following groups:
- i. A bedsit where the bathroom is shared with tenants of other bedsits.
 - ii. A flat in a house whether bathroom facilities may or may not be shared with other tenants.
 - iii. A room in a shared house where the bathroom and kitchen facilities are shared with the tenants of the other rooms but the tenants do not live with the other tenants as part of a 'household', for example don't cook for one another and eat together like a family would.
 - iv. Rented rooms provided by a resident landlord.
 - v. bed and breakfast hostels.
- 1.31. Merton's SHMA identified that other housing with shared facilities form a significant part of the private rented stock. The Housing Strategy Statistical Appendix (HSSA) 2007 for Merton estimated that there were 5,062 houses with shared facilities in the borough. 0.55% of Merton's population live in communal residences which is around a third of the average for the whole of London of 1.8%.
- 1.32. The council will protect against the loss of permanent self contained housing including from conversion to short-stay accommodation intended for occupation for periods of less than 90 days.
- 1.33. Student housing, other housing with shared facilities and bedsits are often associated with a concentration of relatively short-term residents. The council will assess these having regard to any existing concentrations in the area, the impact of

new occupiers on local services and facilities and the wider housing mix. Possible concerns such as noise disturbance and increased demand on local facilities and public transport, need to be carefully considered and addressed in relation to these proposals to ensure that adverse impacts on existing longer term residents are minimised. Schemes will be considered on a scheme by scheme basis having regard to census information, Merton's Annual Monitoring Report and permissions for student housing schemes in the area.

- 1.34. Student housing can positively contribute to mitigating pressure on the stock of private rented homes in Merton provided that it is genuinely aimed at higher education establishments. The council will use design mechanisms, planning conditions and / or legal agreements as appropriate to prevent lease, sale, use or occupation of the student accommodation as general market housing and to limit their term time occupation to students registered at higher education establishments that are based in Merton or the adjoining boroughs and supported by the Higher Education Funding Council for England.

Delivery and monitoring

- 1.35. The council will work with developers, Registered Providers and the Homes and Communities Agency to facilitate the provision of a choice of housing, including student housing, other housing with shared facilities and bedsits. Delivery will be monitored annually via the Annual Monitoring Report.

DM R4: Protection of shopping facilities within designated shopping frontages (*new approach to create community focussed town centres, following research and feedback from Merton Chamber and LoveWimbledon*)

Policy aim

To maintain the vitality and viability of Merton's town and local centres and to identify uses suitable to these locations by ensuring that there are a wide range of retail offer and services, providing consumer choice and competition to meet residents' needs.

Policy

Making choices about where retail and other town centre type uses locate contributes towards maintaining and enhancing the attractiveness of town and local centres by encouraging more people to shop in these locations. To maintain and improve the overall vitality and viability of Merton's town and local centres, the council will permit proposals provided that the following criteria have been met. In:

- a) **'Wimbledon's central shopping frontage'** the loss of retail units (Use Class A1) will be resisted.
- b) The **'core shopping frontages'** within town and local centres proposals for a wider range of uses such as restaurants and cafes and bars, cultural and community and leisure and entertainment uses (A1, A3, A4, D1 & D2 Use Class) will be permitted to occupy a unit subject to if it can be demonstrated by full and proper marketing of the site for A1 retail use for at least 12 months. The proposed change should not detract from the primary retail function of the area. Approximately 70% of units in the Core Shopping Frontage should remain in retail use (A1 Use Class), taking into account unimplemented planning permissions for change of use.
- c) The **'secondary shopping frontages'**, as well as uses permitted in part DM R4 (b) above, proposals for financial & professional services (A2 Use Class) and hot food takeaways (A5 Use Class), and offices (B1[a] Use Class) will be permitted. Approximately 50% of units should remain in commercial uses (A1, A2, A3, A4 and A5 uses), taking into account unimplemented planning permission for change of use.
- d) **Other shopping frontages within town centres**, a wide range of town centre type uses including shopping, leisure, entertainment, cultural, community and office uses will be supported which contribute towards the vitality and viability of town centres.
- e) **'Neighbourhood parades'**, proposals for a wide range of town centre type uses appropriate to the scale of the parade will be permitted. A minimum of 50% of units should remain in retail use (A1 Use Class), taking into account unimplemented planning permissions.
- f) **'Vacant units in shopping frontages'**, temporary planning permission for re-occupation of vacant units may be granted for performance and creative uses.

