

# Land at Benedict Wharf, Mitcham

in the London Borough of Merton

planning application no. 19/P2383

## Planning application

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008 ("the Order").

## The proposal

Outline planning application (with all matters reserved) for the redevelopment of the site comprising the demolition of existing buildings and development of up to 850 new residential dwellings (Class C3 use) and up to 750 sq.m. of flexible commercial floorspace (Class A1-A3, D1 and D2 use), together with associated car parking, cycle parking, landscaping and infrastructure.

## The applicant

The applicant is **SUEZ Recycling and Recovery Ltd** and the architect is **PRP**

## Recommendation summary

The Deputy Mayor for Planning, Regeneration and Skills (acting under delegated powers), acting as the Local Planning Authority for the purpose of determining this application;

- i. grants conditional outline planning permission in respect of application 19/P2383 for the reasons set out in the reasons for approval section below, and subject to the prior completion of a Section 106 legal agreement;
- ii. delegates authority to the Head of Development Management to:
  - a) agree the final wording of the conditions and informatives as approved by the Deputy Mayor; with any material changes being referred back to the Deputy Mayor;
  - b) agree any variations to the proposed heads of terms for the Section 106 legal agreement and negotiate, agree the final wording, and sign and execute and complete the Section 106 legal agreement; and
  - c) issue the outline planning permission; and

d) to refer the application back to the Deputy Mayor in order to refuse planning permission if by, 8 April 2021, the Section 106 legal agreement has not been completed;

- iii. notes that the approval of Reserved Matters pursuant to the outline planning permission would be submitted to, and determined by the Mayor or Deputy Mayor;
- iv. notes that the approval of details pursuant to conditions imposed on the planning permission will be submitted to, and determined by Merton Council;
- v. notes that Merton Council will be responsible for the enforcement of the conditions attached to the outline planning permission;

Subject to referral to the Secretary of State for Housing, Communities and Local Government under The Town and Country Planning (Consultation) (England) Direction 2009.

## Drawing numbers and documents

<b>Proposed plans</b>
<b>Site plans and parameter plans</b>
Site location plan_AA7042 – SK004 (PRP Architects, 12.07.2018)
Building heights parameter plan_AA7402-02071 (PRP Architects, 13.02.2020)
<b>Illustrative plans</b>
Illustrative Masterplan_ AA7402-02061 (PRP Architects, 13.02.2020)
Indicative Framework Plan - Development Parcels Block Layout_AA7402-02069 (PRP Architects, 13.02.2020)
Indicative Framework Plan - Non Residential Uses_AA7402-02074 (PRP Architects, 13.02.2020)
Indicative Framework Plan - Access and Movement_AA7402-02072 (PRP Architects, 13.02.2020)
Indicative Framework Plan - Open Play Space_AA7402-02073 (PRP Architects, 13.02.2020)
<b>Supporting documents</b>
Benedict Wharf Framework Design Code (PRP Architects, March 2020)
Benedict Wharf Design & Access Statement (PRP Architects, February 2020)
Planning Statement Addendum (Savills, February 2020)
Planning Statement (Savills, June 2019)
Heritage and Townscape and Visual Impact Assessment Addendum (ARC, February 2020)
Daylight, Sunlight, Overshadowing Impact & Overshadowing Assessments (PRP, February 2020)
Energy and Sustainability Strategy (PRP, February 2020)
Arboricultural Impact Assessment (SLR, February 2020)
Ecological Impact Assessment (SLR, February 2020)
Flood Risk Assessment and Surface Water Drainage Strategy (SLR, February 2020)
Noise Assessment (SLR, February 2020)
Transport Assessment (SLR, March 2020)
Outline Construction Traffic Management Plan (SLR, March 2020)
Outline Delivery and Servicing Management Plan (SLR, March 2020)
Outline Travel Plan (SLR, March 2020)

Contaminated Land – Preliminary Land Quality Risk Assessment and Generic Quantitative Risk Assessment Report (SLR, February 2020)
Contaminated Land - Detailed Quantitative Risk Assessment (SLR, February 2020)
Economic Impact Assessment (Savills, February 2020)
Utilities and Servicing Plan (SLR, February 2020)
Air Quality Assessment (SLR, June 2019)
Statement of Community Involvement (SUEZ, June 2019)
Consultation Feedback Report (PRP, February 2020)
Summary of geotechnical and archaeological information for the northern part of the site (Compass Archaeology, Sep 2019)

## Introduction

1 Having assumed authority to determine this planning application, this report sets out the matters that the Deputy Mayor must consider in forming a view over whether to grant or refuse planning permission and to guide his decision making at the upcoming representation hearing. This report includes a recommendation from GLA officers, as set out below.

## Officer recommendation - reasons for approval

2 The Deputy Mayor acting under delegated authority as the local planning authority, has considered the particular circumstances of this application against national, strategic and local planning policy, relevant supplementary planning guidance and all material planning considerations. He has also had regard to Merton Council's committee report dated 18 June 2020 (including the draft planning conditions) and Modifications Sheet presented to Merton's Planning Committee on 18 June 2020, the draft decision notice setting out the single reason for refusal and all consultation responses and representations made on the case both to Merton Council and the GLA. The below reasons set out why this application is considered to be acceptable in planning policy terms:

a) The application conflicts with the Development Plan in that residential development is proposed on a safeguarded waste site, which also falls within designated Strategic Industrial Land (SIL) and because the proposals do not form part of a strategically agreed plan-led process of SIL consolidation. In addition to this, the application does not comply with the Merton Local Plan policies on tall buildings, which are not supported in this particular location. As such, the application represents a departure from the Development Plan. Accordingly, as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, other material considerations must exist to justify this departure. In this specific case, GLA officers do consider that there are clear and convincing material considerations which justify a departure from the development plan policies relating to safeguarded waste sites, SIL and tall buildings.

b) The loss of the existing safeguarded waste site would be appropriately mitigated with sufficient compensatory waste management capacity provided, in accordance with London Plan Policy 5.17 and Policy WP3 of the South London Waste Plan (2012), with the existing waste facility relocated to an alternative and more suitable safeguarded waste site in Sutton which is within designated SIL and has been vacant for 10 years. Full planning permission has been granted for the replacement waste facility. The Section 106 agreement restricts development from commencing on site until the replacement waste facility has been delivered.. Whilst the applicant's relocation strategy does form part of an emerging plan-led approach set out in the draft South

London Waste Plan 2021, this draft Plan has not been subject to an Examination in Public and is not adopted. However, in this specific case, GLA officers consider that there are material considerations to justify a departure from the plan-led principle set out in the Intend to Publish London Plan, taking into account: the significant operational constraints present at the existing site which prohibit the provision of a modern 24-hour waste management facility; the public benefits associated with the provision of additional waste management capacity within the South London Waste Plan Area; and noting that the applicant's relocation strategy is supported by the South London Waste Plan Authorities. Furthermore, GLA officers are satisfied that the loss of the existing safeguarded waste site at Benedict Wharf would not compromise the potential to meet the apportionment targets in the Intend to Publish London Plan. Taking in to account paragraphs 49 and 50 of the NPPF, GLA officers do not consider that a refusal of permission on the basis of prematurity would be justified.

c) In relation to the site's current SIL designation, whilst the application does not comply with the development plan, GLA officers consider that there are exceptional circumstances in this specific case which justify a departure from the development plan. The applicant's relocation strategy generally accords with the overarching principles set out in the Intend to Publish London Plan in terms of ensuring industrial intensification, as there would be no material loss of industrial capacity in terms of waste throughput, with a 24% increase in waste throughput capacity proposed, based on the existing situation. The introduction of residential accommodation on the site would not compromise the integrity or function of the remaining SIL. Furthermore, the proposed residential redevelopment would help to deliver important wider public benefits in terms of facilitating the delivery of additional waste management capacity, alongside substantial housing supply, of which 35% would be affordable. As such, GLA officers consider the principle of the development to be, on balance, acceptable in this particular instance.

d) In terms of housing and affordable housing, the application proposes up to 850 residential units, of which, 35% would be affordable. The industrial capacity on the site would not be reprovided on site, so the application would normally be subject to the 50% threshold for affordable housing. However, in this particular case, GLA officers consider that the application is subject to the 35% affordable housing threshold set out in Policy H5 of the Intend to Publish London Plan because there would be a net increase in industrial capacity (in terms of waste throughput) across the two linked applications and noting that its delivery would be appropriately secured via the Section 106 obligation. A significant factor in this case is also that the applicant owns both sites and has obtained full planning permission for the replacement waste management facility. GLA officers consider waste throughput is the most appropriate metric for assessing industrial capacity in this case, as the sites are both safeguarded for waste management use. The proposed affordable housing tenure mix would comprise 60% London Affordable Rent (LAR) and 40% intermediate London Shared Ownership. This complies with the tenure mix requirements of the Merton Local Plan, London Plan and Intend to Publish London Plan. As such, subject an early stage viability review mechanism and provisions to ensure grant funding is explored being secured via Section 106 agreement, the application would comply fully with the Fast Track Route criteria set out in the Intend to Publish London Plan and the Affordable Housing & Viability SPG. The affordability levels proposed comply with the Affordable Housing & Viability SPG, Intend to Publish London Plan and London Plan AMR, and would be secured in perpetuity via Section 106 agreement, together with appropriate phasing triggers included to secure the delivery of affordable housing by tenure alongside the occupation of market housing. The scheme would therefore make a significant contribution towards housing and affordable housing delivery targets and meeting local and strategic housing need. On this basis, the application accords with the NPPF; London Plan Policies 3.3, 3.4, 3.8, 3.9, 3.10, 3.11, and 3.12; and Intend to Publish London Plan Policies H1, H4, H5, H6, H7; H10; and complies with Merton Council's affordable housing tenure mix requirements, as set out in Merton Local Plan Policy CS8 and DMH3.

e) GLA officers consider the proposed residential density to be acceptable in this instance, taking into account various factors including the site location, setting, and PTAL, the sustainable transport improvements proposed in terms of walking, cycling and public transport and the surrounding infrastructure capacity. GLA officers consider the density of the site has been

appropriately optimised through a masterplanning and design-led process, which responds appropriately to the site's opportunities and constraints, including the site's close proximity to heritage assets to the north and the more unconstrained setting to the south, west and east. GLA officers are satisfied that the application has been subject to a sufficient degree of design scrutiny and consider that the density and proposed quantum of development to be acceptable, taking into account the proposed height, bulk and massing of the scheme and having regard to the associated impact on the surrounding area which would not be unacceptably adverse or harmful. GLA officers therefore conclude that the resultant density and quantum of development can be accommodated appropriately on the site. As such, the application accords with the relevant policies relating to density as set out in the NPPF, London Plan Policy 3.4, Policies D1; D2; D3 and D4 of the Intend to Publish London Plan, as well as further guidance in the 2016 Housing SPG.

f) Whilst the application is a departure from the Local Plan in relation to building heights, GLA officers do not consider that the height and massing of the proposed development would have an unacceptably harmful impact on the surrounding area and consider that the proposals would not detrimentally impact the distinctive character or visual amenity of surrounding townscape and landscape features, open spaces or negatively impact local views and the surrounding skyline, as demonstrated in the applicant's HTVIA. Therefore, GLA officers consider that the proposed development otherwise complies with the qualitative assessment criteria set out in London Plan Policies 7.4, 7.6, 7.7, 7.8 and Policies D9, HC1 and HC3 of the Intend to Publish London Plan and Merton Local Plan Policy CS14, DMD2 and DMD4 and is, on balance, acceptable in this particular case.

g) GLA officers conclude that the development proposal would harm the setting and significance of the Mitcham Cricket Green Conservation Area, the Grade II\* listed Mitcham Parish Church, the surrounding Grade II listed tombs and the Grade II listed Vicarage. This harm would be less than substantial and would be clearly and convincingly outweighed by the public benefits associated with the housing and affordable housing provision proposed, namely, the provision of up to 850 new homes, of which 35% would be affordable, comprising a 60:40 policy compliant tenure mix of low-cost rent and intermediate housing provision, as set out above. Further public benefits comprise the enhancements to Baron Walk, the provision of public open space and pedestrian and cycle routes through the site. The reduction in HGV movements within the conservation area along Church Road, which would constitute an important heritage related public benefit in this particular case, given the existing situation. Given the significant benefits of the scheme, GLA officers consider that the less than substantial harm is outweighed and heritage impacts do not justify the refusal of the permission. On this basis, the application complies with the NPPF, London Plan Policy 7.8, 7.7; Intend to Publish London Plan Policy HC1 and HC3; and Merton Local Plan Policy CS14, DMD2 and DMD4.

h) The proposals would have not have an unacceptable impact on the residential amenity of existing residents close to the site in relation to daylight, sunlight, overshadowing or privacy and overlooking, and therefore the proposals comply with London Plan Policies 7.6, 7.7 and 7.15, Policy D9 of the Intend to Publish London Plan and Merton Local Plan Policies CS14 and DM D2.

i) The proposed development has demonstrated that a high standard of sustainable design and construction would be achieved, minimising carbon dioxide emissions, using energy efficiently and including renewable energy, in accordance with the London Plan energy hierarchy. The development would deliver sustainable urban drainage, ecology and urban greening benefits over the existing situation at the site. As such the scheme complies with the policies contained with Chapter 5 and Policies 7.7, and 7.19 of the London Plan, Policies G5, G6, G7, SI1, SI2, SI3.

j) The application complies with the car parking and cycle parking standards in the London Plan and Intend to Publish London Plan. The level of car parking is considered to strike an appropriate balance in accommodating car parking within an Outer London location within PTALs 2-3, whilst encouraging more active and sustainable travel, with necessary CPZ-related obligations included to ensure potential over spill car parking issues can be addressed. The overall transport strategy for the site in relation to the proposed site access and pedestrian, cycle and public realm

improvements also accords with the Mayor's healthy streets objectives and aspirations in relation to encouraging more active and sustainable modes of travel. Transport mitigation measures are necessary to ensure the impact of the development is acceptable in transport terms and impact on public transport addressed, and these would be secured in the Section 106 agreement, including bus capacity improvements, bus stop access improvements, cycle way improvements on Hollowfield Way and financial contributions towards the provision of a direct access to Belgrave Walk station, together with improved direct pedestrian access to the northern access to the tram stop. On this basis, and subject to the above mentioned obligations and conditions being secured, the application is considered acceptable in terms of transport and is in accordance with transport policies set out in the London Plan, Intend to Publish London Plan and Merton Local Plan.

k) Appropriate, relevant, reasonable and necessary planning conditions and planning obligations are proposed to ensure that the development is acceptable in planning terms and the environmental, and socio-economic impacts are mitigated, in line with London Plan Policy 8.2, Intend to Publish London Plan Policy DF1, and to ensure overall compliance with the policies in the London Plan, Intend to Publish London Plan and Merton Local Plan.

l) For these reasons, whilst noting the application is in conflict with the land use policies in the Development Plan relating to waste management and Strategic Industrial Land, and is also contrary to the Local Plan in relation to tall buildings, GLA officers consider that the principle of the proposed residential-led mixed use redevelopment and the proposed density, height, massing, tall building is acceptable in this particular instance and consider that there is a clear and convincing justification for departing from the Development Plan in this specific case, taking into account the specific circumstances.

## **Recommendation**

3 That the Deputy Mayor acting as Local Planning Authority, grants planning permission in respect of application 19/P2383, subject to the prior completion of a Section 106 legal agreement, and the inclusion of planning conditions and informatives, as summarised below, and any action the the Secretary of State may wish to take. The detailed wording of conditions and informatives are set out in the draft decision notice appended to this report.

## **Section 106 Legal agreement**

4 The following heads of terms have been agreed as a basis for the planning obligations to be contained within the Section 106 legal agreement.

### Replacement waste management capacity

- An obligation restricting commencement of development until the replacement waste management capacity has been completed at the Beddington Lane Resource and Recovery Facility (79-85 Beddington Lane) in Sutton, as approved under planning permission reference DM2018/01865.

### Affordable housing

5 The following affordable housing obligations would be secured by legal agreement:

- Baseline Affordable Housing Requirement – minimum of 35% by habitable room, comprising 60% London Affordable Rent and 40% intermediate housing.
- Submission and approval of an Affordable Housing Scheme by the Council and GLA prior to commencement – detailing the location, distribution, tenure, size mix of affordable housing and its phasing – and the delivery and occupation of the development in accordance with that approved scheme.

- Triggers to ensure the timely delivery and transfer of overall affordable housing, linked to the phased completion and occupation of market units.
- Triggers to ensure the timely delivery and transfer of London Affordable Rent units, linked to the phased completion and occupation of market units.
- Affordable Housing Grant – prior to substantial implementation, the owner will use reasonable endeavours to contract with an Affordable Housing Provider who has access to grant funding and to determine whether or not grant funding is available and can be used to provide additional affordable housing.
- Early Stage Viability Review Mechanism
- Affordable housing cap at 50% affordable housing (based on a 60:40 tenure split)
- London Affordable Rent in line with the Mayor's annual benchmarks
- London Shared Ownership housing affordability – annual housing costs, including mortgage, rent, interest and service charge not exceeding 40% net household income,
- Provision for intermediate units to be provided as London Living Rent
- Initial marketing of intermediate housing units to eligible households with a local connection and to ensure units are initially marketed to households on a range of incomes below the maximum £90,000 household income threshold set in the Intend to Publish London Plan and AMR.
  - Cascade to London-wide affordability and eligibility criteria after this initial 3-month period.

## Transport

6 The following transport obligations would be secured by legal agreement:

- Financial contribution of £450,000 towards bus capacity improvements to mitigate the costs and expenses of implementing bus capacity improvements on the 200 bus route from Mitcham to Colliers Wood, with payment made over three instalments.
- Bus stop improvement works comprising the relocation of the existing north-bound bus stop on Church Road (close to Miles Road) to the south outside Princess Lodge Flats and payment of the costs prior to commencement.
- A scheme of improvement works to Baron Walk to be submitted as part of the first Reserved Matters Application and approved prior to commencement, which shall include:
  - the widening of Baron Walk to provide a cycle path and pedestrian footway as set out in the Framework Design Code;
  - a costed scheme for the removal of the security fencing surrounding the London Road Playing Fields alongside measures to improve the connectivity of the development with the open space as well as realigning existing footpaths within the London Road Playing Fields to align with entrances to the site;
  - a scheme of landscape maintenance and lighting improvements at the Baron Walk at-grade pedestrian crossing over the tram tracks to improve visibility and security;
  - completion of the agreed scheme of works prior to occupation at the developer's cost; and
  - the submission and approval of a maintenance scheme for Baron Walk prior to occupation.



- £100,000 financial contribution for the delivery of a dedicated cycle lane along Hallowfield Way on commencement, together with public realm and landscaping enhancements for Hallowfield Way;
- a reasonable endeavours obligation and/or financial contribution in relation to the provision of a pedestrian footpath linking the south-western corner of the site to the entrance of Belgrave Walk stop at Ravensbury Path, including necessary landscaping, fencing, public realm improvements and lighting (via third party land owned by TfL subsidiary London Bus Ltd);
- a reasonable endeavours obligation and/or financial contribution in relation to the provision of an additional pedestrian footpath connecting the existing north-western Belgrave Walk tram stop entrance/ exit to Ravensbury Path to provide a more direct pedestrian route for tram passengers and to address the potential for overcrowding on the platform (via third party land owned by Clarion Housing Association);
- the submission and approval of a residential and commercial Travel Plan;
- £45,000 financial payment towards consultation and implementation costs associated with a CPZ scheme, together with an obligation to restrict future residents from obtaining car parking permits should the Council decide to introduce a CPZ
- Provision of car club bays prior to occupation of more than 75% residential units.
- Provision of car club memberships for each first households if requested by household.