- g) **‘All shopping frontages in Merton’s town and local centres and neighbourhood parades’**, subject to the relevant considerations Dm R4 (a)-(f) above, the council will permit the change of use in shopping frontages where:
- i. the proposed use is compatible with a shopping frontage and provides a direct service to the general public;
 - ii. the proposal will result in an ‘active street frontage’;
 - iii. the vitality and viability of the town and local centre and neighbourhood parade is not likely to be significantly harmed;
 - iv. a window display is provided; and where,
 - v. No significant adverse effects on the amenities of nearby residents, road safety, car parking or traffic flows would result from the proposal.

SA/ SEA implications

- 1.36. This policy scores well against a number of sustainability objectives. The policy seeks to ensure the vitality and viability of Merton’s centres and neighbourhood parades, by enabling the provision of a wider range of retail services and facilities. This will lead to greater consumer choice, business and employment opportunities for the community.

Justification

- 1.37. Merton’s Core Planning Strategy policies CS1 (Sub-areas) – CS7 (Centres) encourages a mix of town centre type uses to Merton’s town and local centres which contributes to their vitality and viability. Policy DM R4 will contribute towards delivering this by setting out a detailed approach to the assessment of considerations concerning the location of town centre type uses in Merton’s town centres.

Primary shopping area

- 1.38. The location of similar businesses, such as shops, cafes, restaurants, theatres and cinemas together makes town and local centres more attractive, increases the footfall which helps support businesses and helps to create an identity and a sense of place for the community. National guidance makes clear that local authorities should define the extent of the Primary Shopping Area and the town centre boundary. The Primary Shopping Area places retailing and social activity at the heart of the town centre and it consists of defined Core and Secondary Shopping Frontages. Other town centre activities including professional and financial services, cinemas, hot-food takeaways lead away from the primary shopping area., Merton’s draft Proposals Map (2012) details the extent of Merton’s town centre boundaries and the designated Core and Secondary Shopping frontages.

Wimbledon’s central shopping frontage

- 1.39. In order for Wimbledon town centre to maintain its position as a major centre, it is necessary to continue to support and improve retail facilities in the centre. Supporting retail at the heart of the town centre, visible on arrival from the station helps to increase footfall and thus Wimbledon’s attractiveness. Merton’s draft Proposals Map 2012 proposes Wimbledon’s central shopping frontage, where

proposals for retail uses (A1 Use Class), in particular comparison retail will be encouraged.

Core shopping frontage

- 1.40. In the core shopping frontage retailing and social uses are strongly supported to encourage greater footfall and improve the vitality of the town centre. It is important to maintain a full range of shopping facilities and social uses in these centres and ensure that they are close together in relatively convenient and compact core frontages.
- 1.41. Due to the increase in the non -retail store shopping such as on-line shopping and home shopping, it is expected in the future that town and local centres will no longer be as retail focused but instead will provide a social environment for residents, workers and visitors to meet and visit. Although our evidence shows that vacancies in Merton's town and local centres are lower than both the regional and national average this may not be case in the next ten years. Therefore in order to ensure that our town and local centres remain a focal point for social activity, providing services and facilities as well as employment to residents and attracts visitors, we proposed that Merton's shop front designations be more flexible to deal with changes to the economy and shopping.
- 1.42. Therefore, if a retail unit in the core shopping frontage is vacant and it can be demonstrated by full and proper marketing of the site for A1 retail use for at least 12 months (1 year)) we will permit social uses such as restaurants and cafes (A3 Use Class), public houses (A4 Use Class), cultural and community uses (D1 Use Class) and leisure and entertainment uses (D2 Use Class). These uses are considered more social uses as Merton's residents and workers can meet and enjoy activities with friends and family. These uses would also attract visitors to the area. The proposed use will need to have an active frontage. Proposals must be in line with Policy DMR5 and DMR6.
- 1.43. Should there be a demand and growth for retail floorspace in the future, the General Permitted Development Order currently allows cafes and restaurants and public houses to change into retail (A1 Use Class) without requiring planning permission. Though cultural and community uses (D1 Use Class) and leisure and entertainment uses (D2 Use Class) cannot revert to retail (A1 Use Class) without planning permission, they allow more social uses in sustainable locations which in turn would attract more people to Merton's town and local centres. This increased in footfall would ensure that the vitality and viability of Merton's town and local centres are maintained.
- 1.44. Amusement centres (sui generis Use Class), financial & professional services (A2 Use Class) and hot food take-aways (A5 Use Class) are not compatible with the main retail or social function of the town and local centres and thus are not considered appropriate uses in Wimbledon's central shopping frontage and core shopping frontages.
- 1.45. When considering proposals, the proportion of retail units relates to a proportion of units situated within designated core shopping frontages of the whole town and local centre and not to the individual designated shopping parades. A 'unit' refers

to individual shops. The breakdown of unit numbers per frontage is detailed in Table 7.1.

Secondary shopping frontage

- 1.46. In secondary shopping frontages proposals for a change of use from retailing, cafes and restaurants and cultural and community uses (A1, A3, A4, D1 & D2 Use Class) to a wider range of uses such as financial & professional services (A2 Use Class), hot food take-aways (A5 Use Class) and offices (B1[a] Use Class) will be supported.
- 1.47. To ensure that there is a range of commercial services and facilities within Merton's town and local centres, we propose to place a limit on the proportion of change of use in the designated shopping frontage away from uses within retail use (A1 Use Class). Local research supports approximately 50% of units in the designated shopping frontage to remain in commercial uses (A1, A2, A3, A4 and A5), taking into account unimplemented planning permissions for changes of use.
- 1.48. Approximately 50% of A1 units in the designated secondary shopping frontages relates to a proportion of units situated within designated secondary shopping frontages of the whole town and local centre and not to the individual designated shopping parades.

Other frontages within town and local centres

- 1.49. In these frontages a wide range of town centre uses will be supported including retail, leisure entertainment, cultural, community and offices which contribute towards the vitality and viability of town centres. Activities should complement each other and the centre and should be of a use, design and scale proportionate to the area.
- 1.50. All town centre development proposals must have active street frontages to contribute towards the vibrancy and to promote a positive identity within Merton's town and local centres.

Neighbourhood parades

- 1.51. Neighbourhood parades are identified to ensure that local shopping facilities are retained within walking distance of residents to meet their day-to-day needs.
- 1.52. To ensure that convenience shops are retained, local research supports a minimum of 50% of units in a designated neighbourhood parade to remain in retail use (A1 Use Class), taking into account unimplemented planning permissions for changes of use.
- 1.53. When a change of use from convenience, comparison and service retail use is proposed, the new use must provide a local service, such as businesses (A2 and B1[a] Use Class), restaurant and café (A3 Use Class), pub and wine bar (A4 Use Class), hot food takeaways (A5 Use Class), health and community uses (D1 Use Class) which:
 - supports the vitality of the parade;
 - provides a window display; and,

- has no adverse effects on the amenities of residents, other businesses, road safety or traffic flows.