Other obligations:

- Delivery of open space and play space provision prior to occupation of a relevant phase of the development, in accordance with the site wide phasing plan;
- Ongoing management and maintenance of open space and public access;

Conditions to be secured <sup>1</sup>

7 The following list provides summary of the subject matter of the conditions and informatives to be attached to any planning permission which is to be granted:

1. Time limit for commencement
2. Submission of Reserved Matters Applications
3. Timing of the submission of Reserved Matters Applications
4. Compliance with the approved plans (building heights parameter plan)
5. Minimum number of residential units to be constructed on completion
6. Compliance with the design code
7. Phasing plan
8. Parameter plans
9. Housing accommodation schedule
10. Demolition and groundworks phase – environmental management and logistics plan
11. Construction phase - environmental management and logistics plan
12. Below ground utilities infrastructure
13. Contamination – detailed investigation and risk assessment
14. Contamination – remediation strategy and verification plan
15. Contamination – verification report
16. Unexpected contamination
17. Site wide movement and access strategy
18. Site wide delivery and servicing plan
19. Site wide landscaping strategy
20. Fencing alongside the site's southern boundary with the tram line

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<sup>1</sup> Draft conditions have been prepared and will be published as an appendix to this report; this list provides a summary of the draft notice condition headings

21. Site wide energy strategy
22. District Heat Network
23. Site wide ecology and biodiversity strategy
24. Site wide drainage strategy
25. Site wide car parking management plan
26. Daylight and sunlight assessment
27. Accessibility strategy
28. Lighting strategy
29. Water conservation
30. Noise mitigation levels
31. Green, blue and brown roofs
32. Secured by Design
33. Non-Road Mobile Machinery (NRMM)
34. Piling
35. Permitted development restricted
36. Space standards

### Informatives

- 1. S106 agreement
- 2. CIL
- 3. Thames Water
- 5. Deemed discharge
- 6. Pre-commencement conditions
- 7. Nesting birds
- 8. Bats and other habitats
- Thames Water
- Piling and preventing contamination
- Asbestos

### **Publication protocol**

8 This report has been published seven clear days prior to the Representation Hearing, in accordance with the GLA procedure for Representation Hearings. Where necessary, an addendum to this report will be published on the day of the Representation Hearing. This report, any addendum, draft decision notices and the Deputy Mayor's decision on this case will be made available on the GLA website:

<https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/public-hearings/land-benedict-wharf-public-hearing>

### **Site description**

9 The 3.8 hectare application site is located in Mitcham and comprises a safeguarded operational waste management facility which also forms part of the wider Willow Lane, Beddington and Hallowfield Way Strategic Industrial Location (SIL). The site is bounded by residential properties to the north; London Road Playing Field to the east; tram lines to the south; and the South London Vehicle Pound to the west. Overhead high voltage power lines run across the southern section of the site parallel to the tram lines, which are supported by pylons. A 56-metre wide exclusion zone applies alongside the power lines which prohibits residential development within this area of the site. A green corridor runs below the overhead power lines which is designated in Merton's Local Plan.

10 The applicant - SUEZ Recycling and Recovery UK Ltd – are a waste management company and have operated the site since 2000. The existing waste activities undertaken on the site include a Materials Recycling Facility (MRF) for the sorting and separation of recyclable

materials for transfer and processing elsewhere and a waste transfer station which bulks non-recyclable residual materials for transfer. The waste managed at the site is commercial and does not comprise municipal/ household waste. Currently, the site contains a number of large industrial buildings which are in waste management use, as well as a site office and ancillary infrastructure such as processing equipment, open storage, a weighbridge and areas of hard standing. The site has been in waste management use since the 1980s and was used for various industrial functions prior to this throughout the 20<sup>th</sup> century.

11 The application site has a public transport accessibility level (PTAL) range of 1b to 3 (on a scale of 0 to 6b where 6b is the most accessible). Belgrave Walk tram stop is approximately 40 metres from the site to the west and provides London Trams services towards Wimbledon, Mitcham Junction, Croydon and New Addington. Mitcham Tram Stop is approximately 250-metres from the site to the east on London Road and is on the same tram line. Bus stops are within walking distance of the site to the north on Church Road, which serve the Route 200 between Mitcham and Colliers Wood.

12 The northern section of the site falls within the Mitcham Cricket Green Conservation Area. There are no statutory listed buildings on the site; however, the site is close to a number of statutory listed buildings. The Mitcham Cricket Green Conservation Area covers the area to the north east and includes the nearby residential terraced properties on Church Path as well as the Grade II\* listed Parish Church of St Peter and St Paul, together with Grade II listed tombs and the Grade II listed Vicarage of St Peter. Also included within the conservation area is the landscaping adjacent to Hallowfield Way and the residential terrace along Church Path. The Wandle Valley Conservation Area includes the southern section of the London Road Playing Field, together with Grade II listed properties on London Road. This conservation area extends to the south and west to include Morden Hall Park and Ravensbury Park. Morden Hall Park is a Grade II listed Registered Park.

13 The site is served by a single vehicle access route to the north via Hallowfield Way, which it shares with the adjacent vehicle pound. This local access road connects to Church Road, a local distributor road, via a mini roundabout. A secondary site access also exists via Church Path which has been closed off for a number of years due to the narrowness of this route and the industrial nature of the site. A pedestrian footpath known as Baron Walk runs adjacent to the site's eastern boundary with London Road Playing Field and provides pedestrian access over the tram line to Morden Road to the south via an at grade crossing. Another pedestrian footpath runs to the west of the adjacent car pound site and provides a connection from Hallowfield Way to Belgrave Walk Tram Stop via White Bridge Avenue. This route also crosses the tramline via an at-grade crossing and provides access further south towards Morden Road.

14 In terms of the surrounding landscape context, the adjacent London Road Playing Field is 5.95 hectares in size and comprises a designated local open space and Site of Importance for Nature Conservation (SINC) (Grade 2). The tree belt immediately to the south of the site is a green corridor and forms part of the Wandle Valley Regional Park. In addition to this, Morden Hall Park and Ravensbury Park are approximately 250-metres from the site to the south and west and can be accessed via the at-grade pedestrian crossings over the tram lines. Both of these open spaces are designated as Metropolitan Open Land (MOL) and fall within the Wandle Valley Regional Park. Ravensbury Park is also a designated Local Nature Reserve.

15 The wider context to the north, east and west is predominantly residential and comprises a mix of two and three-storey properties, with some taller 6-storey blocks of flats located along London Road to the east. Benedict Primary School located to the 30 metres to the north on the opposite side of Hallowfield Way. Melrose Primary School and the Cricket Green Primary School are to the east off Church Road. The Mitcham Parish Centre is located on Church Path and comprises a single storey community use building. The Phipps Bridge housing estate is to the west, comprising two, three and four-storey residential properties set within open space.

16 The Industrial land to the south falls within the same SIL designation but is accessed from Morden Road and is physically separated from the site by tram lines. The adjacent car pound to the west does not fall within the SIL designation or any other local industrial land related designation. It is in separate ownership (Cappagh) and utilized as a car pound for Wandsworth and Lambeth traffic enforcement. The land immediately to the south of the site boundary, which comprises a tree belt, is owned by London Bus Services Ltd. Mitcham District Town Centre is approximately 1.3 kilometres walking distance to the north-west. Colliers Wood District Town Centre is approximately 1.5 kilometres walking distance to the north.

17 In terms of topography, the site is relatively flat and located on low lying land in relation to the surrounding area. The topography of the wider areas slopes to the south towards the River Wandle. The London Road Playing Fields is on slightly higher land than the site and Baron Walk, with a level change of 1-metre up to the open space with a small embankment and retaining wall running along the eastern side of Baron Walk adjacent to the playing fields. This change in level reduces to the north towards Church Path. The height of the pylons are approximately 40 metres in height, with the electricity wires running approximately 12 metres above ground level.

Figure 1 - Aerial photograph of the site and surrounding context



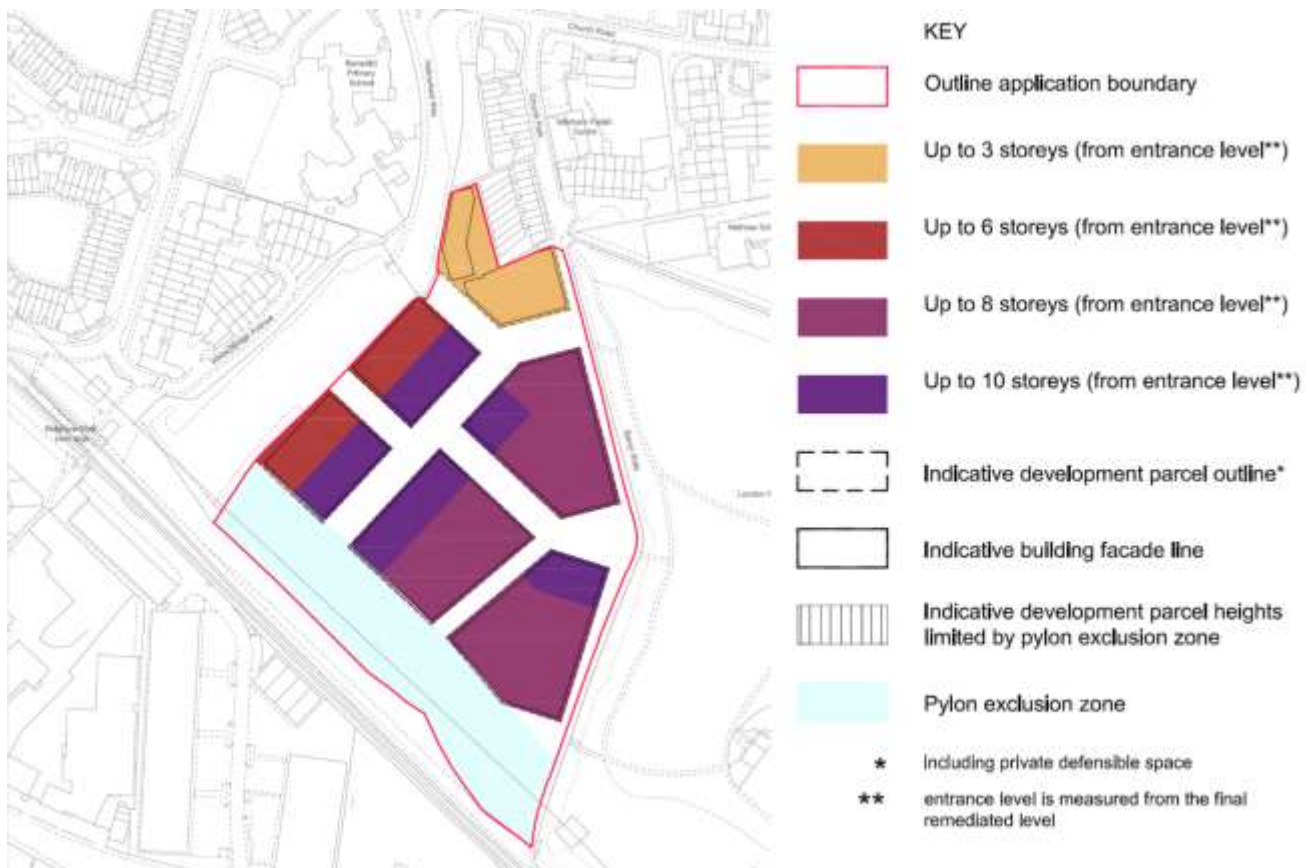


## Details of the proposal

18 The application seeks outline planning permission (with all matters reserved) for the redevelopment of the site comprising the demolition of existing buildings and development of up to 850 new residential dwellings (Class C3 use) and up to 750 sq.m. of flexible commercial floorspace (Class A1-A3, D1 and D2 use), together with associated car parking, cycle parking, landscaping and infrastructure. Matters relating to access, appearance, landscaping, layout and scale are all reserved for future determination via Reserved Matters Applications.

19 The outline application is supported by a design code and one parameter plan relating to building heights. This sets out maximum height parameters for the indicative development parcels across the site, as well as defining the pylon exclusion zone to the south and is shown below in Figure 2. The proposed development would be limited to up to 3-storeys to the north of the site closest to Hallowfield Way and the rear boundaries of residential properties on Church Path and would be limited to up to four-storeys adjacent to the car pound to the west. Building heights up to 10-storeys are proposed in the centre of the site and on one of the indicative development parcels facing onto the London Road Playing Fields, with building heights across the remainder of the site limited to up to 8-storeys, including the majority of the development frontage adjacent to the London Road Playing Fields to the east.

Figure 2 – proposed building heights



20 Alongside the building heights parameter plan, an illustrative masterplan has been prepared which shows one way in which the proposed development could be brought forwards, in line with the design code principles and taking into account the contextual considerations, opportunities and constraints set out in the Design and Access Statement. This illustrative masterplan forms the basis of the other indicative plans in respect of development parcels / layout, access and movement, open space / play space and non-residential uses.

21 The design code contains a number of mandatory design principles for the development covering a wide range of issues, including the built form, building layout, streets, landscape and

amenity and sustainability which apply on a site wide basis, with supporting advisory design guidance. The final chapter of the design code contains character area design guidelines, including mandatory design requirements for five indicative character areas. This includes: 'the conservation edge' to the north, 'living by the park' along the site's eastern boundary with the London Road Playing Fields; 'the green edge' to the south, and two further character areas focused on the proposed internal streets within the development – 'the garden quarter' and 'mews street'.

22 As set out in more detail below, the outline application is part of a wider investment strategy being brought forwards by the applicant SUEZ whereby the proposed enabling residential development at Benedict Wharf will assist in financing the relocation of the existing waste management facility to an alternative safeguarded waste site in the neighbouring borough of Sutton, at 79-85 Beddington Lane. If outline planning permission was obtained for the proposed residential-led mixed use development, SUEZ would not submit the subsequent Reserved Matters Application(s) (RMA) and would not develop the site. SUEZ has confirmed that it is their intention to sell the site to a housebuilder or developer who would then progress the indicative masterplan for the site and the further applications for full planning permission via RMAs.

23 London Square who are a developer / housebuilder has confirmed that they intend to submit a Reserved Matters Application for the development, working in partnership with Clarion Housing Association, subject to the outline planning permission being granted approval.

24 With this overarching strategy in mind, the outline planning permission has been designed to provide an appropriate degree of flexibility to any subsequent housebuilder or developer in bringing forward the detailed design and layout of the site. Accordingly, the masterplan and other indicative framework plans are illustrative and these details are not prescribed by parameter plans using maximum and minimum parameters and thresholds. The eventual layout and design of the scheme will be consistent with the building heights parameter plan and mandatory design code principles; however, the exact layout and design of land parcels, routes and open space could differ from the indicative outline plans. It is intended that compliance with the building heights parameter plan and design code would be secured via condition. Another purpose of the masterplan, code and Design and Access Statement is to demonstrate that the proposed quantum and scale of development can be accommodated on the site, in accordance with the relevant national, local and strategic planning and design policies.

## **Relevant planning history**

### **Waste facility**

25 In October 2008, the applicant (then known as SITA UK) submitted a full planning application for the redevelopment of existing waste management use on the site (LPA ref: 08/P2724/; GLA ref: 2221). This application proposed the creation of an 'Eco Park' comprising an extension to existing materials recycling facility with the provision of new buildings providing a new anaerobic digestion facility; a new bulking/waste building; a new office and visitor centre, new weighbridge; and alterations to the site access from Hallowfield Way with new service road, ancillary infrastructure and landscaping works. On 7 October 2010, Merton Council's Planning Committee resolved to refuse planning permission for this application, against the recommendation of its planning officers who recommended that planning permission should be granted.

26 On 30 November 2010, the former Mayor of London considered the referred application against the policy tests set out in Article 7 of the 2008 Mayor of London Order and subsequently issued a direction under that Article he would act as the local planning authority for the purpose of determining the application. This application was subsequently granted planning permission on 27 March 2012 by the former Mayor following a Representation Hearing which took place on 12 October 2011. GLA officers understand that this permission has been implemented but was not fully built out and completed due to the site constraints and operations restrictions which were secured by condition within the decision notice. These conditions are set out in more detail below

and would restrict the hours of operation on the site and the overall waste capacity in terms of throughput so this permission has not been completed.

## **Current application**

### GLA pre-application discussions

27 The applicant's current proposals for residential-led mixed use redevelopment of the site have been the subject of pre-application meetings with the GLA and Merton Council. An initial GLA pre-application meeting was held on 16 August 2018, with a further follow-up pre-application meeting held on 28 February 2019. As part of these pre-application discussions, the applicant's proposals to relocate the existing waste management facility to Beddington Lane in Sutton was discussed. Additional correspondence and information was also provided by Merton Council (dated 2 May 2019), which set out further information in respect of industrial and waste capacity and re-provision and the emerging draft Local Plan context.

28 The GLA officers' pre-application response dated 13 June 2019 stated that the principle of the proposed loss of the site from SIL and waste related functions was not supported, for the following two reasons. Firstly, given the lack of clarity that the proposals would retain sufficient industrial capacity, the applicant was advised that it had not satisfactorily demonstrated that the proposed release of the site from SIL designation would accord with the requirements set out in London Plan Policy 2.17 and Policies E4, E5 and E7 of the draft London Plan. The response also set out the requirement for such changes to be progressed as part of a strategically co-ordinated plan-led process of SIL consolidation and intensification. Secondly, the applicant had not satisfactorily demonstrated that compensatory waste management capacity would be delivered to compensate for the loss of the existing Benedict Wharf facility. In addition to this, the applicant was also advised to resolve a number of other issues relating to affordable housing, urban and inclusive design, sustainable development and transport as part of any planning application.

### Current application

29 Stage 1: The original application was submitted to Merton Council on 13 June 2019 (LPA ref: 19/P238; GLA ref: GLA/4756). This application sought outline planning permission for 600 residential units and 500 sq.m. of flexible commercial / community floorspace in Class A1-A3, D1 and D2 use).

30 On 17 July 2019, the Mayor of London received documents from Merton Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. The application was referred under the following categories of the Schedule to the Order 2008:

- *Category 1A: Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.*
- *Category 1B(c): "Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings - outside Central London and with a total floorspace of more than 15,000 square metres."*
- *Category 1G: "Development which:*
  - *involves a material change of use;*
  - *does not accord with one or more provisions of the development in force in the area*
  - *where the application site is used or designed to be used wholly or mainly for the purpose of treating, keeping, processing, recovering or disposing of refuse or waste materials; and*

- *the application site occupies more than 0.5 hectares; or contains an installation with capacity for throughput of more than 2,000 tonnes per annum of waste.*

31 On 30 September 2019, the Deputy Mayor for Planning, Regeneration and Skills (acting under delegated authority) considered planning report GLA/4756/01 and subsequently advised Merton Council that the application did not comply with the London Plan and draft London Plan for the reasons set out in paragraph 86 of that report but that the resolution of these issues could lead to the application becoming compliant with the London Plan and draft London Plan.

32 At consultation stage on the original application, Merton Council was advised that the application did not comply with London Plan and draft London Plan for the reasons set out below:

- **Land use principle:** Compensatory re-provision of waste management capacity would be provided; however, further discussion and the written agreement of the South London Waste Plan boroughs is required to confirm that the loss of Benedict Wharf would not compromise the potential to meet the apportionment and self-sufficiency targets in the draft London Plan. Residential-led development of this designated SIL site does not accord with the London Plan or draft London Plan. Further viability and marketing evidence is required to demonstrate the applicant's case for exceptional circumstances in this particular instance.
- **Housing and affordable housing:** 20% affordable housing offer, comprising a 60:40 tenure split between London Affordable Rent and London Shared Ownership is wholly unacceptable. This must be significantly improved by fully exploring the potential for grant funding and greater optimisation of the proposed residential density. Early, mid and late stage viability review mechanisms must be secured by Section 106 Agreement. Affordability levels and play space provision should be confirmed and secured
- **Urban design and inclusive design:** The proposals represent the sub-optimal development of the site, given the site's size and context. The height and massing strategy must be revised to optimise the density and maximise affordable housing delivery. Conditions relating to residential quality, movement routes and inclusive design are required. Subject to the assessment of further verified views from Church Path, GLA officers consider the application is unlikely to harm the adjacent designated heritage assets
- **Climate change:** The proposed energy, drainage and urban greening strategy is supported, subject to conditions and an Urban Greening Factor assessment being submitted and reviewed.
- **Transport:** Disabled persons car parking and cycle parking provision should be secured in line with the draft London Plan. Appropriate financial contributions to mitigate the impact on bus capacity will be sought. Conditions are required to ensure the proposals do not compromise the delivery of the Sutton Link project.

33 Following further discussion with GLA and Merton Council officers and in response to the issues highlighted in the Mayor's initial Stage 1 consultation response in relation to density and affordable housing, the applicant revised the scheme to increase the density and quantum of residential development and the level of affordable housing. The revised application submitted in March 2020 seeks outline planning permission for 850 residential units, of which 35% would be affordable, and up to 750 sq.m. of flexible floorspace (Class A1-A3, D1 and D2) use, together with associated car parking, cycle parking, landscaping and infrastructure. The key changes to the application are summarised in Table 1 below:

Table 1 – amendments to the original application

	Original application submitted in June 2019	Revised application submitted in March 2020
Total residential units	600	850



Affordable residential units	120	298
Percentage affordable	20%	35%
Tenure split (low cost / intermediate)	60:40	60:40
Density	157 dph	224 dph
Building heights	3 to 8-storeys	3 to 10-storeys
Residential car parking spaces	240	255
Residential car parking ratio	0.4	0.3
Non-residential floorspace (Flexible Class A1-A3, D1-D2 use)	500 sq.m.	750 sq.m.

34 On 18 June 2020, Merton Council's Planning Applications Committee considered an officer's report on this application, recommending that planning permission be granted. The Planning Applications Committee resolved to refuse the application. The Council referred the application back to the Mayor on 21 July 2020. The Council's draft decision notice cites the following reason for refusal:

1. *Notwithstanding the NPPF objectives set out in Sections 11 (Making effective use of land) and London Plan planning objective of optimising housing potential, as set out in policy 3.4 of the London Plan, the application fails to demonstrate to the satisfaction of the local planning authority, via its accompanying illustrative material, that the quantum of development proposed can be reasonably accommodated on the site:*
  - *Without appearing overly dominant and unduly prominent, by reason of bulk, height and massing,*
  - *Thereby failing to relate positively and appropriately to local character and would be harmful to the visual amenities of the area, including the backdrop to the adjoining Conservation Area; and, having regard to the above*
  - *Would fail to deliver a housing development of the highest quality in relation to its context.*

*The proposals would be contrary to the NPPF (2019) Section 12 (Achieving well designed places) paragraph 127 (c), policies 3.5, 7.4, 7.6, 7.7 and 7.8 of the London Plan (2016), policy CS.14 in particular parts (a), (b) and (c) of the Merton Core Planning Strategy (2011), and policies DM.D2 and DM.D4 of the Merton Sites and Policies Plan (2014).*

35 On 3 August 2020, the Deputy Mayor for Planning, Regeneration and Skills (acting under delegated authority) considered a planning report reference GLA/4756/02 (the 'Stage 2 Report'). The report concluded that having regard to the details of the application and other relevant matters, the development is of such a nature and scale that it would have a significant impact on the implementation of the London Plan, in particular with respect to the delivery of housing and affordable housing, and consequently there are sound planning reasons for the Mayor to intervene in this case and issue a direction under Article 7 of the Order that he would act as the Local Planning Authority for the purpose of determining the application. The Deputy Mayor agreed with this recommendation. The Stage 2 report identified that there were matters requiring further consideration and resolution by the Mayor at Stage 3 when determining the application, including:

- the loss of the existing waste site and the impact on London Plan waste apportionment targets, taking into account the emerging draft South London Waste Plan 2021 and evidence base;
- the loss of Strategic Industrial Land (SIL), noting the applicant's proposal to relocate and increase the existing waste capacity to 79-85 Beddington Lane and the overarching emphasis in the London Plan and Intend to Publish London Plan for industrial land release to be progressed via a strategically coordinated and agreed plan-led approach;

- the affordability levels for London Affordable Rent and intermediate units and other affordable housing related S106 agreement provisions;
- the overall design quality of the scheme, including the proposed height, scale, massing, density and visual, townscape and heritage impact, noting Merton Council's reason for refusal; and
- further technical matters relating to energy, urban greening and transport.

36 Public consultation has been undertaken on the proposals by Merton Council in accordance with statutory requirements, as outlined above and explained further below.

37 The Deputy Mayor will undertake an accompanied site visit with GLA and TfL officers, representatives from Merton Council, and the applicant team.

### EIA screening

38 The applicant submitted requests for screening opinions on both the 600 and 850 residential unit schemes. Merton Council issued Screening Opinions under Part 2 of Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 as to whether the proposals required the submission of an Environmental Statement. The proposals comprise Schedule 2 development as an urban development project (where more than 150 dwellings are proposed) and have been assessed against the criteria set out in Schedule 3 of the 2017 EIA Regulations, taking into account the characteristics, location, type and potential impact of the development. Based on this assessment, the Council concluded that an Environmental Statement was not required, as clarified in the Council's EIA Screening Opinion issued on 18 June 2020. GLA officers concur with this conclusion.

## **Relevant legislation, policies and guidance**

39 This application for outline planning permission must be determined by the Deputy Mayor in accordance with the requirement of Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004. In particular the Deputy Mayor is required to determine the application in accordance with the development plan unless material considerations indicate otherwise. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is made up of:

- the Merton Core Strategy (2011);
- the Merton Sites and Policies Plan and Policies Maps (2014);
- the South London Waste Plan (2012); and
- 2016 London Plan (Consolidated with Alterations since 2011).

40 The Deputy Mayor is also required to have regard to national planning policy and guidance, as well as supplementary planning documents and, depending on their state of advancement, emerging elements of the development plan and other planning policies. The relevant planning policies and guidance at the national, regional and local levels are noted in the following paragraphs.

41 Paragraph 213 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF, and that due weight should be given to them, according to their degree of consistency with the NPPF. All relevant policies in the adopted development plan and the emerging policies of the draft London Plan are considered to be consistent with the NPPF. Therefore, the adopted development plan policies can be given full weight.

42 In line with paragraph 48 of the NPPF, the weight attached to the Intend to Publish London Plan should reflect the stage of its preparation; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

43 On 1 December 2017, the Mayor published his draft London Plan for public consultation. Consultation on the Plan closed on 2 March 2018. On 13 August 2018, the Mayor published a version of the draft Plan that included his minor suggested changes. The draft London Plan was subject to an Examination in Public (EiP), which was undertaken between 15 January and 22 May 2019. On 16 July 2019, the Mayor published the draft London Plan – Consolidated Suggested Changes Version (July 2019), which incorporates the suggested changes put forward by the Mayor before, during, and after the EiP sessions. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor and this was published on the GLA website on 21 October 2019. On 9 December 2019, the Mayor issued to the Secretary of State his Intend to Publish London Plan, together with a statement of reasons in respect of the Inspectors' recommendations that the Mayor did not wish to accept.

44 On 13 March 2020, the Secretary of State wrote to the Mayor setting out his consideration of the Mayor's Intend to Publish London Plan, and issued Directions under Section 337 of the Greater London Authority Act 1999 (as amended) not to publish the Plan until the modifications proposed in his letter had been incorporated. The Mayor considers that amendments are needed to the Secretary of State's proposed modifications in order to remove policy ambiguities and achieve the necessary outcomes. Discussions are underway to resolve these matters in order to publish the London Plan as soon as possible. The Secretary of State's proposed amendments are reflected in the relevant sections below, and to the extent that they are relevant to this particular application, have been taken into account as a material consideration. The emerging policies of the Intend to Publish London Plan are considered to be consistent with the NPPF and can be given significant weight, other than those subject to Directions from the Secretary of State, which should be given less weight, as discussed further in the relevant sections below.

### **National planning policy and guidance**

45 The National Planning Policy Framework (NPPF) provides the Government's overarching planning policy framework. First published in 2012, the Government published a revised NPPF in July 2018 and further revised in February 2019. The NPPF defines three dimensions to sustainable development: an economic role – contributing to building a strong, responsive and competitive economy; a social role - supporting strong, vibrant and healthy communities; and, an environmental role - contributing to protecting and enhancing the natural, built and historic environment. The sections of the NPPF which are relevant to this application are:

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centres
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

46 A key component of the NPPF is the presumption in favour of sustainable development. In terms of decision making, this means approving applications that accord with the development plan without delay; or, where there are no relevant development plan policies, or where such policies are out-of-date, granting permission unless either: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or where NPPF policies that protect areas or assets of particular importance provide a clear reason for refusing a proposed development.

47 The National Planning Policy for Waste (NPPW) was published in 2014 and sets out detailed waste management policies at a national level covering both the preparation of waste plans and determining planning applications.

48 The National Planning Practice Guidance is also a material consideration.

### **Spatial Development Plan and guidance**

49 The London Plan 2016 is the Spatial Development Strategy for Greater London. The relevant policies within the London Plan are:

- Policy 1.1 Delivering the strategic vision and objectives for London;
- Policy 2.6 Outer London: vision and strategy;
- Policy 2.7 Outer London: Economy;
- Policy 2.8 Outer London: Transport;
- Policy 2.15 Town centres;
- Policy 2.17 Strategic industrial locations;
- Policy 2.18 Green infrastructure;
- Policy 3.1 Ensuring equal life chances for all;
- Policy 3.2 Improving health and addressing health inequalities;
- Policy 3.3 Increasing housing supply;
- Policy 3.4 Optimising housing potential;
- Policy 3.5 Quality and design of housing developments;
- Policy 3.6 Children and young people's play and informal recreation facilities;
- Policy 3.7 Large residential developments
- Policy 3.8 Housing choice;
- Policy 3.9 Mixed and balanced communities;
- Policy 3.10 Definition of affordable housing;
- Policy 3.11 Affordable housing targets;
- Policy 3.12 Negotiating affordable housing;
- Policy 3.13 Affordable housing thresholds;
- Policy 3.16 Protection and enhancement of social infrastructure;
- Policy 3.17 Health and social care facilities;
- Policy 3.18 Education facilities;
- Policy 4.1 Developing London's economy;
- Policy 4.4 Managing industrial land and premises;
- Policy 4.7 Retail and town centre development;
- Policy 4.8 Supporting a successful and diverse retail sector;
- Policy 4.12 Improving opportunities for all;
- Policy 5.1 Climate change mitigation;
- Policy 5.2 Minimising carbon dioxide emissions;
- Policy 5.3 Sustainable design and construction;
- Policy 5.4A Electricity and gas supply;
- Policy 5.5 Decentralised energy networks;
- Policy 5.6 Decentralised energy in development proposals;
- Policy 5.7 Renewable energy;
- Policy 5.9 Overheating and cooling;
- Policy 5.10 Urban greening;
- Policy 5.11 Green roofs and development site environs;
- Policy 5.12 Flood risk management;
- Policy 5.13 Sustainable drainage;
- Policy 5.14 Water quality and wastewater infrastructure;
- Policy 5.15 Water use and supplies;
- Policy 5.16 Waste net self-sufficiency

- Policy 5.17 Waste capacity;
- Policy 5.18 Construction, excavation and demolition waste;
- Policy 5.21 Contaminated land;
- Policy 6.1 Strategic approach;
- Policy 6.2 Providing public transport capacity and safeguarding land for transport;
- Policy 6.3 Assessing the effects of development on transport capacity;
- Policy 6.4 Enhancing London's transport connectivity;
- Policy 6.5 Funding Crossrail and other strategically important transport infrastructure;
- Policy 6.7 Better streets and surface transport;
- Policy 6.9 Cycling;
- Policy 6.10 Walking;
- Policy 6.11 Smoothing traffic flow and tackling congestion;
- Policy 6.12 Road network capacity;
- Policy 6.13 Parking;
- Policy 6.14 Freight;
- Policy 7.1 Lifetime neighbourhoods;
- Policy 7.2 An inclusive environment;
- Policy 7.3 Designing out crime;
- Policy 7.4 Local character;
- Policy 7.5 Public realm;
- Policy 7.6 Architecture;
- Policy 7.7 Location and design of tall and large buildings;
- Policy 7.8 Heritage assets and archaeology
- Policy 7.13 Safety, security and resilience to emergency;
- Policy 7.14 Improving air quality;
- Policy 7.15 Reducing noise and enhancing soundscapes;
- Policy 7.17 Metropolitan Open Land
- Policy 7.18 Protecting open space and addressing deficiency
- Policy 7.19 Biodiversity and access to nature;
- Policy 7.21 Trees and woodlands;
- Policy 8.2 Planning obligations; and
- Policy 8.3 Community Infrastructure Levy.

50 As set out above, policies in the Intend to Publish London Plan n (December 2019) may be taken into account in the determination of the application, but the weight attached to these should be reflective of the criteria set out in paragraph 48 of the NPPF, which is highlighted above. The following policies in the Intend to Publish London Plan are considered to be relevant:

- Objective GG1 Building strong and inclusive communities;
- Objective GG2 Making best use of land;
- Objective GG3 Creating a healthy city;
- Objectives GG4 Delivering the homes Londoners need;
- Objectives GG5 Growing a good economy;
- Objectives GG6 Increasing efficiency and resilience;
- Policy SD6 Town centres and high streets;
- Policy SD7 Town centres: development principles
- Policy SD10 Strategic and local regeneration;
- Policy D1 London's form, character and capacity for growth;
- Policy D2 Infrastructure requirements for sustainable densities;
- Policy D3 Optimising site capacity through the design-led approach
- Policy D4 Delivering good design;
- Policy D5 Inclusive design;
- Policy D6 Housing quality and standards;
- Policy D7 Accessible housing

- Policy D8 Public realm;
- Policy D9 Tall Buildings;
- Policy D11 Safety, security and resilience to emergency;
- Policy D12 Fire Safety;
- Policy D13 Agent of Change;
- Policy D14 Noise
- Policy H1 Increasing housing supply;
- Policy H4 Delivering affordable housing;
- Policy H5 Threshold approach to applications;
- Policy H6 Affordable housing tenure;
- Policy H10 Housing size mix;
- Policy S1 Developing London's social infrastructure;
- Policy S2 Health and social care facilities;
- Policy S3 Education and childcare facilities;
- Policy S4 Play and informal recreation;
- Policy E4 Land for industry, logistics and services...
- Policy E5 Strategic Industrial Locations (SIL)
- Policy E7 Industrial intensification, co-location and substitution
- Policy E9 Retail, markets and hot food takeaways;
- Policy E11 Skills and opportunities for all;
- Policy HC1 Heritage conservation and growth;
- Policy HC3 Strategic and local views;
- Policy G1 Green infrastructure
- Policy G3 Metropolitan Open Land
- Policy G5 Urban greening;
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodland;
- Policy S11 Improving air quality;
- Policy S12 Minimising greenhouse gas emissions;
- Policy S13 Energy infrastructure;
- Policy S14 Managing heat risk;
- Policy S15 Water infrastructure;
- Policy S17 Reducing waste and promoting a circular economy;
- Policy S18 Waste capacity and net waste self-sufficiency
- Policy S19 Safeguarded waste sites
- Policy S112 Flood Risk Management;
- Policy S113 Sustainable drainage;
- Policy T1 Strategic approach to transport;
- Policy T2 Healthy streets;
- Policy T3 Transport capacity, connectivity and safeguarding;
- Policy T4 Assessing and mitigating transport impacts;
- Policy T5 Cycling;
- Policy T6 Car parking;
- Policy T6.1 Residential parking;
- Policy T6.3 Retail parking;
- Policy T6.5 Non-residential disabled persons parking;
- Policy T7 Deliveries, servicing and construction;
- Policy T9 Funding transport through planning; and
- Policy DF1 Delivery of the plan and planning obligations.

51 The following policies in the Intend to Publish London Plan which are mentioned above as being relevant to the application are affected by the Secretary of State's Direction and are considered to materially relevant to the determination of this application, the implications of which for the decision-maker are set out in more detail in the relevant section of the report:

- Policy H10           Housing size mix
- Policy D3            Optimising site capacity through the design-led approach
- Policy E4            Land for industry, logistics and services...
- Policy E5            Strategic Industrial Locations (SIL)
- Policy E7            Industrial intensification, co-location and substitution
- Policy T6,1          Car parking.

52       The following published supplementary planning guidance (SPG), strategies and other documents are also relevant:

- Land for industry and transport SPG (September 2012)
- Affordable Housing and Viability SPG (August 2017)
- Housing SPG (March 2016)
- Social Infrastructure SPG (May 2015)
- Accessible London: achieving an inclusive environment SPG (October 2014)
- The control of dust and emissions during construction and demolition SPG (July 2014)
- Shaping Neighbourhoods: character and context SPG (June 2014);
- Sustainable Design and Construction SPG (April 2014)
- Shaping Neighbourhoods: play and informal recreation SPG (September 2012)
- All London Green Grid SPG (March 2012)
- Planning for Equality and Diversity in London (October 2007)

The following Mayoral Strategies are also relevant although they have no planning weight as they are not formal planning documents:

- Mayor's Environment Strategy (May 2018)
- Mayor's Housing Strategy (May 2018)
- Mayor's Transport Strategy (March 2018).

### **Local planning policy and guidance**

53       Merton Council's Core Strategy DPD (2011), Merton Sites and Policies Plan (2014) and Policies Map (2014) provide local development plan planning policies for the area and, combination comprise the "Merton Local Plan". The relevant policies are:

#### Core Strategy DPD (2011)

- Policy CS 2           Mitcham
- Policy CS12          Economic development
- Policy CS 13         Open spaces
- Policy CS 14         Design
- Policy CS 15         Climate change
- Policy CS 17         Waste
- Policy CS 18         Active transport
- Policy CS 19         Public transport
- Policy CS 20         Servicing and delivery

#### Merton Sites and Policies Plan DPD (2014)

- Policy DM H2         Housing mix
- Policy DM H3         Support for affordable housing
- Policy DM C1         Community facilities
- Policy DM E4         Local employment opportunities
- Policy DM D1         Urban design and the public realm
- Policy DM D2         Design considerations in all developments

- Policy DM F1 Support for flood risk management
- Policy DM F2 Sustainable urban drainage systems (SuDs)
- Policy DM EP1 Wastewater and water infrastructure
- Policy DM EP2 Reducing and mitigating noise
- Policy DM EP4 Pollutants
- Policy DM O1 Open space
- Policy DM O2 Trees, hedges and landscape features
- Policy DM T2 Transport impacts of development
- Policy DM T3 Car parking and servicing standards
- Policy DM T4 Transport infrastructure
- Policy DM T5 Access to the Road Network

#### Local Supplementary Planning Documents (SPDs)

54 The following adopted SPDs are also relevant to the proposal:

- SUDs Design and Evaluation Guide SPD (2020)
- Development Viability SPD (2018)
- Mitcham Cricket Green Conservation Area Appraisal and Management Plan (2013)
- Wandle Valley Conservation Area Appraisal (2007)
- Planning Obligations SPD (2006)
- Sustainable Transport SPD (2004)
- Accessible Environments (2003)
- Planting, landscaping and nature conservation provision SPD (2001)
- Minimising pollution SPD (2001)

#### Draft Merton Local Plan

55 Merton Council published its draft Stage 2 Local Plan for public consultation between October 2018 and January 2019 (Regulation 18). As a result of the issues raised during the public consultation, the Council is currently undertaking a further Stage 2a (Regulation 18) public consultation which runs from 13 November 2020 to 1 February 2021. Following this, the Council's intention is to prepare a Publication Version of the Local Plan (Regulation 19) for consultation during Spring 2021 and move to submission and an Examination in Public during 2021. These timescales are indicative and could be subject to change. In view of the stage of its preparation, limited weight can be afforded to the draft policies and draft site allocations set out in the Council's draft Stage 2a Local Plan. Notwithstanding this, the relevant draft planning policies are as follows:

- Strategic objectives 1 to 6 Healthy places, place, housing, environment, infrastructure, economy
- Policy HW2.1 Health and wellbeing
- Policy HW2.2 Delivering healthy places
- Policy N3.2 Mitcham
- Policy N3.2 Mitcham Town Centre
- Site Mi1 Benedict Wharf
- Policy H4.1 Housing choice
- Policy H4.2 Housing provision
- Policy H4.3 Housing mix
- Policy In6.1 Social and community infrastructure
- Policy In6.2 Delivering social and community infrastructure
- Policy W6.3 Waste management
- Policy T6.4 Supporting an inclusive and better connected transport network
- Policy T6.5 Sustainable and active travel
- Policy T6.6 Transport impacts of development
- Policy T6.7 Car parking and servicing



- Policy T6.8 Transport infrastructure
- Policy Ec7.1 Economic development
- Policy Ec7.2 Employment areas in Merton
- Policy Ec7.5 Local employment opportunities
- Policy Tc7.8 Development of town centre type uses outside town centres
- Policy Tc7.10 Food and drink / leisure and entertainment uses
- Policy D5.1 Placemaking and design
- Policy D5.2 Urban design and the public realm
- Policy D5.3 Design considerations in all developments
- Policy D5.5 Managing heritage assets
- Policy O8.1 Open space, green infrastructure and nature conservation
- Policy O8.2 Open space and green infrastructure
- Policy O8.3 Biodiversity and nature conservation
- Policy O8.4 Protection of trees
- Policy O8.5 Leisure, sport and recreation
- Policy F8.6 Managing flood risk from all sources of flooding
- Policy F8.7 How to manage flood risk
- Policy F8.8 Sustainable drainage systems (SuDS)
- Policy P8.9 Improving air quality and minimising pollution
- Policy CC8.10 Supporting a more sustainable and resilient environment
- Policy CC8.11 Reducing energy use and carbon emissions
- Policy CC8.12 Sustainable design and construction
- Policy CC8.13 Maximising local energy generation
- Policy CC8.14 Adaptable development for a changing climate
- Policy CC8.15 Circular economic principles

#### The South London Waste Plan (2012)

56 The following policies in the South London Waste Plan are also relevant to the proposal:

- Policy WP1 Strategic approach to municipal solid waste and commercial and industrial waste
- Policy WP2 Strategic approach to other forms of waste
- Policy WP3 Existing waste sites
- Policy WP4 Industrial areas with sites suitable for waste facilities
- Schedule 1 Existing permitted waste sites
- Schedule 2 Industrial areas with sites suitable for waste facilities

#### The South London Waste Plan 2021 (September 2020) – Publication Draft Submission Document (Regulation 19)

57 The South London Waste Plan (Submission Version) has been published in accordance with Regulation 19 of the Town and Country Planning (Local Planning) Regulations 2012. This is the version of the document which the South London Waste Plan Authorities intend to submit to the Secretary of State for Examination in Public, which is anticipated would take place during 2021.