Vacancies in frontages in town and local centres

- 1.54. In town and local centres temporary planning permission may be granted for performance and creative uses in vacant shopping frontages until these units are re-occupied by uses that are appropriate to that retail frontage. Temporary Planning Permission will be considered based on the proposal(s) put forward. These proposals must complement surrounding uses in the area and must not harm nearby business and residential amenity. Conditions will be used to restrict the maximum period for the temporary use of the shop for performance and creative uses.

Active street frontages

- 1.55. Active street frontages contribute significantly to the vibrancy, sense of place and safety of town centres. Allowing people to access and view inside and outside of the buildings, provides natural surveillance, activity and contributes towards the vibrancy of town and local centres. Conditions may be placed on planning applications to ensure that proposals do not result in dead frontages, for instance, restricting internal advertising.

Marketing

- 1.56. To demonstrate that full and proper marketing has been undertaken, the council requires the applicant to demonstrate that:
- The unit has been marketed for the time period detailed in policy unless otherwise agreed with the council;
 - All opportunities to re-let the site has been fully explored (including more flexible use of the space);
 - The site has been marketed using new (on the internet) and traditional marketing tools available; and,
 - The site has been marketed at a price which is considered reasonable (based on recent and similar deals or transactions).

Delivery and monitoring

- 1.57. Protecting the viability and vitality of town and local centres and neighbourhood parades will be achieved through the planning process by supporting planning applications for 'town centre type uses' that are commensurate with the scale and function of town centres and neighbourhood parades.

Policy DM.EP5: Air Quality

Policy Aim:

To improve air quality and reduce air pollutants in Merton.

Policy:

We will support development proposals that are accompanied by an Air Quality Assessment, which assess the extent of the potential impacts and demonstrate the mitigation measures proposed to make the development acceptable are appropriate, for the following:

- a) **development proposals that would have a potential significant impact on local air quality;**
- b) **all major developments with potential significant impact on air quality; and,**
- c) **any development which introduces human exposure close to existing sources of air pollution, including road traffic and industrial operations.**

SA/ SEA Implications:

- 1.58. The policy meets a broad number of sustainability objectives crossing environmental, social and economic objectives. The policy aim is to encourage sustainable development that considered the possible impact of air quality to people's health and environment.

Justification:

- 1.59. Merton's Core Planning Strategy Policy 15: Climate Change aims to make Merton a municipal leader in improving the environment, taking the lead in tackling climate change, reducing pollution, developing a low carbon economy, consuming fewer resources and using them more effectively. In addition the London Plan policy 7.14 Improving Air Quality and Development Management, Policy DM.EP5 will contribute towards delivering this by setting out a detailed approach in reducing all air pollutants including nitrogen dioxide levels in Merton.
- 1.60. It should be noted that the entire borough of Merton is designated as an Air Quality Management Area. In accordance, with the aims of the National Air Quality Strategy, the Mayor's Air Quality Strategy (2010) seeks to minimise the emissions of key pollutants and to reduce concentrations to levels, so that no or minimal adverse effects on human health or environment are likely to occur.
- 1.61. The Mayor of London's Air Quality Strategy set out policies and proposals to address a range of air quality issues reducing emissions from transport, reducing emissions from homes, business and industry.
- 1.62. Where additional negative air quality impacts from a new development are identified, measures will be required to mitigate against these impacts on-site. Such measures include design solutions, buffer zones and smarter travel measures that support and encourage sustainable development. In circumstances where on-site mitigation measures are impractical or inappropriate, except where it is agreed

with the council that equivalent air quality measures could be provided off-site, we may place planning conditions or seek developer contributions via S106 agreements.

1.63. For this policy major developments include proposals for:

- i. residential development comprising of 10 units or more/ on sites of 0.5 hectares above;
- ii. Commercial developments where the floorspace is 1,000 square metres or more/ on 1 hectare site or more.

Delivery and monitoring:

1.64. Reduction in the levels of air pollutants referred to in Government's National Air Quality Strategy through the planning process by supporting planning applications that have no significant adverse impact to human or environment in Merton. Further detail on how Merton is tackle air quality can be found in Merton's forthcoming Air Quality Supplementary Planning Document.