58 The following policies in the South London Waste Plan (2020) are relevant to the proposal:

- Policy WP1 Strategic approach to municipal solid waste and commercial and industrial waste
- Policy WP2 Strategic approach to other forms of waste
- Policy WP3 Existing waste sites
- Policy WP4 Industrial areas with sites suitable for waste facilities
- Sites and appendices

59 The technical evidence supporting the 2012 South London Waste Plan and the 2020 draft South London Waste Plan are material considerations. As the draft South London Waste Plan 2021 and supporting evidence base has not been subject to an Examination in Public, only limited weight can be given to the draft Plan at this stage.

### Community Infrastructure Levy

60 Local planning authorities in London are able to introduce Community Infrastructure Levy (CIL) charges which are payable in addition to the Mayor's CIL. Merton Council's CIL came into effect on 1 April 2014 and is charged at a rate of £115 per sq.m. within in Mitcham. Other land uses are subject to a nil Merton CIL charge, except for retail warehouses and superstores which are subject to a £100 per sq.m. charge which is applied across the borough. CIL liability would be subject to relief for affordable housing and Mayoral CIL is charged in addition to local CIL.

## **Response to consultation**

61 Merton Council undertook public consultation on the original planning application (during August 2019) and the revised application (during March and April 2020) in accordance with the statutory and Council requirements by displaying site notices, advertising the application via a press notice and sending consultation notification letters sent to 1,043 local residents. The application was advertised as a departure from the Development Plan.

62 All consultation responses received in response to Merton Council's local consultation process, and any other representations received by Merton Council and/or the Mayor of London in respect of this application at the time of writing this report, are summarised below, and have been taken into account in this report. The Deputy Mayor has been briefed on the amount and content of all consultation responses, including the comments, objections and issues raised.

### **Initial consultation (August – September 2019)**

63 In response to the public consultation, the Council received 12 letters of objection and 11 letters of comment, which raised the following issues:

#### **Height and massing**

- The height and density of the proposed buildings is out of scale in proportion to the surrounding area.
- The proposed buildings would tower over the nearby neighbourhood and open spaces and have an overbearing and oppressive impact on the surrounding skyline and nearby open spaces.
- Impact on the Grade II\* listed Church, Old Vicarage and locally listed school and Church Path terraces within the Mitcham Cricket Green Conservation Area.
- The proposed buildings would be intrusive and give rise to overlooking and privacy impacts on the adjoining residential properties (on Church Path).
- Overshadowing of surrounding properties and playing field.
- Whilst the change of use of the site to residential development is supported, the proposed design is not supported.

#### **Site access and movement**

- Concern about the opening up of Church Path as a new pedestrian and cycle entrance to the site given the narrow existing footway and very close proximity of residential properties to the pavement along this dead-end road, with concerns relating to noise, loss of privacy, litter, highways safety and crime.
- Highways safety concerns about the proposed use of Baron Walk as a shared cycle and pedestrian route from Church Path in terms of cyclists and scooters interacting with pedestrians. This cycle route should be re-routed to the west of the site along Hallowfield

Way where there is more space for a designated cycle lane and would avoid conflict with pedestrian access to the London Road playing fields.

### **Public transport capacity**

- The proposal will have a significant impact on the already over stretched local public transport services, particularly the tram and 200 bus route. There are no guarantees that additional services will be, or can be, laid on to accommodate the increase in the local population.

### **Parking and traffic congestion**

- The proposed residential car parking provision is insufficient
- Overspill parking issues would be likely on Church Path and concerns that a CPZ would be required.
- Car parking should be realistic not aspirational.
- Increase in traffic generation will exacerbate existing congestion issues.

### **Loss of trees, biodiversity and open space**

- Concerns about loss of healthy trees and impact on wildlife and air quality.
- The amount of green space provision proposed in the development seems low.
- The plans are very weak on the investment in local green spaces.

### **Location and quantum of non-residential uses**

- The location of the proposed retail and non-residential units at the end of Church Path is not appropriate in this location which is too close to existing residential homes within a conservation area and would create increased litter, noise, vermin, smells and possibly anti-social behaviour. These uses would be best situated near the Belgrave Walk tram stop to serve commuters as well as the new residents.
- The area doesn't need any more empty shops, off-licenses and hot food takeaways and has sufficient commercial uses.
- A community use building is not required as this would rival the Parish Centre which already holds community events.
- There should be more non-residential uses on-site.

### **Social and physical infrastructure capacity**

- Concerns about whether there is adequate infrastructure to cope with the scale of development, in particular the provision of extra school places and a doctors' surgeries.
- Impacts on waste water capacity.
- Concern about adequacy of refuse and recycling storage facilities in the development.

### **Construction impacts**

- Heavy crane and lorry activity will have an effect on the structure and foundations of houses.
- Concerns regarding dust and noise during construction.
- Depreciation of house values in the area and would deter buyers.

### **Consultation on the revised application (March 2020)**

64 A further six objections were received from residents on the revised application for 850 residential units which raised the following additional issues:

- Previously submitted objection based on height and density are now stronger given the height increased to 10-storeys and quantum of residential units increased to 850.
- I no longer support the change of this site from industrial to residential use.
- I strongly support the delivery of much needed genuinely affordable housing within the borough but the present application is an inappropriate over-development.

- Concern that increases have been driven by the Mayor of London and GLA planning department
- Density is inappropriate given the site's PTAL of 2/3 and is contrary to Policy D3 of the Mayor's Intend to Publish London Plan
- Height proposed is contrary to Merton and London Plan tall buildings policies as it is substantially taller than surrounding 2 and 3-storey buildings, would have a significant impact on the character of the area, and is not in a town centre or high PTAL area
- How many Mitcham residents will live in this development?
- Failure of the scheme to provide wider improvements to pedestrian and cycle connections
- The plans need to consider the new Sutton to Colliers Wood Tramlink proposals.

#### Response from statutory and non-statutory bodies

65 The following responses were received from statutory consultees and other non-statutory organisations:

66 **Greater London Authority (including Transport for London):** The Mayor's initial consultation Stage 1 consultation response is summarised above (GLA report ref: GLA/4756/01).

67 **Transport for London (TfL):** commented as part of the Mayor's Stage 1 response, and also provided two separate direct responses to Merton Council in response to the initial public consultation in August 2019 and the public consultation on the revised application in April 2020, which set out comments in relation to the following matters:

- the need for a £450,000 financial contribution to provide bus capacity improvements;
- the need for bus stop improvements through the relocation of the northbound bus stop serving the 200 route on Church Road;
- further details to be secured and approved regarding pedestrian and cycle link to the south which is on TfL owned land;
- the need for high security fencing alongside the tram route;
- further ongoing liaison on the detailed design of the development to ensure it does not jeopardise the delivery of the Sutton Link Project;
- the policy compliant level of car parking, disabled car parking, electric vehicle charging points to be secured by condition via a Car Parking Management Plan
- car club proposals welcomed;
- cycle parking to be provided in accordance with the Intend to Publish London Plan and London Cycling Design Standards; and
- travel plan, delivery and servicing plan, construction logistics plan should be secured.

68 **Historic England:** No objection or comment.

69 **Historic England Greater London Archaeology Advisory Service (GLAAS):** No objection and no further archaeological works or conditions are required. In summary, the site lies in an area of archaeological interest being located within the tier 2 Mitcham Archaeological Priority Area and adjacent to the tier 1 Ravensbury Saxon Cemetery Archaeological Priority Area. The site has previously been subject to an archaeological des-based assessment in 2008 and a partial archaeological evaluation in 2012 as part of the previous planning permission. This assessment work revealed that much of the site has been subject to quarrying activity in the past but there is potential for archaeological remains to survive in the northern part of the site. At the request of GLAAS, a further archaeological note was prepared by Compass Archaeology in September 2019 which was considered acceptable by GLAAS who confirmed that there is no requirement for any further archaeological work or conditions at the site.

70 **Environment Agency:** No objection, subject to the imposition of conditions to protect controlled waters from contamination.

71 **Thames Water:** No objection, subject to conditions relating to surface water, foul water and water network upgrades being completed; or a housing and infrastructure phasing plan being agreed with Thames Water prior to occupation.

72 **Southern Gas Networks:** No objections and advised of a cost of £16,000 to replace the gas main as well as offering general advice on safe digging.

73 **Metropolitan Police Safer by Design Officer:** No objection, subject to suggested safety and security measures being considered at detailed design stage and conditioned at Reserved Matters Application stage.

74 **The National Trust:** Support the applicant's proposals to enhance cycling provision around the application site and to improve the pedestrian link between the site and the Belgrave Walk tram stop which would enable improved access to Morden Hall Park which should be secured by S106 agreement.

75 **Mitcham Cricket Green Community & Heritage Civic Society:** The local civic society raised the following issues on the original application:

#### **Land use principle**

- We share the view that Benedict Wharf is a wholly inappropriate site for industrial uses and welcome plans to relocate the waste facility to a more suitable location at Beddington Lane. We agree that residential development would be more appropriate.
- Support limited commercial development to support the needs of new residents and the surrounding area, providing it is not hot food takeaways. Do not support location of these uses immediately adjacent to existing residential homes on Church Path.

#### **Urban design**

- The application fails to respect the character of Mitcham and provide streets and houses.
- Proposed building heights fail to avoid visual intrusion, overshadowing and encroachment on London Road Playing Fields.
- Harm caused to Grade II\* listed Mitcham Parish Church and Conservation Area.
- Heights and massing should be subordinate to the Church.
- Failure to demonstrate how the proposals respond to the character study for Cricket Green nor how it preserves or enhances Mitcham Cricket Green and Wandle Valley Conservation Area
- Insufficient design quality largely comprised of pavilion and other blocks of flats of moderate design quality which are excessively high, would fail to reflect the local character and will cause significant visual intrusion.

#### **Site access, movement and transport**

- Failure to maximise the opportunity to transform permeability at a neighbourhood scale.
- Failure to create new and improved pedestrian and cycling connections to the south linking to Ravensbury Park, Morden Hall Park and Morden; to west towards the Wandle via Phipps Bridge Estate; and to the east towards London Road. These improvements should be secured.
- Lack of detail on improvements to Church Path, Baron Walk and Ravensbury Path
- Concern regarding the impact of a pedestrian/cycle access on Church Path
- Further public realm and site access improvements are required on Hallowfield Way and the junction with Church Road

- Improvements in public transport provision are required, including the route, frequency and capacity of the 200 bus.

**Open Space** - Improvements to London Road Playing Fields should be secured

**Process**

- Concerns about community engagement process, design options testing, transparency and account being taken of local views.
- The outline application gives every impression of being a scheme designed to meet an externally driven housing requirement established by GLA planning officers as a quid pro quo for repurposing Strategic Industrial Land.
- Concern that the outline permission would be sold off and there are too many reserved matters for us to be confident in the quality of the scheme that will be brought forward.
- The site should be built out by multiple developers, including provision for community-led housing; and should not be built out by a single developer.

76 The **Mitcham Cricket Green Community & Heritage Civic Society** objected to the revised application on the following grounds:

- Prematurity - the plans are in conflict with the adopted development plan for both Merton and London and the future of Benedict Wharf should be considered alongside adjacent sites as part of the Local Plan review, taking into account opportunities for estate renewal on Phipps Bridge and the impact of a new tramlink. This should include consideration of both an alternative future strategic industrial use and residential development.
- Excessive scale and detrimental visual impact.
- Significant harm to designated heritage assets, including Mitcham Cricket Green Conservation Area, Grade II\* listed Mitcham Parish Church and Grade II listed former vicarage.
- Inappropriate and excessive residential density and failure to adopt a design-led approach and achieve “*gentle density*” in accordance with the London Plan Policy D3 as amended by the Secretary of State.
- Failure to achieve the design quality needed for a scheme of this scale supported by a limited Design Code which does not provide the necessary certainty for the future
- Tramlink proposals – the proposed development also needs to consider the new Sutton to Colliers Wood tramlink proposals.
- Impact on local infrastructure and lack of appropriate investment as mitigation.
- Failure to provide adequate improvements to pedestrian and cycle permeability, including impacts on Church Path and Baron Walk.
- Concern that the increase in homes and density has been driven by the Mayor of London / GLA planning department and completely disregards any concerns raised by the local community.

77 The **Mitcham Society** objected to the revised application on the following grounds:

- the design and density is completely alien to the surrounding area and entirely inappropriate on the site and would visually dominate the surrounding area and landscape
- a more strategic approach to the site and redevelopment of the wider areas is needed with a more respectful, thoughtful and sympathetic design approach is required which fits in with the neighbourhood.

- Too much leeway for the eventual developer of the site
- The Design Review Panel's AMBER score is not good enough.
- Concerns about the provision of single aspect units.
- Concerns about impacts on Church Path in terms of movement

78 The local Member of Parliament **MP Siobhain McDonagh** raised the following issues and concerns:

- Support the site's change of use and residential redevelopment including affordable housing, which would address heavy industrial traffic on local routes (which are unsuitable) and reduce air pollution and improve highway safety.
- Concern is that at 850 dwellings and requiring 10-storey towers represents an overdevelopment of the site and would repeat town planning mistakes of the past, noting that on the Phipps Bridge Estate the former tower blocks were demolished in the 1990s, so we shouldn't be constructing what we took down 30 years ago.

79 An objection was received from **Local Councillor Owen Pritchard** on the following grounds:

- Had this proposal remained for a development of 600 homes or even 650, I would have had only a few minor concerns. But the situation has changed. The new proposal – for 850 homes and 10 storey buildings – is a mistake. It will alienate the existing community, detract from the sense of place that the Cricket Green conservation area brings, create further congestion and air quality problems, and – most importantly – would not provide quality homes.
- The Mayor of London's intervention on this issue was ill-advised.
- 600 homes would be far closer to the optimal development of this site than 850.

80 The **Merton Green Party** commented on the original application in 2019 and stated that the Council's Core Strategy sets a borough-wide affordable housing target of 40% for developments of this size which should be met.

#### Merton Council Internal Consultees

81 **The Council's urban design officer** raised no objection and made the following summarised comments on the design code and the building heights parameter plan and illustrative plans:

- The design code is a very thorough and detailed document which is broadly supported
- Edges are very important. The conservation edge, pylon edge and car pound edge are all reasonably well resolved, but the park edge needs some refining.
- Baron Walk – this should have the look at feel of a street, rather than a footpath as well as a clear boundary with the park.
- It is important that the design code does not attempt to re-interpret existing planning policy, eg the approach to dual aspect units
- Deeper block plans will make it harder to provide dual aspect units, an example should be provided in the design code to show how to address this issue.
- Some of the mandatory design codes are quite subjective.
- The provision of perpendicular parking bays should be avoided as this would create a car park feel to streets.

- The lone 10-storey block adjacent to the park edge has little purpose and will disrupt the feel of the park edge.
- The central street flanked by 10-storey buildings should be sufficiently wide to allow enough light to enter and for it to operate successfully as a landscaped street.
- The number of character areas proposed seems a bit multitudinous and overlap. This could be simplified.
- The proposed mews character area is very small and somewhat lost and is very wide at 14 metres.

82 **The Council's transport and highway officer** raised no objection and made the following comments on the application:

- The site is not located within a Controlled Parking Zone (CPZ) and consequently the surrounding streets do not contain parking restrictions. The car parking strategy may need to be supported by an extension of the Boroughs CPZ scheme to avoid parking overspill issues. A £45,000 financial payment is sought to cover the cost of investigating, consulting and implementing a CPZ scheme in the area. In the event that a CPZ scheme is adopted, the future residents of the site should not be eligible to apply for parking permits.
- There is a wide strip of land linking the application site to the tram stop, that passes to the south of the Cappagh site. It is assumed this is TfL land and part of the tram line. It was considered very important to engage with TfL to dedicate some of this land as an access route for pedestrians and cyclists to provide a direct route from the new homes on the application site to the Belgrave Walk tram stop. This route will also benefit the wider area who can cross the park or tram tracks to the south.
- Disabled persons parking is required for 3% of the dwellings from the outset. A Car Parking Design and Management Plan should be required which should demonstrate how the remaining bays to a total of one per dwelling for 10% of dwellings can be requested and provided when required as designated disabled persons parking in the future. All disabled persons parking bays must be for residents use only and not allocated to specific dwellings. A detailed car parking layout drawing with dimensions should be submitted at detail stage for further consideration.
- The Transport Statement determines the number of additional trips during peak periods that would arise as a result of the proposed development is unlikely to have an impact on the surrounding highway network and I would concur with its conclusions that the increase will be insignificant.
- All internal roads should be adopted via a Section 38 Agreement.
- Car Club membership - each residential unit should be provided with a 3-year car club membership funded by the developer
- Travel Plan- the draft travel plan is supported. The details of the travel plan should be subject to detailed agreement and monitoring over a five-year period. A sum of £2,000 (two thousand pounds) is sought to meet the costs of monitoring the travel plan over five years, secured via the Section106 process.

83 **The Council's green and social infrastructure officer** made the following comments on the application:

- The Ecological Impact Assessment report is acceptable
- The three proposed pedestrian and cycle access points to the London Road Playing Field are supported and should be secured, with further details of the locations and design of access points agreed by the Council, having regard to impacts on biodiversity.



- Baron Walk - the widened footpath and cycle path is supported and would improve access to the open space, but the impact on the SINC through the removal of a number of trees would need to be considered.
- Further discussion with TfL is required to provide the proposed pedestrian access to the Belgrave Tram stop to the south.
- The provision of public and private open spaces for play and landscaping (within the site) are supported and should be secured through approved plans.

84 **The Council's arboricultural officer** made the following comments on the application:

- The arboricultural report seems to indicate the removal of trees in the neighbouring playing fields which will require further discussion and the submission of a method statement, tree protection plan and site supervision.
- The proposed development includes a number of new trees which is welcomed.
- Details of the landscaping should be secured by condition.

85 **The Council's climate change officer** made the following comments on the application:

- As this is an outline application relevant technologies for matters such as local District Heat Networks, gas CHP or air sourced heat pumps (ASHP) could be used to heat the development in the future but it is not practical to be too prescriptive at this stage for what will be a reserved matters application. At Reserved Matters Stage much more detailed information and evidence will be required.
- 35% on site CO2 reduction is considered to be an absolute minimum.
- There should be a site-wide heating network which is future proofed to allow for connection to a larger district heat network if one came forward in the future. There should be sufficient room for an energy centre in the proposed development.
- Overheating - single aspect units should be avoided where possible to avoid overheating and enable cross-ventilation.

86 **The Council's schools and education officer** raised no objection to the application and made the following comments:

- The school has a lot of surplus places and so no extra classrooms or financial contributions are required in terms of mitigation.
- There should be a safe walking route from the development to the school.

87 **The Council's waste management officer** raised no objection to the application and have provided advice to the applicant on a range of design considerations relating to refuse and recycling storage facilities, refuse collection vehicle dimensions and the required road surfacing.

88 **The Council's Environmental Health team** raised no objections to the proposals but requested a number of conditions to be attached to future proof the scheme and protect resident's amenity.

### **Design Review Panel**

89 The Council's Design Review Panel considered the revised application and illustrative masterplan, building heights parameter plan and illustrative plans on 30 January 2020, with the design code reviewed after the date of the meeting. The Design Review Panel were unanimous in welcoming the changes made based on previous comments raised by the Panel on the original scheme and felt that the overall design had moved forwards positively, with notable changes being improvements to the park edge with more definition, a more permeable block plan and movement framework, with better connectivity to the London Road Playing Fields to the east. The Panel had

no particular concerns regarding the proposed height and massing changes and agreed that the centre and southern parts of the site were most suitable for increased height. The Panel awarded the scheme an **AMBER**. This is on a scale comprising green, amber and red, with green being best and red worst. The following detailed comments on the design code were raised:

- The design code must form an integral part of the outline planning permission.
- Recommended that the block plan should be fixed.
- 500 sq.m. of non-residential use was considered inadequate to create a neighbourhood.
- Given the single cul de sac access road into the site, it is important that routes through the site should be maximised and of high quality including, in particular, the proposed pedestrian route to the Belgrave Walk Tram stop – to maximise connectivity and reduce isolation or any ghetto feel.
- Emphasised the importance of good natural surveillance, especially from ground floor.
- The landscape strategy was weak and needed to be further developed to maximise the quality of the public realm and linkages with the surrounding open space.
- Clarity was needed on the approach to parking to create a low traffic neighbourhood, including the location and design of car parking, cycle parking and bin stores, to maximise active frontages.
- The design code should clearly demonstrate that the number of units can be achieved in accordance with good urban design.
- The deep block plans may create issues and lead to single aspect units. The code should be aligned with the wording of the London Plan policy, which recommends to maximise dual aspect and normally avoid single aspect units.
- Support the approach to open spaces, scale and massing and the creation of a pedestrian and cycle priority neighbourhood.
- Concern about the proposals to create 'shared surfaces' in terms of unrestricted parking and accessibility concerns for visually impaired.
- The number of character areas should be reduced in the design code to ensure greater clarity, simplification and coherence.
- The massing of buildings should ensure heights are stepped with set back / recessed elevations at the top of buildings to provide a shoulder height and help smooth the transition in scale to the conservation area and open space.
- Parkside buildings should not overshadow the park especially at the top half of Baron Walk.
- Minimum distances between blocks should be applied, eg 18-metres between habitable room windows.
- Defensible landscaped space is required – approximately 1.8 to 2.5 metres to allow for planting and adequate privacy for residential units on the ground floor.
- The parameter / illustrative plans are quite light touch / flexible – would it be appropriate to provide greater detail / prescription by defining building envelopes?

#### Direct representations to the Mayor

#### **Representations made to the Mayor of London (prior to Stage 2)**

90 The following direct representations to the Mayor have been received:

- **the applicant SUEZ** has asked the Mayor to call-in the application;
- **Mitcham Society** has asked the Mayor to allow Merton Council's decision to refuse the application to stand, raising the issues highlighted above and their view that: the revised

scheme is too dense; would not address local housing need; would negatively impacting on the Mitcham Cricket Green Conservation Area; lacks integration with the surroundings; and should be considered as part of a wider estate regeneration scheme involving the adjacent Phipps Bridge Estate and comprise an exemplar of good design and gentle density.

- **Mitcham Cricket Green Community & Heritage** has asked the Mayor to allow Merton's decision to refuse the application to stand, raising a number of the issues set out above, as well as the following further comments:
  - Design review - We emphatically dispute the suggestion that the revised application reflects a design-led approach and the Design Review Panel's requirements have not been fully addressed. Merton is not signed up to the London Quality Review Charter and the application has not benefitted from an appropriate quality of independent design scrutiny.
  - Estate renewal – a more strategic, plan-led approach to the wider area is needed involving the adjacent Phipps Bridge Estate which is in urgent need of renewal and having regard to the potential new tram line, so as to optimise local connectivity and affordable housing benefits and development densities and design more in keeping with the surrounding area.
- **Three members of the public** have also written to the Mayor to allow Merton's decision to refuse the application to stand, objecting to the application on grounds of: over-development; density; inappropriate height and tall buildings in this location; the impact on the character of the area; harm to the adjacent conservation area; impacts on quality of life for local residents; and also stating that a more strategic approach is required encompassing the adjacent Phipps Bridge estate.

91 A representation was made by **MP Siobhain McDonagh** setting out her concerns in relation to the density and height of the proposals and not repeating town planning mistakes of the past, as set out above.

92 On 20 May 2020, written confirmation was received from the **lead officer for the South London Waste Plan** and Strategic Planning Manager at Sutton Council to confirm that the Benedict Wharf site is not included in the emerging South London Waste Plan 2021 and it is proposed that this site will no longer be allocated for waste management, as agreed jointly by all of the South London Waste Plan Authorities (Croydon, Kingston, Merton and Sutton). The letter also set out the overarching capacity assumptions set out in the South London Waste Plan 2021 in terms of meeting the apportionment targets in the Intend to Publish London Plan and the timescales and next steps in terms of the Examination in Public (EiP).

93 On 13 November 2020, London Square confirmed in writing to the GLA that it would submit a reserved matters application following an exchange of contracts with SUEZ and subject to SUEZ obtaining outline planning permission for the proposed residential-led mixed use development. London Square is therefore intending to be the developer of the site should full planning permission be obtained and have indicated they would be working with a well-known Housing Association, Clarion.

94 On 17 November 2020, a joint letter from the outgoing Leader of Merton Council (Cllr Stephen Alambritis) and the Leader Elect Cllr Mark Allison was received by the Mayor in relation to the proposed development which requested that the Mayor grants approval for the application. This noted the significant contribution towards housing and affordable housing provision the scheme would make within Merton, as well as landscaping, access, public realm and bus stop improvements and noted that the proposed scheme only received 13 objections and is a key opportunity to provide housing on one of the largest potential sites in Merton. The letter also set out their support for the applicant's waste relocation plans, noting that there would be no job losses or any reduction in waste capacity and that the facility's relocation would also improve the local area

in terms of road safety, air quality and noise which currently impact local residential homes and primary schools which are in close proximity to the site.

95 **The Mitcham Cricket Green Community and Heritage** group have submitted an independent design critique of the proposed development. This has been undertaken by Create Streets to support their representation on the application and outlines a number of concerns regarding the way in which the proposed development has been formulated in terms of land use, density, housing numbers, community preferences, layout and design, car parking, public open space, building heights and walking and cycling connections.

## Representations summary

96 All the representations received in respect of this application have been made available to the Deputy Mayor however; in the interests of conciseness, and for ease of reference, the issues raised have been summarised in this report as detailed above. The key issues raised by the consultation responses, and the various other representations received, are addressed under the relevant topic headers within this report, and, where appropriate, through the proposed planning conditions, planning obligations and/or informatives outlined in the recommendation section of this report.

## Principal planning issues

97 Having regard to the site and the details of the proposed development, relevant planning policy at the local, regional and national levels; and, the consultation responses and representations received, the principal planning issues raised by the application that the Deputy Mayor must consider are:

- **The principle of development** in land use terms, including:
  - the loss of a safeguarded waste management facility;
  - residential-led mixed use development on Strategic Industrial Land (SIL);
  - housing supply;
  - the degree of prematurity in terms of the draft South London Waste Plan and draft Merton Local Plan; and
  - provision of commercial and community use.
- **Housing and affordable housing**, including:
  - affordable housing delivery and the scheme's eligibility for the Fast Track Route;
  - tenure and affordability;
  - housing size mix;
  - play space;
  - residential density;
  - the standard of residential accommodation, including residential quality; privacy and overlooking; daylight, sunlight and overshadowing; and noise and vibration.
- **Urban design**, including:
  - layout, landscaping and public realm;
  - height and massing and tall buildings assessment - including visual impact and views; character and appearance; functional and environmental impact;
  - fire safety and designing out crime.
- **Heritage** - including the setting of listed buildings and conservation areas and archeology.
- **Inclusive design**, including:
  - accessible housing;

- public realm; and
- car parking.
- **Neighbouring amenity impacts**, including:
  - daylight and sunlight, overshadowing;
  - privacy/overlooking; and
  - light spillage.
- **Sustainable development**, including:
  - climate change mitigation and adaptation,
  - ecology, trees and urban greening; and
  - flood risk and sustainable urban drainage.
- **Other environmental issues**, including
  - air quality; noise;
  - contaminated land; and
  - waste management;
- **Transport**, including:
  - public transport impact and mitigation;
  - walking and cycling;
  - car parking provision;
  - cycle parking provision;
  - transport safeguarding;
- **Social infrastructure**; and
- Mitigating the impact of development through planning obligations and conditions.

98 These issues are considered within the following sections of the report.

## Principle of development

99 The site is safeguarded as an existing permitted waste transfer site in Schedule 1 of the South London Waste Plan (Site 126) and also forms part of the wider Willow Lane, Beddington and Hallowfield Way Strategic Industrial Location (SIL), which is designated in Merton's Council's Policies Map (2014) and identified in the Merton Core Strategy, the London Plan and the Intend to Publish London Plan. The proposed residential-led mixed use development of the site is therefore a departure from the Development Plan. Pursuant to section 38(6) of the Planning and compulsory Purchase Act 2004, in light of the conflict with the Development Plan, the starting point is that planning permission should be refused unless material considerations justify a departure from the Plan in the circumstances of this case.

## Waste

### Waste policy context

100 At the national level, the National Planning Policy for Waste (NPPW) (2014) seeks to ensure that strategic policies make sufficient provision for waste management services. It states that local planning authorities should ensure that the likely impact of non-waste related development on existing waste management facilities and on sites and areas allocated for waste management is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities.

101 London Plan Policy 5.16 and Policy SI8 of the Intend to Publish London Plan set out the Mayor's aim that London should achieve net waste self-sufficiency by 2026, with the equivalent of

100% of London's waste arisings managed within the capital. London Plan Policy 5.16 and Policy SI7 of the Intend to Publish London Plan also set out the following strategic targets in relation to waste management:

- 45% of municipal waste recycled or composted by 2015; 50% by 2020; and 60% by 2031<sup>2</sup>
- 70% of commercial and industrial waste recycled or composted by 2020
- 95% construction, excavation and demolition waste recycled or re-used by 2020
- 0% biodegradable or recyclable waste to landfill by 2026

102 To meet the apportionment targets for waste management, London Plan Policy 5.17 and Policy SI9 of the Intend to Publish London Plan state that the waste management capacity of existing waste sites should be protected and optimised. Waste sites should only be released to other non-waste land uses where the waste processing capacity is re-provided elsewhere within London, and where sufficient compensatory replacement waste management capacity is provided. As a minimum, the required level of replacement waste capacity on the compensatory site should meet and exceed the maximum throughput that could be achieved on the site which is proposed to be lost (based on the highest throughput achieved on the site over the last five years). Ideally, waste plans should be adopted before considering the loss of waste sites, as set out in Policy SI9 of the Intend to Publish London Plan. Policy 5.16 and Policy SI8 support proposals to increase the capacity of waste sites to maximise their use.

103 Boroughs may collaborate by pooling their apportionment requirements, provided the aggregated total apportionment figure is met (in terms of tonnes per annum). In this instance Merton, Croydon, Kingston and Sutton Councils have agreed to pool their apportionment targets, as part of the South London Waste Plan. Waste is deemed to be managed in London if it is reused or recycled, sorted or bulked for re-use/recycling, used for energy recovery, or used for the production of solid recovered fuel or refuse derived fuel within the capital.

104 The 2012 South London Waste Plan Policy WP1 and Table 4.5 sets out the following targets for municipal, commercial/industrial and total waste management and overall waste management. Since its adoption, the apportionment targets in the South London Waste Plan (2012) have been superseded by those in the 2016 London Plan which are set out for the South London Waste Planning boroughs below.

Table 2 - Waste apportionment targets (London Plan) tonnes per annum - household, commercial and industrial waste – London wide and within the South London Waste Plan Authorities

Borough	2021	2026	2031	2036
Croydon	199,000	238,000	242,000	247,000
Kingston	119,000	143,000	146,000	148,000
Merton	192,000	230,000	234,000	239,000
Sutton	159,000	191,000	194,000	198,000
<b>Total SLWP Area</b>	<b>669,000</b>	<b>802,000</b>	<b>816,000</b>	<b>832,000</b>
<b>London total</b>	<b>6,717,000</b>	<b>8,034,000</b>	<b>8,173,000</b>	<b>8,323,000</b>

105 As with the London Plan, Policy WP3 of the adopted South London Waste Plan (2012) states that existing waste sites will be safeguarded for their current use and, where an existing site is lost to a non-waste use, replacement compensatory provision is required which, as a minimum, should meet the maximum throughput that a site could have achieved.

#### Compensatory replacement waste capacity

106 The existing waste management facility at Benedict Wharf would be relocated to 79-85 Beddington Lane in Sutton. This site is owned by the applicant SUEZ and is also a safeguarded

<sup>2</sup> The Intend to Publish London Plan alters this particular target to 65% by 2030

waste site within the same South London Waste Planning Area and also falls within designated Strategic Industrial Land (SIL). It has been vacant for the last 10 years and is approximately 4 kilometres from Benedict Wharf. On 31 March 2020, full planning permission was granted for SUEZ's proposed replacement waste facility at 79-85 Beddington Lane by Sutton Council. This application was also referable to the Mayor (LPA ref: DM2018/01865; GLA ref: 2265h). The proposed replacement waste management facility at 79-85 Beddington Lane would provide a net increase in waste management capacity of 68,638 tonnes per annum compared to the current throughput at Benedict Wharf, as summarised below.

Table 3 – summary of existing and proposed waste capacity in terms of throughput

Benedict Wharf (existing)	79-85 Beddington Lane Proposed	Net change	Percentage change
281,362	350,000	<b>+ 68,638</b>	<b>+24%</b>

107 In line with the London Plan and Intend to Publish London Plan, the applicant has provided the following figures to confirm the waste management throughput at the Benedict Wharf site over a 5-year period (2014 to 2018), which were received at submission stage and confirm that the maximum annual throughput during this timescale was 281,362 tonnes during 2014.

Table 4 - Benedict Wharf waste throughput (2014-2018)

Activity	2014	2015	2016	2017	2018
Transfer station	59,182	40,512	66,620	67,306	186,036
Materials Recycling Facility	35,362	33,002	32,549	31,262	43,949
Wood Segregation	N/A	N/A	3,296	2,913	N/A
Refuse Derived Fuel	186,527	162,113	81,261	109,816	7,495
Metals segregation	291	N/A	N/A	N/A	N/A
<b>Total</b>	<b>281,362</b>	<b>235,627</b>	<b>184,356</b>	<b>211,297</b>	<b>237,480</b>

108 SUEZ's proposed new waste management facility at 79-85 Beddington Lane would have an overall maximum permitted processing capacity of up to 350,000 tonnes per annum, as set out in below. Although the 79-85 Beddington Lane is also a safeguarded waste site, it has been vacant for 10 years and has therefore not yielded any waste throughput during this period. As such, taken together, it is considered that the two applications would meet the requirements of London Plan Policy 5.17 and Policy SI9 of the Intend to Publish London Plan by ensuring the provision of sufficient compensatory waste capacity.

Table 5 – Proposed waste throughput, 79-85 Beddington Lane

Processing Activity	Throughput (tonnes per annum)
Recyclable bulking operations	25,000
Wood Bulking and transfer operations	40,000
Refuse Derived Fuel (RDF) preparation operations	240,000
Waste Segregation/ transfer	45,000
<b>Total</b>	<b>350,000</b>

109 GLA officers are satisfied that the applicant's proposals are deliverable, given the now confirmed planning and ownership status of the site at 79-85 Beddington Lane site in Sutton. GLA officers understand that the initial site clearance and site investigation works have been carried out and the applicant is currently in the process of discharging pre-commencement conditions. Notwithstanding this, should the Deputy Mayor resolve to grant planning permission for this application, GLA officers recommend that, through the Section 106 agreement, implementation of

the planning permission at Benedict Wharf is restricted until the replacement waste management facility at 79-85 Beddington Lane has been completed and is fully operational. SUEZ has confirmed that they would accept this obligation as it is their intention is to ensure continuity of waste management operations in any event, as this a commercial requirement they have as an operator. Subject to this being secured, compensatory net additional replacement waste management provision would be provided on an appropriate compensatory site within the same waste planning area, in accordance with London Plan Policy 5.17 and Policy SI9 of the Intend to Publish London Plan.

110 GLA officers consider that the proposals broadly accord with the overarching waste hierarchy set out in the NPPW, London Plan and Intend to Publish London Plan in that the waste management operations proposed at Beddington Lane would be generally be on the same level of the waste hierarchy as those currently undertaken at Benedict Wharf.

#### Drivers for the applicant's relocation strategy

111 The applicant has stated that this outline planning application for residential-led mixed use development at Benedict Wharf is part of a re-investment strategy which seeks to facilitate the relocation of its existing waste management operations in Mitcham to an alternative and more suitable site at 79-83 Beddington Lane. SUEZ state that this relocation strategy is driven by the site constraints and restrictive planning conditions in place at Benedict Wharf which prohibit the operation of a modern and efficient 24-hour waste management facility at this location seven days a week.

112 At present, SUEZ operate their waste management operations via a variety of historic planning permissions which cover different buildings which were developed over time from the late 1980s to early 2000s. In 2008, SUEZ (then SITA) sought to expand and modernise the facilities on site through their eco-park planning application referred to above (LPA Ref: 08/P2724; GLA ref: 2221). The planning permission issued by the previous Mayor included a number of planning conditions which prohibit waste operations being undertaken on site between 11pm and 7am (condition 18) and restrict deliveries from taking place between 5pm and 7am Monday to Friday; between 12.00 midday and 7am on Saturdays; and at any time on Sundays and Bank Holidays (condition 19).

113 These conditions sought to address highways and site access constraints along Church Road and the site's sensitive immediate context to the north in terms of residential amenity and its close proximity to three primary schools and designated heritage assets. The delivery and servicing plan secured via the S106 agreement also required the operator to minimise the impact of vehicle movements on Church Road and minimise bulk haulage vehicle movements during peak school run periods. In addition, condition 4 restricts the maximum throughput on the site to 160,000 tonnes per annum once the eco-park permission was fully completed (which is actually lower than the existing waste operations on site). These restrictions have meant that, whilst SUEZ has implemented the permission (ie. it has not lapsed), it has not been viable to fully construct the permitted scheme and, consequently, the majority of the current waste management operations are undertaken via pre-existing planning permissions. SUEZ has now made the decision to move to an alternative site that is more commercially and operationally viable for waste management operations.

114 The site at 79-85 Beddington Lane in Sutton is comparatively more suited to industrial and waste management operations in terms of its location, immediate context and site access and highways arrangements and noting that there are no residential properties or schools in close proximity, as is the case at Benedict Wharf. The proposed Beddington Resource Recovery Facility would comprise one main 15-metre high waste management building enabling all waste management operations to be undertaken within an enclosed main processing building, with an efficient and safe one-way servicing route served by a separate access and egress. In contrast, the



current site at Benedict Wharf site contains various disparately located and open sided buildings which are serviced via a central servicing and turning space with a single vehicle access point onto Hallowfield Way for both in and outbound HGVs.

115 As confirmed by Sutton Council's draft decision notice (LPA ref: DM2018/01865; GLA ref: 2265h), the proposed facility at 79-85 Beddington Lane would operate 24-hours / 7-days-a-week and would not be subject to the planning conditions which are in place at the application site in terms of hours of operation or delivery times. There are therefore significant long-term waste management benefits associated with the relocation of the existing facility to 79-85 Beddington Lane in Sutton, and the construction of SUEZ's proposed Beddington Lane Resource Recovery Facility, noting the overall net increase in waste capacity and the operational benefits associated with the provision of a modern 24-hour waste management facility. The underlying drivers behind SUEZ's relocation strategy in terms of the existing operation site constraints, as well as the public benefits associated with their proposed new Beddington Lane Resource Recovery Facility in terms of the net increase in waste management capacity are considered to be important material considerations in the determination of the application.

#### Impact of the proposals on achieving waste apportionment targets

116 As set out in the Mayor's initial Stage 1 consultation response on the original application, a key strategic planning issue in relation to waste management was whether the application site (Benedict Wharf) is required over the longer-term to meet the longer-term waste management apportionment targets and self-sufficiency requirements of the South London Waste Partnership Area. The waste apportionment targets increase over time, in line with forecasts for waste arisings, as shown in Table 2 above. Furthermore, the Intend to Publish London Plan waste apportionment targets, which are based on updated projections in terms of waste arisings, are comparatively higher, as set out below in Table 6.