Policy DM EP6: Land Pollution

Policy Aim:

To minimise the number and extent of contaminated, vacant and contaminated land in the borough and seek to bring them back into use.

Policy:

To minimise the adverse effect of land pollution we will support proposals:

- a) **That bring back into use contaminated, vacant or derelict land subject to the:**
 - i. **need to treat polluted or contaminated sites, particularly where there is a threat to human health, well being and the environment;**
 - ii. **need to demonstrate that measures undertaken for the proposed use on previously contaminated land will not increase the spread of contamination or activate it;**
 - iii. **need to provide for housing, local open space and other land uses;**
 - iv. **ecological value of the site.**
- b) **Where applicants have completed investigations into the type and extent of contamination and have agreed to any remedial measures through conditions that may be required in order to render the site fit for its intended use. This is required in circumstances where there is or it is reasonably suspected that contamination exists on site.**
- c) **That meets relevant local and national policies and guidance's, where proposals for businesses (both commercial and industrial) and proposals next to businesses require permits to operate.**

SA/ SEA Implications:

The policy meets a broad number of sustainability objectives crossing environmental, social and economic objectives. The policy aim is to encourage sustainable development that considered the possible impact of land pollution to people's health and environment.

Justification:

- 1.65. Merton's Core Planning Strategy Policy 15: Climate Change aims to make Merton a municipal Leader in improving the environment, taking the lead in tackling climate change, reducing pollution, developing a low carbon economy, consuming fewer resources and using them more effectively. In addition to the EU Directive on the prevention of major accidents involving hazardous substances, CLG Circular 04/00 Planning Controls for Hazardous Substances and the London Plan, Policy DM P6 will contribute towards delivering this by setting out a detailed approach to reduce land pollution in Merton.

Sites and Policies |

- 1.66. For the purposes of this policy contaminated land is land that has been polluted with harmful substances to the point where it now poses an unacceptable risk to health and the environment.
- 1.67. The council keeps a Contaminated Land Register and any site included in the register or any site which is potentially contaminated will be required to carry out a site investigation and agree a scheme of remediation with the council and the Environment Agency in order to ensure that contaminated land issues are considered at the planning application stage.
- 1.68. Merton has a strong industrial heritage and the council wants to ensure the impacts of these past land uses and current land uses do not affect the health of people and the environment.
- 1.69. In line with the London Plan we will seek to minimise the number and extent of vacant, derelict and contaminated land in the borough and would encourage for such land to be brought back into safe and productive uses. In urban areas where there is a shortage of land, brownfield sites can be a valuable source of sites for development. The potential uses will depend on the individual circumstances of the sites and the sites should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990 and list of criteria detailed in **Part A of Policy DM EP5** above, as well as other policies contained in the boroughs development plan.
- 1.70. We will require developers to undertake suitable investigations of any possible contamination of sites where appropriate when assessing relevant planning applications. The need to carry out appropriate remediation or monitoring and to ensure adequate disposal of contaminated soil, will be secured by means of planning conditions. Contaminated sites should be adequately remediated to ensure protection to all receptors as such human health, controlled waters, animals and crops. We work closely with the Environment Agency when considering applications on contaminated sites.
- 1.71. Proposals for new development or change of use should be compatible with the amenity of neighbouring occupiers of buildings. If proposals are likely to conflict with the successful operation of existing businesses nearby or detrimentally harm the amenities of occupants of neighbouring buildings, planning permission will not be granted. Mitigation measures through design conditions or planning obligations may be sought to improve site access or minimise disruption to neighbouring businesses where necessary.

Delivery and monitoring:

- 1.72. Reduction in the levels of land pollution through the planning process by supporting planning applications that have no significant adverse impact to human, health or the environment in Merton.