117 London Plan Policy 5.17 and Policy SI9 of the Intend to Publish London Plan state that boroughs should allocate sufficient land and identify waste management facilities to ensure there is capacity to manage the apportioned tonnages of waste. For this reason, Policy SI9 states that existing waste sites should be safeguarded and retained in waste management use and waste plans should be adopted before considering the loss of waste sites. A key reason for this plan-led and evidence based approach is that it ensures that the aggregated capacity of existing and planned waste management facilities in the waste planning area is properly scrutinised and agreed prior to the release of any safeguarded waste sites via ad hoc planning applications. This is discussed in more detail in the following sections.

Table 6 - Updated waste apportionment targets (Intend to Publish London Plan) tonnes per annum - household, commercial and industrial waste – London wide and within the South London Waste Plan Authorities

Borough	2021	2036	2041
Croydon	252,000	264,000	268,000
Kingston	187,000	196,000	199,000
Merton	238,000	249,250	253,000
Sutton	211,000	220,500	224,000
<b>Total SLWP Area</b>	<b>888,000</b>	<b>929,750</b>	<b>944,000</b>
<b>London total</b>	<b>8,217,000</b>	<b>-</b>	<b>8,726,000</b>

#### The draft South London Waste Plan (2021-2036)

118 The South London Waste Plan is currently being revised and the partner boroughs (Croydon, Kingston, Merton and Sutton) undertook public consultation on a Regulation 18 draft South London Waste Plan Issues and Preferred Options Document between 31 October and 22 December 2019. A submission version of the South London Waste Plan was jointly published in

September 2020 (Regulation 19) and is the version of the Plan which the South London Waste Plan Authorities intend to submit to the Secretary of State for Examination in Public (EiP), which it is anticipated would take place during 2021.

119 The South London Waste Plan 2021 would cover a 15-year plan period from 2021 to 2036. The draft plan proposes to de-designate Benedict Wharf as a safeguarded waste site, with the replacement compensatory waste management capacity proposed to be provided via SUEZ's permitted new waste management facility at 79-85 Beddington Lane in Sutton. Overall, the South London Waste Plan 2021 suggests that the waste plan area could exceed the aggregated apportionment targets set out in the Intend to Publish London Plan by 2036 for both household, commercial and industrial waste and construction and demolition waste, taking into account the proposed loss of waste management capacity at Benedict Wharf and assuming the existing facility is relocated and to 79-85 Beddington Lane in Sutton. The Plan's overall capacity assumptions are shown below and indicate a surplus capacity of +16,595 tonnes per annum in terms of household, commercial and industrial waste and +5,895 tonnes per annum in terms of construction and demolition waste, as summarised below.

Table 7 – South London Waste Plan 2021 waste capacity assumptions (tonnes per annum) at 2036 against targets - household, commercial and industrial waste

	Household, commercial and industrial waste	Construction and demolition waste
Croydon	32,883	227,067
Kingston	35,642	0
Merton	213,179	150,183
Sutton	664,641	43,025
<b>South London capacity 2036</b>	<b>946,345</b>	<b>420,275</b>
<b>South London target 2036</b>	<b>929,750</b>	<b>414,380</b>
<b>Surplus / deficit</b>	<b>+ 16,595</b>	<b>+ 5,895</b>

120 The South London Waste Plan 2021 has been informed by a supporting technical study (June 2019) undertaken by Anthesis which provides an assessment of the current capacity of existing operational waste sites across the South London Waste Plan area and the potential to meet the updated waste apportionment targets as set out in the Mayor's Intend to Publish London Plan. The baseline assessment undertaken is based on current throughput on existing operational sites and assigns no existing waste management capacity to the vacant 79-85 Beddington Lane site. The study shows that, by 2036, there could be a capacity gap across the South London Waste Plan area in terms of meeting the aggregated apportionment targets in the Intend to Publish London Plan. However, the study concludes that this capacity gap could be addressed and an overall surplus in waste management capacity could be achieved, subject to additional waste management capacity come forwards in the area. This pipeline of additional capacity includes SUEZ proposed new facility at 79-85 Beddington Lane, as well as four other sites.

121 Once these changes are accounted for, as well as the proposed loss of waste throughput at Benedict Wharf, the study concludes that there would be a surplus of waste management capacity across the South London Waste Plan area to meet the aggregated apportionment targets to 2036. If the additional waste management capacity does not come forward via SUEZ's relocation and intensification strategy at 79-85 Beddington Lane, then the South London Waste Plan Authorities would not be able to meet the apportionment targets to 2036. Therefore, to a significant extent, the draft South London Waste Plan 2021 is predicated on SUEZ's proposed relocation strategy. As set out in Appendix 2 of the South London Waste Plan 2021, SUEZ's proposed Beddington Resource Recovery Facility is expected to make the largest contribution of all waste sites within the four waste plan authorities towards meeting the apportionment target for household, commercial and industrial waste (946,345 tonnes per annum), with the facility providing 32% of the South London Waste Plan's expected waste capacity.

122 The Mayor's initial Stage 1 consultation response requested that written agreement from the South London Waste Plan Authorities to confirm that the loss of Benedict Wharf would not compromise the potential to meet the apportionment and net self-sufficiency targets in the London Plan and the Intend to Publish London Plan. This written confirmation from the South London Waste Plan Authorities was provided on 20 May 2020 which clarified that the authorities had all agreed to de-designate the Benedict Wharf site and that this would not compromise the potential for the waste planning area to meet the apportionment targets in the Intend to Publish London Plan. Since this time, the four boroughs have published the Regulation 19 South London Waste Plan 2021, which carries forward the proposal to de-designate the site as a safeguarded waste site and assumes the facility is relocated to Beddington Lane. Furthermore, GLA officers note that Merton Council officers and the South London Waste Planning Authorities did not raise any objection to the application in relation to waste and support the site's relocation to 79-85 Beddington Lane and the site being de-designated as a safeguarded waste site. Nor did the draft decision notice issued by Merton Council's planning committee raise any concern about the loss of the waste management use.

123 The draft South London Waste Plan 2021 has been subject to ongoing discussion between GLA officers and the partner boroughs involved in its preparation. Most recently, GLA officers responded formally to the Regulation 19 publication stage consultation on the draft South London Waste Plan 2021. The GLA's response generally welcomed the Plan's commitment to achieve the apportionment targets in the Intend to Publish London Plan but highlighted a number of instances where the wording of policies required further revision to ensure general conformity. For the avoidance of doubt, whilst it was initially a point of concern for GLA planning policy officers, there are no longer any site specific strategic concerns raised regarding the South London Waste Plan Authority's proposal to remove the Benedict Wharf as a safeguarded waste site.

124 However, at this stage, the draft South London Waste Plan 2021 and supporting evidence base has not been subject to detailed scrutiny as part of an EiP to assess its 'soundness' in terms of its potential to meet objectively assessed development needs, its deliverability and justification, consistency with national policy and general conformity with the London Plan. As such, only limited weight can be afforded to the draft South London Waste Plan 2021. Notwithstanding this, there is clearly an emerging plan-led approach being developed which seeks to enable the relocation of the existing facility from Benedict Wharf to 79-85 Beddington Lane.

### Prematurity

125 Paragraphs 49 and 50 of the NPPF deal with the issue of prematurity and state that arguments that a planning application is premature are unlikely to justify a refusal of planning permission unless the development proposed is so substantial that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development which are central to an emerging plan; and the emerging plan is at an advanced stage but is not yet formally adopted. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority must set out clearly how granting permission for the development would prejudice the outcome of the plan-making process. In this instance, taking into account the particular circumstances of the proposals and linked application at 79-85 Beddington Lane in Sutton, as well as noting the stage of preparation of the emerging Local Plan, the emerging Waste Plan context, and the above NPPF criteria, GLA officers do not consider that the scheme would prejudice the outcome of the South London Waste Plan. GLA officers do not consider that a refusal on prematurity grounds would be justified.

### **Strategic Industrial Land (SIL) designation**

126 Designated SILs form London's main reservoir of industrial and related capacity. London Plan Policies 2.17 and Policy 4.4 and Policies E4, E5 and E7 of the Intend to Publish London Plan seek to ensure that there is a sufficient supply of industrial land in London to meet evidenced

demand, taking into account the varied needs of different types of industrial and related uses, including waste management uses and also taking into account the borough level classifications for the potential scope for industrial land release. Merton is classified as a 'restricted release' borough on Map 4.1 of the London Plan.

127 London Plan Policy 2.17 states that SILs should be managed and protected and development proposals for uses which fall outside the industrial type activities within designated SIL should be refused unless they form part of a strategically coordinated process of SIL consolidation through an opportunity area planning framework or borough development plan document. Development proposals within SILs should not compromise the integrity or effectiveness of these locations in terms of accommodating industrial type activities.

128 Merton Local Plan Policy CS12 seeks to ensure that there is an adequate supply of viable and appropriate sites for employment use by protecting and managing designated Strategic Industrial Locations and Locally Significant Industrial Sites by ensuring they contribute towards business, industrial, storage and distribution functions.

129 Policies E4, E5 and E7 of the Intend to Publish London Plan also set out similar principles to those set out above, including the requirement to manage, protect and intensify the function and capacity of SILs through a plan-led process to ensure there is sufficient supply of industrial capacity. It is noted that Policies E4, E5 and E7 of the Intend to Publish London Plan are subject of a Direction by the Secretary of State (SoS). In relation to Policy E5, the SoS Directions deletes Part D of Policy E5 which stated that development proposals for uses in SILs other than those set out in Policy E4 should be refused. However, Policy E5, as revised by the SoS retains the key planning policy expectation that any release of SIL is carried out in a plan-led way, through either a planning framework, DPD review process and adopted as policy or as part of a co-ordinated masterplanning process in collaboration with the GLA and borough. The Intend to Publish London Plan included a requirement to ensure no net loss of industrial capacity. Industrial capacity was defined as the quantum of floorspace on the site or the amount of floorspace that could be provided at a 65% plot ratio, whichever is greater. However, this requirement has been deleted from the Plan under the SoS Direction.

130 Whilst Policy E7 (as amended by the SoS) recognises there may be some potential for the intensification and substitution of industrial capacity within SILs to enable the consolidation and release of selected parts of SILs, this should be done through a strategically coordinated plan-led process and not through ad hoc planning applications. Policy E7 also sets out the following criteria to be applied when considering proposals for the intensification, consolidation and release of SIL:

- the industrial and related activities on-site and in surrounding parts of the SIL are not compromised in terms of their continued efficient function, including for access;
- the intensified industrial, storage and distribution uses are completed in advance of any residential component being occupied; and
- appropriate design mitigation is provided in any residential element, with particular consideration given to safety and security, layout/orientation, design quality, agent of change, vibration and noise and air quality.

131 Notwithstanding the amendments made to the Intend to Publish London Plan through the SoS Direction which remove the requirement to ensure no net loss of floorspace capacity and the floorspace metrics for assessing this, the overall thrust of Policies E4, E5 and E7 is to ensure there is sufficient industrial capacity to support London's economic function and, on SIL, this should be managed as part of a plan-led process having regard for the potential scope for intensification, co-location and substitution and any SIL consolidation and release should be orchestrated and approved through a strategically co-ordinated process. Policy E7 recognises the potential for substitution of London's industrial capacity to related property markets elsewhere in London, taking into account the potential impacts, and where this should be part of a clearly defined strategy.

132 As set out above, whilst policies in the Intend to Publish London Plan which are not affected by the SoS's Direction can be given significant weight, in line with NPPF paragraph 48, those policies listed above which are affected by the SoS's Direction should be given less weight.

### The draft Merton Local Plan

133 Merton Council's draft Local Plan (Stage 2) which was published for public consultation (Regulation 18) and proposes the de-designation of the Benefit Wharf site as SIL, with the site proposed as a site allocation for residential-led mixed use development, alongside the adjacent Cappagh car pound site (Ref: Mi1). The draft Local Plan notes that the allocation is subject to there being no loss of waste management capacity within the South London Waste Plan Area and states that the Council will only support the allocation where the existing waste management capacity and function is moved within the South London Waste Plan Area. GLA officers understand that Merton Council generally consider the site to be unsuitable for continued industrial use due to its close proximity with residential properties and primary schools as well as vehicle access constraints associated with Church Road. As such, whilst Merton Council is in the process of progressing an emerging plan-led approach to SIL intensification and release, this is currently at a relatively early stage and the Council's approach has not been strategically agreed with the GLA. Therefore, only limited weight can be given to the emerging plan-led approach to SIL release in Merton's draft Local Plan, in line with paragraph 48 of the NPPF.

### Background

134 The applicant has stated that the proposed residential development is enabling development as it would help finance the construction of the new replacement waste management facility at 79-85 Beddington Lane and is therefore a key stage in what is a wider investment strategy which seeks to provide modernised and more efficient waste management facilities. This relocation strategy has been driven by the restrictive conditions and site constraints at Benedict Wharf which have meant that previous proposals to modernise and optimise the existing site for waste management uses have been curtailed and are not viable to deliver from a waste management perspective. The applicant has concluded that the site is not viable location in which to operate a modern 24-hour waste management facility, which is accepted by GLA officers.

135 In its planning committee report, Merton Council officers found the loss of SIL to be acceptable in this particular instance and also confirmed that any new planning application at Benedict Wharf for either waste or industrial use would be subject to the same restriction conditions as the existing SUEZ waste management facility, which would constrain the future use and operation of the site for industrial purposes. The Council has formally indicated its strong preference for the site to be released from the SIL and de-designated as industrial land in order to accommodate a residential-led mixed use development, as set out in the draft Local Plan and site allocation (Mi1). In proposing this site allocation, the Council has considered whether other industrial type uses could be provided but has concluded that this would not be appropriate in this location, given the site constraints in relation to site access and highways and due to the site's close proximity to residential and primary school uses. Merton Council's view is that these constraints cannot be viably resolved in order to make industrial use an acceptable form of development.

### Loss of industrial land

136 The application proposes the loss of industrial land and capacity, through the loss of the 3.8 hectare Benedict Wharf site, which currently contains 10,988 sq.m. of industrial floorspace. This is therefore contrary to London Plan Policies 2.17, 4.4, Merton Local Plan Policy CS12 and Policy E4, E5, E7 of the Intend to Publish London Plan, as the proposals do not form part of a strategically agreed process of SIL consolidation. As such, permission should only be granted if departure from the Development Plan is justified by other material considerations. In this specific case, GLA officers consider that there are material considerations to justify a departure from the development plan policies.

137 In this case, the existing waste capacity would be relocated to another designated SIL 4-kilometres away within the same waste planning area and industrial property market area. Importantly, the waste management capacity would be intensified in terms of throughput with a more modern and efficient site and facility provided in a more appropriate location, providing significant operational and functional enhancements as set out above and noting the characteristics and planning restrictions in place at the existing Benedict Wharf site. Full planning permission has been granted for the applicant's replacement waste facility, which would deliver a significant 24% net increase in waste management capacity (+68,638 tonnes per annum) compared to the existing situation. An obligation in the S106 agreement would secure the replacement waste industrial capacity prior to any development being undertaken on the application site, in line with the principles set out in Policy E7 of the Intend to Publish London Plan. Waste management is listed as one of the industrial and related activities identified in London Plan Policies 2.17, 4.4, Merton Local Plan Policy CS12 and Policy E4, E5, E7 of the Intend to Publish London Plan, as well as in the Land for Industry and Transport SPG (2012).

138 Therefore, in broad terms, the two linked applications reflect a clearly defined and emerging plan-led strategy for the intensification and substitution of waste management capacity within the South London Waste Plan area, as set out in the draft South London Waste Plan 2021, albeit this strategy has not yet been subject to an EiP or formally adopted. As such, given these specific circumstances of this case, the proposal is not considered to be an ad-hoc planning application and there are material considerations which justify a departure from the Development Plan policies regarding SIL.

139 GLA officers consider that waste throughput should be used as the key metric for assessing industrial capacity in this instance, given both sites are safeguarded waste sites, that a deliverable planning permission is in place on the replacement site owned by the same waste operator in the same waste authority area and noting that the acceptability of the proposals is predicated on sufficient compensatory waste capacity being provided prior to the release of this site, as controlled through the proposed S106 obligation discussed above. The specialist nature of the waste use means that, in this instance, it is not appropriate to maximise industrial floorspace capacity in line with the overarching objectives of the Intend to Publish London Plan.

#### Potential impact on adjacent businesses

140 Policy E5 and E7 of the Intend to Publish London Plan states that the introduction of residential uses should be delivered in a way which does not compromise existing adjacent industrial uses in terms of their continued function and operation, with appropriate design mitigation provided, as set out in more detail above. Outside the application site, the remainder of the SIL to the south is physically separated from the site by the tram line and overhead high voltage power line, which is subject to a 56-metre wide exclusion zone which restricts the potential proximity of residential accommodation to the power lines. As a result, the proposed residential blocks would be set back from the pylons and the intervening space utilised as a landscaped linear open space. As such, GLA officers do not consider that the proposed introduction of residential uses would compromise the remaining SIL to the south, with the proposed interface being similar to that found in other urban contexts across London. There would be no significant impact on the functionality of the adjacent SIL in terms of use, operation, access, servicing or noise and air quality concerns. The assessments undertaken in relation to noise and air quality conclude that the introduction of residential homes in this location would be acceptable and would not require any form of specific mitigation, as set out in more detail in the relevant sections of this report.

141 The closest industrial premise to the application site is the South London Vehicle Pound to the west. This site lies outside the SIL designation and comprises non-allocated industrial land. The site is also included within the Council's draft site allocation for mixed use residential development. The introduction of residential accommodation adjacent to this particular site is not considered to compromise the functionality or operation of this site, taking into account the criteria set out in Policy E7 of the Intend to Publish London Plan. Notwithstanding this, to ensure the residential quality of the proposals is acceptable and ensure overall compliance with the above

policies, appropriate planning conditions are proposed to ensure noise and air quality impacts are fully considered and mitigated through the design of the proposed residential development with the applicant required to submit further details for approval at Reserved Matters Stage. The submission and approval of detailed landscaping scheme would also be secured by condition.

### Increasing housing supply

142 The London Plan seeks to increase the supply of housing in the capital and sets Merton Council a minimum 10-year housing target of 4,107 homes between 2015 to 2025. This would increase to a minimum of 9,180 homes for the 10-year period from 2019/20 to 2028/29, as set out in the Intend to Publish London Plan, more than doubling the required quantum of housing supply in the borough.

143 Whilst London Plan Policy 3.3 and Policy H1 of the Intend to Publish London Plan seek to promote housing delivery on suitable and available sites in order to meet housing targets, it should be recognised that housing targets, which are based on the London Strategic Housing Land Availability Assessments (SHLAA) methodology are not predicated on the loss or redevelopment of this site in particular, given its current planning status as a safeguarded waste site and designated SIL.

#### *Recent housing delivery – London-wide*

144 Table 8 below sets out the London-wide delivery against the current London Plan targets between 2016/17 to 2018/19, which is the most recent years for which data is available. Overall housing delivery is based on net conventional housing completions, net supply of non-self-contained housing and net housing supply from long-term vacant homes returning to use. Affordable housing delivery is assessed as a percentage of conventional housing completions. As shown in Table 8, whilst overall housing delivery exceeded the London Plan target during 2016, the three-year average rate of housing delivery falls short of the target for net additional housing. The delivery of new affordable housing on a pan-London basis is significantly below the London Plan target.

Table 8 – Overall and affordable housing completions in London against London Plan targets

Total supply	FY2016-2017	FY2017-2018	FY2018-2019	Total	Delivery
<i>Homes target</i>	42,389	42,389	42,389	127,167	<b>88% of target</b>
<b>Homes delivered</b>	<b>44,846</b>	<b>31,692</b>	<b>35,795</b>	<b>112,333</b>	
<i>Affordable homes target</i>	17,000	17,000	17,000	51,000	<b>35% of target</b>
<b>Affordable homes delivered</b>	<b>6,827</b>	<b>4,431</b>	<b>6,648</b>	<b>17,906</b>	

(Source: London Development Database)

#### *Recent housing delivery – Merton Council*

145 To monitor delivery against the 10-year housing target of 4,107 homes, Merton has been assigned an annual monitoring target of 411 net additional homes per year. In terms of affordable housing, Merton Core Strategy Policy CS8 sets a local borough-wide affordable housing target of 40%. As shown in Table 9, overall housing delivery within Merton during financial years 2016/17 and 2018/19 has equated to 99% of the number of net additional homes required during this monitoring period. Therefore, over the three years the Council has almost met its housing delivery target, although as noted above there is a clear expectation in the London Plan that this should be exceeded. Furthermore, London is a single housing market and, as evidenced in Table 8, there is a clear unmet pan-London need for new homes.

146 In contrast, affordable housing delivery within Merton during the same period is significantly below the Local Plan target and the Council has only achieved 35% of its affordable housing targets overall. During this period, only 173 affordable homes have been delivered. Only 13% of the total conventional net additional homes delivered within Merton Council during this period were affordable, equating to an annual average of 58 affordable homes per year between financial years 2016-17 and 2018-19. In particular, only 5 net additional affordable housing completions were delivered in the borough during 2018-19.

Table 9 - Merton housing completions against London Plan housing target and Local Plan affordable housing target

Total supply	FY2016-2017	FY2017-2018	FY2018-2019	Total	Delivery
Homes target	411	411	411	1,233	<b>99% of target</b>
<b>Homes delivered</b>	<b>374</b>	<b>613</b>	<b>232</b>	<b>1,219</b>	
Affordable homes target	164	164	164	492	<b>35% of target</b>
<b>Affordable homes delivered</b>	<b>86</b>	<b>82</b>	<b>5</b>	<b>173</b>	

(Source: London Development Database)

147 Clearly, the provision of 850 additional homes would make a substantial contribution towards meeting these targets (equating to 21% of Merton Council's current 10-year London Plan housing target and 9% of the 10-year target in the Intend to Publish London Plan) and would represent housing provision equivalent to just over two years of the required overall housing supply in the borough. The application proposes 298 affordable homes, comprising a 60:40 tenure split between London Affordable Rent and intermediate housing (by habitable room). This equates to 180% of the Council's annualised target for new affordable homes set out above. GLA officers therefore consider that the significant contribution of the application to overall and affordable housing delivery should be considered to be a substantial material planning consideration and the associated public benefits should be given significant material weight when balancing the range of planning considerations in this case.

148 In revising the application to increase the residential density and the overall provision of homes (from 600 to 850 residential units), the applicant has addressed the concerns set out in the Mayor's initial Stage 1 consultation response which considered the original application to comprise the sub-optimal development of the site in terms of potential residential density and housing capacity, taking into account the site size, location and surrounding context to the south, east and west. Importantly, this density increase has enabled the quantum of affordable housing to be increased from 20% to 35%. With this in mind, and noting the outline nature of the application (which seeks permission for up to 850 units), GLA officers recommend that, if planning permission is granted, a condition is included in the decision notice to require no less than 840 homes to be constructed on the site. This minimum figure would provide a degree of flexibility, given the outline nature of the application.

### Non-residential floorspace provision

149 The outline application seeks planning permission for the provision of 750 sq.m. of flexible ancillary non-residential floorspace in Class A1-A3, D1 and D2 use. These are envisaged to be provided on the most northerly development parcel adjacent to Church Path; however, this is an indicative location and there is flexibility within the outline application for non-residential uses to be provided in other approved locations within the site as part of any subsequent Reserved Matters Applications. The quantum of non-residential use has been increased in the revised application (from 500 sq.m. in the original application).

150 The town centre first approach is embedded the NPPF, London Plan, Intend to Publish London Plan and the Merton Local Plan and seeks to direct large-scale town centre uses towards



town centre locations. The quantum of non-residential use does not exceed the floorspace thresholds in the NPPF and therefore an impact assessment and sequential test is not required. Taking into account the site location and surrounding context, and also noting the comments made during public consultation and the design review, GLA officers consider that the size, scale and indicative location of supporting non-residential use is acceptable and commensurate with quantum of residential units proposed. A condition is proposed which would ensure that the quantum, location and design of non-residential use is subject to further detailed consideration at reserved matters stage.

### **Conclusion - Principle of development**

151 The application conflicts with the Development Plan because residential development is proposed on a safeguarded waste site, which also falls within designated Strategic Industrial Land (SIL) and because the proposals do not form part of a strategically agreed plan-led process of SIL consolidation. Accordingly, as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, permission should only be granted if departure from the Development Plan is justified by other material considerations. In this specific case, GLA officers consider that there are material considerations to justify a departure from the development plan policies.

152 Compensatory waste management capacity would be provided to fully mitigate the loss of the existing safeguarded waste site at Benedict Wharf, in accordance with London Plan Policy 5.17 and Policy WP3 of the South London Waste Plan (2012). This would be secured via Section 106 obligation. Whilst the proposals do form part of an emerging plan-led strategy set out in the draft South London Waste Plan 2021, it is recognised that this draft Plan has not been subject to an Examination in Public and is not adopted. GLA officers consider that there are material considerations to justify a departure from the plan-led principle set out in the Intend to Publish London Plan, taking into account: the significant operational constraints present at the existing site which prohibit the provision of a modern waste management facility; the public benefits associated with the provision of additional waste management capacity; and noting that the applicant's relocation strategy is supported by the South London Waste Plan Authorities. GLA officers are satisfied that the loss of the existing safeguarded waste site at Benedict Wharf would not compromise the potential to meet the apportionment targets in the Intend to Publish London Plan.

153 In relation to site's SIL designation, GLA officers are of the view that there are clearly exceptional circumstances in this specific case which do justify the release and residential-led redevelopment of the site. Overall, GLA officers consider that the applicant's relocation strategy does generally accord with the principles set out in the Intend to Publish London Plan in terms of ensuring industrial intensification, as there would be no material loss of industrial capacity in terms of waste throughput. The introduction of residential accommodation on the site would not compromise the integrity or function of the remaining SIL. Furthermore, the proposed residential redevelopment would help to deliver important wider public benefits in terms of facilitating the delivery of additional waste management capacity, alongside a substantial housing supply, of which 35% would be affordable.

154 For these reasons, whilst noting the application conflicts with the land use policies in the Development Plan, GLA officers consider that the principle of the development is acceptable in this particular instance and consider that there is a clear and convincing justification for departing from the Development Plan, taking into account the specific circumstances of this case.

### **Housing and affordable housing**

155 London Plan Policy 3.11 states that the Mayor will, and boroughs should, seek to maximise affordable housing provision and ensure an average of at least 17,000 more affordable homes per year in London up to 2031, of which 60% should be social/affordable rent and 40% intermediate rent or sale. London Plan Policy 3.12 requires that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed-use schemes, taking into account a range of factors including: the requirement for affordable housing;

affordable housing targets; the need to promote mixed and balanced communities; specific site circumstances; development viability; public subsidy and the resources available to fund affordable housing; and the implications of phased development including provisions for re-appraising the viability of schemes prior to implementation ('contingent obligations'), and other scheme requirements.

156 Policy CS8 of Merton Council's adopted Core Strategy sets a borough-wide affordable housing target of 40% which is equivalent to a numerical target of 1,920 affordable homes for the period 2011 to 2026. In line with Policy CS8 and Policy DM H3, sites of this size are expected to provide 40% affordable housing (in units), of which 60% should be social and affordable rent and 40% should be intermediate rent or sale.

157 In August 2017 the Mayor published the Affordable Housing and Viability Supplementary Planning Guidance (SPG). This sets out his preferred approach to maximising the delivery of affordable housing and introduced the Fast Track Route for applications that meet or exceed the Mayor's threshold for affordable housing (by habitable room). The SPG confirms that a scheme's eligibility for the Fast Track Route is subject to the affordable housing being provided on site (as opposed to off-site), without public subsidy and with an appropriate tenure mix provided. In addition, to qualify for the Fast Track Route, an applicant must have explored the potential to increase the level of affordable housing using grant funding and an Early Stage Review Mechanism must be secured, which seeks to incentivise the early implementation of any planning permission. Applications which are considered eligible for the Fast Track Approach are not required to submit a Financial Viability Assessment (FVA) or be subject to a late stage viability review mechanism (as is required for applications which follow the Viability Tested Route).

158 Policy H4 of the Intend to Publish London Plan seek to maximise the delivery of affordable housing, with the Mayor setting a strategic target for 50% of all new homes to be affordable. Policy H5 of the Mayor's Intend to Publish London Plan identifies a minimum threshold of 50% affordable housing (by habitable room) on industrial sites considered appropriate for release where there is a loss of industrial capacity. A lower 35% threshold is only applicable where the existing industrial capacity is retained ensuring no net loss. This is calculated on the basis of either the existing industrial and warehousing floorspace on site or the potential industrial and warehousing floorspace that could be accommodated on site at a 65 per cent plot ratio, whichever is the greater, is provided on site as set out in footnote 59 of the Intend to Publish London Plan. No alterations were proposed to this policy within the Secretary of State's 13 March 2020 Directions issued under Section 337 of the Greater London Authority Act 1999 (as amended).

#### Evolution of the applicant's affordable housing proposals

159 The original application submitted in June 2019 proposed 600 residential units, of which, 20% would be affordable by unit and habitable room, comprising an affordable housing tenure split of 60% London Affordable Rent and 40% intermediate London Shared Ownership housing provision. The original application was accompanied by a Financial Viability Assessment (FVA) which was scrutinised by GLA officers, with detailed comments set out within the Mayor's initial Stage 1 consultation response and the affordable housing offer at that stage considered to be wholly unacceptable. The applicant was required to significantly improve the level of affordable housing proposed by fully investigating the potential for grant funding and more fully optimising the density and development capacity of the site which was considered to be sub-optimal, taking into account the size of the site and opportunities and constraints.

160 Since Stage 1, the scheme has been amended, with the total proposed number of residential units increased to 850. The applicant has significantly improved the affordable housing offer from 20% to 35% by unit and habitable room, comprising the same affordable housing tenure split of 60% London Affordable Rent and 40% intermediate London Shared Ownership housing provision.

Table 10 – amendments to the original application

	Original application submitted in June 2019	Revised application submitted in March 2020
Total residential units	600	850
Affordable residential units	120	298
Percentage affordable (by unit and habitable room)	20%	35%
Tenure split (low cost rent / intermediate)	60:40	60:40

Affordable housing threshold and eligibility for the Fast Track Route

161 Applications on industrial land which do not provide the required quantum of replacement industrial floorspace should normally be subject to 50% threshold for affordable housing and would only be eligible for the Fast Track Route if they meet the requirements of footnote 59 of the Intend to Publish London Plan. Footnote 59 does not state that industrial capacity can be re-provided off-site.

162 The application proposes the loss of 3.8 hectares of industrial land which currently contains 10,988 sq.m. of industrial floorspace. capacity. Based on the 65% plot ratio set out in footnote 59 of the Intend to Publish London Plan, the site’s industrial capacity would be 24,700 sq.m. Therefore, the application does not re-provide this quantum of industrial capacity on-site, so does not comply the Fast Track Criteria set out in the Policy H4 of the Intend to Publish London Plan and the 50% affordable housing threshold should apply. However, in this particular case, a novel approach is proposed to the replacement of industrial capacity whereby the existing waste management capacity on the site in terms of throughput would be replaced on an alternative safeguarded waste site, which has been vacant for 10 years and is within the same waste planning area and within the applicant’s ownership, for which, the applicant has already secured full planning permission. Whilst the approach does not fully comply with Policy H4, as there would be a loss of industrial capacity, GLA officers consider that there are material considerations in this case which justify a departure from footnote 59 of the Intend to Publish London Plan in this particular case.

163 As set out above, the two linked planning applications would provide adequate compensatory waste capacity, with a net increase of 68,638 tonnes per annum of waste management capacity, which is equivalent to a 24% increase on the existing situation. Waste management is listed as one of the industrial and related activities identified in London Plan Policies 2.17, 4.4, Policy E4, E5, E7 of the Intend to Publish London Plan, as well as in the Land for Industry and Transport SPG (2012). It is also the safeguarded use on both sites. The planning policy requirement to re-provide waste capacity must be met to ensure the application complies with London Plan Policy 5.16, Policy SI9 of the Intend to Publish London Plan and Policy WP3 of the adopted South London Waste Plan and, owing to the specialist nature of the use, the overall policy objective to maximise industrial floorspace is not appropriate in this particular instance.

164 For these reasons, GLA officers consider that waste throughput is a more appropriate metric for assessing the net loss of industrial capacity, rather than floorspace or plot ratio, given that both sites are currently safeguarded in waste use and therefore the primary planning policy requirement for the application is to ensure sufficient compensatory waste management capacity is provided in terms of waste throughput. Furthermore, the applicant’s proposal to relocate the existing facility to an alternative site forms part of an emerging plan-led approach and is justified in this instance due to the particular site constraints and operational waste management constraints in this specific case.

165 Most importantly, this can be achieved here because the Beddington Lane site is in the control of the applicant, has a deliverable planning permission in place and the release of this site for residential development is subject to the waste capacity being replaced in advance of demolition. An obligation in the S106 agreement would secure the replacement waste industrial

capacity prior to any development being undertaken on the application site. GLA officers are satisfied that the linked application is deliverable. As such, GLA officers are satisfied that the two linked applications would ensure no net loss of industrial capacity and, accordingly, GLA officers consider that the scheme is subject to the 35% threshold for affordable housing, as set out in Policy H5 of the Mayor's Intend to Publish London Plan.

166 GLA officers note that the application does not meet Merton Council's 40% target; however, in this instance, greater weight is afforded to the Fast Track Route criteria set out in the Intend to Publish London Plan and the Affordable Housing & Viability SPG, which can be given significant weight in the determination of the application given their status as set out above.

#### Proposed tenure mix

167 Policy H6 of the Intend to Publish London Plan set out the Mayor's priority to deliver genuinely affordable housing and sets out minimum expectations in relation to tenure split. This requires at least 30% of affordable housing to comprise low cost rented units (either social rent or London Affordable Rent); 30% intermediate housing (with London Shared Ownership and London Living Rent being the preferred tenures); with the remaining 40% determined by the borough. In this instance, Merton Local Plan Policy CS8 and Policy H3 requires sites of this size to provide a tenure split of 60% social and affordable rent and 40% intermediate rent or sale. The proposed affordable housing tenure mix, comprising 60% London Affordable Rent (LAR) and 40% intermediate London Shared Ownership, complies with the tenure mix requirements of the Merton Local Plan, London Plan and Intend to Publish London Plan. Therefore, in terms of assessing the scheme's eligibility for the Fast Track Route, a policy compliant tenure mix is proposed.

#### Grant funding

168 To be eligible for the Fast Track Route, applicants should also seek grant to increase the level of affordable housing beyond 35%, taking into account the Mayor's strategic target of 50%. Accordingly, in line with Policy H5 of the Intend to Publish London Plan and the Mayor's Affordable Housing and Viability SPG, the Section 106 agreement would include an obligation requiring the developer of the site to use reasonable endeavours to enter into a contract with an Affordable Housing Provider who is able to provide or access affordable housing grant prior to substantial implementation of the development. Where grant is available, this is to be used to deliver additional affordable housing, above the baseline level secured in the S106 agreement where this is viable.

#### Early stage review mechanism

169 Policy H5 of the Intend to Publish London Plan Policy sets out the requirements for review mechanisms, which are necessary to secure the maximum public benefit from schemes and to incentivise delivery. An early stage review would be secured by the in the Section 106 agreement, which would be triggered if an agreed level of progress on implementation is not made within an agreed timescale to be set out in the Section 106, in accordance with Policy H5 of the Intend to Publish London Plan. Provisions would be included within the Section 106 to ensure additional affordable housing is provided on-site should the early review mechanism be triggered or this found to be viable. The formulas used for the review and definition of 'substantial implementation' in the S106 agreement would be in line with the Affordable Housing and Viability SPG. GLA officers are satisfied that this review mechanism is required in this instance to incentivise delivery and accords with the Mayor's Affordable Housing & Viability SPG and Policy H6 of the Intend to Publish London Plan.

#### Conclusion - Eligibility for the Fast Track Route

170 Whilst the proposed development does not accord with the requirement to replace the existing industrial floorspace capacity, as set out in footnote 59 of the Intend to Publish London Plan. However, GLA officers consider that there are material considerations to justify a departure

from the standard approach set out in footnote 59 in this instance. The two linked applications would ensure the delivery of a net increase waste capacity in terms of throughput, equivalent to a 24% increase based on the existing situation. GLA officers consider waste throughput to be a more appropriate metric for assessing industrial capacity in this particular instance, for the reasons set out above. Where this metric is used for assessing the industrial capacity for the purposes of Policy H5, there would be no net loss. Most importantly, GLA officers are satisfied that the replacement waste capacity is deliverable, subject to the S106 obligation, as SUEZ own the compensatory waste site in Sutton and full planning permission has been granted for this proposed development. Therefore, for these specific reasons, the application can be assessed against the 35% threshold for affordable housing. The application complies with the other criteria of Policy H5. A policy compliant affordable housing tenure mix would be secured, alongside appropriate obligations in relation to grant funding and an early stage review mechanism. As such, the application is eligible for the Fast Track Route and therefore a Financial Viability Appraisal (FVA) and a late stage review mechanism is not required in this instance.

171 GLA officers note that the application does not meet the Council's 40% target for affordable housing. Furthermore, it is noted that the Council has assessed the applicant's updated Financial Viability Appraisal (FVA) which was submitted alongside the revised application for 850 residential units and sought advice from independent viability advisors who have confirmed that the applicant's 35% offer represents the maximum viable level of affordable housing that can be delivered by the scheme. The Council did not however seek a late stage review. For the avoidance of doubt, whilst GLA officers scutinised the applicant's original FVA submitted alongside the applicant's original scheme for 600 residential units, comprising 20% affordable housing, the revised application is considered to accord with the Fast Track Route criteria, so the updated FVA has not been assessed by GLA officers.

#### Phasing and delivery of affordable housing

172 Appropriate triggers and occupation restrictions would be included within the Section 106 agreement to ensure the phased delivery of both overall affordable housing and London Affordable Rent accommodation, linked to the phased construction and occupation of market units. GLA officers consider to these obligations to be necessary to ensure the phased provision and completion of affordable housing alongside market housing. These occupation restrictions provide an appropriate degree of control and flexibility at this stage, taking into account its outline status of the application and the reality that the scheme would be built out by another developer.

#### Affordability

173 Policy H6 of the Intend to Publish London Plan and the Mayor's Affordable Housing and Viability SPG sets out the Mayor's priority to deliver genuinely affordable housing. The Intend to Publish London Plan confirms that London Affordable Rent should constitute a low cost rent product for households on low income, with rent levels based on social rent and set in relation to the GLA's published benchmarks set out in the Mayor's Affordable Homes Programme 2016-21 Funding Guidance. The affordable rented housing would be let at London Affordable Rent levels set annually by the GLA and would be secured at this level in the Section 106 Agreement. This broadly equates to between 42% and 54% of market rent in the area. Eligibility for LAR units would be restricted based on local need and subject to nominations agreement.

Table 13 - London Affordable Rent benchmarks (2019-20)

Unit size	London Affordable Rent (2019-20 benchmarks)*	% of market rent**
1 bedroom	£155 per week	54%
2 bedroom	£164 per week	51%
3 bedroom	£173 per week	42%

\*London Affordable Rents are exclusive of service charges

\*\*Market rents based on GLA London Rents Map, which is based on the most recent Valuation Office Agency data. To enable comparison, monthly market rents shown in the GLA Rents Map have been multiplied by 12 and divided by 52 to provide estimated weekly rents.

174 London Shared Ownership units would be subject to the eligibility and household income requirements as set out in the draft London Plan to ensure that annual housing costs (including mortgage payments, rent and service charge) do not exceed 40% of net household income, assuming a maximum household income of £90,000 (as updated in the London Plan Annual Monitoring Report - 14, 2018). For the first three months of marketing, intermediate units would be required to be marketed at a range of lower income levels below the maximum household income threshold set out above. Whilst no other forms of intermediate housing is proposed by the applicant, GLA officers recommend that the scope of the potential intermediate affordable housing tenures in the S106 agreement is widened to include London Living Rent to allow this product to be provided instead of London Shared Ownership, although this would not be a requirement or obligation. If LLR units are provided, they would be in line with the GLA ward level rent benchmarks which are updated annually and also subject to the £60,000 maximum household income eligibility test and provision that households do not spend more than 40% of the income on housing costs (eg rent and service charges). The current ward level rents for LLR units (2020/21) are set out below.

Table 14 - London Living Rent benchmarks ward level (2020-21) by month, compared to market rents

Unit size	London Living Rent	% of market rent
1 bedroom	£799	64%
2 bedroom	£887	63%
3 bedroom	£976	55%

\*London Living Rents (2020/21) for Cricket Green Ward in Merton

\*\*Market rents based on GLA London Rents Map, which is based on the most recent Valuation Office Agency data.

### Conclusion – affordable housing

175 In response to concerns raised by the Mayor at both consultation Stage 1, GLA officers worked with the applicant to increase affordable housing provision by more appropriately optimising the residential density of the site. The revised affordable housing offer (35%) meets the applicable affordable threshold level for the proposed development, noting that the waste industrial capacity would be reprovided, with a net increase in throughput through the linked site at 79-85 Beddington Lane in Sutton which must, under the Section 106 agreement, be delivered before works can commence at Benedict Wharf. A policy compliant affordable housing tenure mix is proposed, taking into account the requirements of the Merton Local Plan, London Plan and Intend to Publish London Plan. As such, subject to the above-mentioned early stage viability review mechanism and provisions relating to grant funding being secured via Section 106 agreement, the application would comply fully with the Fast Track Route criteria set out in the Intend to Publish London Plan and the Affordable Housing & Viability SPG.

176 Details of the affordable housing in terms of eligibility, affordability and perpetuity will be secured in the Section 106 agreement, should permission be granted, with appropriate phasing triggers included to secure the delivery of affordable housing by tenure alongside the occupation of market housing, together with an early implementation viability review mechanism and appropriate obligations to require the developer to explore the availability of grant funding.

177 The affordability levels proposed for London Affordable Rent and London Shared Ownership units are acceptable and comply with the income and eligibility requirements set out in

the London Plan and Intend to Publish London. These would be secured in perpetuity within the Section 106 Agreement.

178 On this basis, the application accords with London Plan Policies 3.8, 3.9, 3.11 and 3.12; Policies H4, H5 and H6 of the Intend to Publish London Plan; the Housing SPG (2016) and Affordable Housing & Viability SPG (2017).

### Housing size mix and tenure

179 London Plan Policy 3.8 states that new development should provide a mix of housing sizes and types, taking into account local and strategic housing requirements, the needs of different groups, the strategic priority for affordable family housing provision and the need to support the private rented sector. Policy H10 of the Intend to Publish London Plan states that schemes should generally consist of a range of unit sizes and sets out a number of factors which should be considered when determining the appropriate housing mix on a particular scheme. This includes housing need and demand, the nature and location of a site, mix of land uses and tenures, the requirement to optimise housing potential and deliver mixed and inclusive neighbourhoods, together with the potential for new build supply to reduce pressure on conversions of the existing housing stock and the role of smaller new build units in enabling downsizing. The 2017 London Strategic Housing Assessment (SHMA), which covers the period 2016 to 2041, identifies a significant need for 1 and 2-bedroom units across all tenures. Policy H10 is affected by the SoS Direction which proposes to add the need for additional family housing to the Policy H10.

180 Merton Policy DM H2 seeks to create socially mixed communities by providing a choice of housing with respect to dwelling size and type and states that the Council will consider applications favourably where they contribute to meeting the needs of different households such as families with children, single person households and older people and provide a mix of dwelling sizes, taking into account the borough's indicative proportions based on the Merton housing Strategy (2011-2015), which is set out below and was informed by Merton's Strategic Housing Market Assessment (SHMA) 2010:

Table 15 – Merton Local Plan indicative housing mix (Policy DM H2)

	Percentage of units
1-bedroom	33%
2-bedroom	32%
3-bedroom +	35%

181 The applicant has provided an indicative overall housing size mix, based on an indicative scheme for 849 residential units. This proposes 14% family size units (115 units) of which, 14 would be houses, with the remainder being flats. Approximately, 50% of the indicative mix would be 2-bedroom units and the remainder one-bedroom units (37%). Overall, taking into account the site location, characteristics and PTAL and noting the various planning policy factors outlined above, the proposed housing mix is acceptable. The applicant has stated that the housing size mix is indicative only and that the actual housing mix would be confirmed at detailed design stage via Reserved Matters Applications. This is acceptable and Merton Council raises no concerns in this regard.

Table 16 – Proposed indicative housing mix

	Units	%
1-bedroom	318	37%
2-bedroom	416	49%
3-bedroom	115	14%
Total	849	100%

182 Should planning permission be granted, a condition is recommended to require the submission and approval of a site wide housing mix by tenure and accommodation schedule alongside the first Reserved Matters Application (RMA) and for the delivery against this approved mix to be detailed on each RMA. In addition to this, the Section 106 agreement would require the submission and approval of an Affordable Housing Schedule prior to commencement setting out the affordable housing size mix by tenure and including details regarding affordability and phasing and for the affordable housing on each phase to be delivered in accordance with the approved schedule.

### Play space

183 Policy 3.6 of the London Plan states that development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs. Further guidance on the application of this policy is provided in the Shaping Neighbourhoods: Children and Young People’s Play and Informal Recreation SPG (2012), which sets a benchmark of 10 sq.m. of useable child play space to be provided per child. Policy S4 of the Intend to Publish London Plan states residential developments should incorporate good quality, accessible play provision for all ages, of at least 10 sq.m per child. Play space provision should normally be provided on-site; however, off-site provision may be acceptable where it can be demonstrated that this addresses the needs of the development and can be provided nearby within an accessible and safe walking distances, and in these circumstances contributions to off-site provision should be secured by Section 106 agreement. Play space provision should be available to all housing tenures within the immediately adjacent blocks and courtyards to promote social inclusion.

184 The applicant has undertaken an assessment of the play space requirements generated by the scheme using the GLA’s updated 2019 calculator. This assessment is based on the indicative housing mix set out above and suggests that this quantum and mix of housing could generate an estimated 458 children and an overall requirement for 4,580 sq.m. of play space provision, as summarised below:

Table 17 – expected play space requirement (based on the indicative housing mix)

Children	Estimated child yield	Play space requirement (sq.m.)
Age 0-4	212	2,120
Age 5 to 11	154	1,540
Age 12+	92	920
<b>Total</b>	<b>458</b>	<b>4,580</b>

185 The applicant has submitted a play space strategy to demonstrate that the required quantum of play space provision could be met on-site. This is based on the proposed masterplan and indicative framework open space and play space and is shown below. The proposed play space strategy envisages formal play space provision for children aged 5-11 years and 12+ to be accommodated within the linear open space / green corridor to the south of the site, with ‘door-step’ play space provision for children aged 4 and under being located within the communal courtyards of residential blocks, together with further provision within the public realm within the green boulevard and within the proposed pocket park / public open space shown adjacent the London Road Playing Fields.

186 The indicative strategy shows that the play space requirements could be significantly exceeded within the application boundary, with the illustrative proposals providing 5,300 sq.m. of play space overall, sufficient provision provided for each age group and the location of play space ensuring good access to facilities for all tenures. The site also benefits from close proximity to play space provision which is located in London Road Playing Field, which children would have convenient access to from the site. To provide the linear open space/green corridor in full, the



agreement of London Bus Services Ltd (a subsidiary of Transport for London) is required who are the landowners of a small parcel of land within the corridor. Delivery of the children’s play space will be secured through the section 106 agreement. In the event that sufficient play space cannot be delivered onsite or it would be beneficial to deliver play space offsite, subject to the local planning authority’s agreement, the applicant will be required to deliver any play space required offsite or pay a contribution to the local planning authority prior to occupation of the development.

Figure 3 – play space strategy



187 As such, the application complies with London Plan Policy 3.6 and Policy S4 of the Intend to Publish London Plan. Should the Mayor resolve to grant planning permission for the outline application, a condition would be included in the decision notice to require the submission of a more detailed site wide landscape strategy alongside or prior to the submission of the first Reserved Matters Application (RMA). A requirement of this condition would be the provision of a detailed play space strategy. The wording of this condition would require this strategy to be based on the final agreed housing mix, with the play space requirements re-assessed using the GLA’s calculator and the agreed strategy delivered on a phase by phase basis. The design code sets out mandatory design principles for play space provision.

### Density

188 The NPPF requires planning decisions to support development that makes the most efficient and optimal use of land and states that local planning authorities refuse applications which fail to accord with this objective and avoid housing being built at low densities whilst taking into account housing need, viability, infrastructure, the prevailing character and good design.

189 London Plan Policy 3.4 requires new development to optimise housing output, having regard to site context and character, urban design principles and public transport capacity. Table 3.2 of the London Plan includes a sustainable residential quality (SRQ) density matrix which sets out broad density ranges by Public Transport Accessibility Level (PTAL) and setting. These are advisory and paragraph 3.28 of the London Plan clarifies that the density matrix should not be applied mechanically to individual applications. Paragraph 1.3.51 of the Housing SPG (2016)

states that it may be acceptable for schemes to exceed the ranges in the density matrix in appropriate circumstances, providing qualitative design and management concerns are addressed, including the requirement to achieve high quality design in terms of liveability, public realm, residential and environmental quality and having regard to other factors such as the proposed housing mix and planned infrastructure provision. It outlines the potential for large sites such as this to define their own characteristics in terms of setting and accommodate higher densities.

190 The Intend to Publish London Plan removes the density matrix and Policies D1 to D4 require development to make the best use of land by following a design-led approach that optimises the capacity of sites, taking into account various factors including site context and capacity for growth, existing and planned public transport, walking and cycling accessibility and other infrastructure, with the design quality of development thoroughly scrutinised, in accordance with Policy D4. This policy requires applications which are referable to the Mayor to be subject to a design review where they exceed 350 dwellings per hectare or are proposing tall buildings.

191 The Mayor's initial Stage 1 consultation response considered the original application to represent the sub-optimal development of the site, taking into account the applicant's massing and height strategy and the opportunity presented by the comprehensive redevelopment of a site of this size and scale and the immediate site context to the south, east and west. Accordingly, the applicant was required to revise the massing and overall density of the proposals. The revised application increases the proposed quantum of housing from 600 to 850 residential units and the density has increased from 157 dwellings per hectare to 224 dwellings per hectare. Taking into account the site PTAL (1 to 3) and relatively urban setting and characteristics, the proposed density would exceed the indicative range in the density matrix (45 to 170 dwellings per hectare), although it should be noted that the density ranges are indicative and should not be applied mechanistically or considered to be maximums, particularly on a large site such as this.

192 Overall, GLA officers are supportive of the proposed density, design, layout and massing of the scheme and consider that the density of the site has been appropriately increased through a masterplanning and design-led process, taking into account the site's opportunities and constraints, including the site's close proximity to heritage assets to the north and the more unconstrained setting to the south, west and east. The increased residential density has been achieved through a more efficient layout and design, through the provision of fewer perimeter courtyard blocks with car parking within the public realm and private open car parking areas significantly reduced and a stronger and more continuous development frontage provided along key internal streets and, in particular, alongside the London Road Playing Field. The height increases proposed are relatively moderate and entail certain blocks being increased from 8 to 10-storeys, with the taller elements located in appropriate area within the centre and south of the site and the massing unchanged on development parcels adjacent to the more sensitive heritage and residential context to the north.

193 As set out in more detail elsewhere in this report, GLA officers consider that the proposed residential density would be supported by necessary improvements to bus capacity, bus stop access, walking and cycling, improved access to open space and would not have an adverse impact on the capacity of surrounding social infrastructure.

194 Although the density proposed does not trigger a design review, the tall buildings proposed do trigger the requirement in the Intend to Publish London Plan for a design review. The revised application was considered by Merton Council's Design Review Panel in January 2020. As detailed above, the Design Review Panel awarded the scheme an "Amber" and considered that the design of the scheme had moved forwards positively since previous Design Review Panel meetings, with greater definition now proposed along the park edge, improved permeability and raised no particular concerns regarding the revised scale and massing of the scheme or the overall quantum of housing proposed or residential density. The scheme has also been subject to an iterative process of design scrutiny with Merton Council and GLA planning and urban design officers throughout the pre-application and application process. The design code includes appropriate

mandatory requirements to ensure an acceptable residential and environmental quality, in accordance with the Housing SPG.

195 Merton Council resolved to refuse the application as the Council's Planning Committee felt that the application failed to demonstrate that the quantum of development proposed could be reasonably accommodated on the site without appearing overly dominant and unduly prominent due to its height, bulk and massing and thereby failing to relate positively or appropriately to local character, including the adjacent conservation area and failing to deliver housing development of the highest quality in relation to its context. However, in their planning Committee Report, Merton Council planning officers considered the density, height, massing and layout to be acceptable, whilst also acknowledging that the greater quantum of development that was accommodated in the revised application presented the opportunity to deliver a higher level of affordable housing. GLA officers concur with this overall assessment, as set out in this report.

### Conclusion – density

196 To conclude, GLA officers consider that the proposed residential density to be acceptable in this instance, taking into account various factors including the site location, setting, and PTAL, the sustainable transport improvements set out above in terms of walking, cycling and public transport and the surrounding infrastructure capacity. The density of the site has been appropriately optimised through a masterplanning and design-led process, which responds appropriately to the site's opportunities and constraints, including the site's close proximity to heritage assets to the north and the more unconstrained setting to the south, west and east. GLA officers are satisfied that the application has been subject to a sufficient degree of design scrutiny and consider that the density and proposed quantum of development to be acceptable, taking into account the proposed height, bulk and massing of the scheme and having regard to the associated impact on the surrounding area which would not give rise to unacceptable adverse or harmful impacts. GLA officers therefore conclude that the resultant density and quantum of development can be accommodated appropriately on the site. As such, the application accords with the relevant policies relating to density as set out in the NPPF, London Plan Policy 3.4, Policies D1; D2; D3 and D4 of the Intend to Publish London Plan, as well as further guidance in the 2016 Housing SPG.

### **Standard of residential accommodation**

197 London Plan Policy 3.5 and Policy D6 of the Intend to Publish London Plan seek to ensure that housing developments are of the highest quality internally and externally and provide suitable, accessible and comfortable accommodation for residents. Minimum quantitative design standards for private internal space, private outdoor space and floor to ceiling heights apply to all tenures and types of self-contained housing, as set out in Table 3.1 of the London Plan and Policy D6 of the Intend to Publish London Plan. As set out in Policy D6, single aspect units should normally be avoided and only provided where these units would constitute a more appropriate design solution in terms of optimising the capacity of a particular site whilst ensuring good design. Potential issues associated with single aspect units in terms of passive ventilation, privacy, daylight, overheating and noise should also be adequately addressed and single aspect units that are north facing, contain three or more bedrooms, or are exposed to significant adverse noise impacts should normally be avoided. The 2016 Housing SPG also sets out benchmark unit per core per floor ratios.

198 Merton Local Plan Policy CS14 requires all new residential development to comply with appropriate minimum space standards. Policy DMD2 seeks to ensure high quality design and requires appropriate provision of outdoor amenity space as well as appropriate levels of daylight, sunlight and privacy. Merton's Local Plan does not include a specific local standard for overall outdoor amenity space but applies the London Plan standard for outdoor private amenity space.

## Residential quality

199 As the scheme is for outline planning permission, detailed floorplans showing the layout and design of the blocks and residential units has not been provided, which is acceptable in this instance. The design code includes mandatory requirements in relation to minimum space standards, floor to ceiling heights and the design and layout of communal cores, communal and private open space and the provision of accessible and adaptable homes, as well as setting out, in line with the above planning policies, the need for the proposed development to maximise the provision of dual aspect units.

200 Having regard to the illustrative masterplan layout and indicative development parcels, as well as the residential typologies and the illustrative block examples included in the design code, GLA officers consider that the overall quantum, layout, orientation, scale and density of development proposed within the outline application could be successfully delivered in accordance with the quantitative and qualitative residential quality and design standards set out above in terms of internal space standards, private external space standards and could be delivered in a way which would maximise dual aspect units and minimise single aspect units, in line with Policy D6 of the Intend to Publish London Plan.

201 As demonstrated by the design code and Design and Access Statement, a range of residential typologies are proposed within the illustrative masterplan, including apartment and mansion block typologies, mews and duplex apartments with front doors at ground floor level and terraced houses which would provide a good range of different sized dual aspect units, with different offerings in terms of private amenity space and aspect and orientation. The design code clearly sets out mandatory requirements to comply with these policies and standards. Compliance with the design code would be secured by condition, with the overall compliance of the detailed design of the scheme against the above residential quality standards assessed at reserved matters stage.

## Privacy and overlooking

202 In terms of privacy and overlooking, the broad dimensions and width of the proposed streets and internal courtyards and back to back distances are acceptable and are typical of urban residential developments such as this, ensuring between 18 and 23 metres between blocks, except for 14 metres within the mews street. These indicative distances are acceptable. The Merton Local Plan does not include any minimum standard in this respect and the detailed design considerations will be considered at reserved matters stage. The design code includes mandatory requirements in relation to privacy to minimise and avoid any unacceptable impacts in terms of habitable room windows and requires, defensible landscaped buffer zone planting serving ground floor units and those facing onto an internal communal courtyard open space.

## Internal daylight, sunlight and overshadowing

The applicant's updated daylight, sunlight and overshadowing impact assessment included massing and overshadowing analysis of 12 communal and public spaces shown in the illustrative masterplan against the BRE guideline. The BRE guidelines suggest that, to be considered adequately sunlit throughout the year, all open spaces should receive a minimum of 2 hours of direct sunlight at least 50% of the site on the 21<sup>st</sup> of March (Spring Equinox). This testing covered all of the communal courtyards, as well as the linear open space, green boulevard and pocket parks and showed that overall terms 73% of the proposed open space would comply with this BRE guideline. On an individual basis, 3 of the 6 communal courtyards, one of the pocket parks and two sections of the green boulevard would not comply with the BRE guideline. Notwithstanding this, the overshadowing assessment concludes that the majority of the amenity spaces would receive good levels of sunlight and would accord with the BRE criteria and notes that further more detailed massing studies will be carried out at detailed RMA stage to ensure access to sunlight levels are improved where possible.

203 Whilst the BRE guidelines do not form part of the development plan, they provide an industry standard method of assessment for daylight, sunlight and overshadowing issues and is generally relied on by planning authorities as a comparative benchmark for assessment purposes. The Housing SPG (2016) states that BRE guidelines should be applied sensitively to higher density development, taking into account location, context and broadly comparable housing typologies found in London. Similarly, the NPPF states that planning authorities should take a flexible approach when applying daylight and sunlight guidelines, where these would inhibit making the efficient use of a site and where an acceptable living standard would be achieved.

204 Overall, noting the guidance above on the application of BRE guideline and taking into account the density, height, massing and layout of the outline application, GLA officers consider that the sunlight levels achieved within the communal and public spaces are acceptable and would ensure an acceptable standard of residential accommodation and amenity which would be comparable with other similar urban contexts. A detailed daylight and sunlight assessment of the daylight levels achieved within internal residential units would also be undertaken at reserved matters stage once the detailed design and layout of blocks and residential units, including window design and room layout, is available.

### Noise and vibration

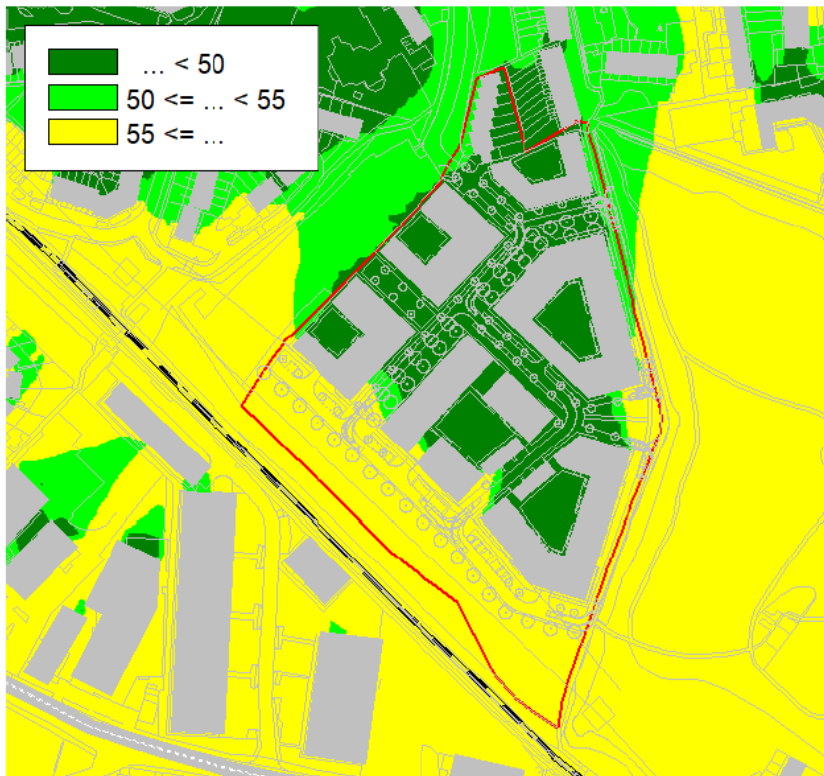
205 Paragraph 180 of the NPPF states that planning decisions should seek to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative) of pollution and living conditions by ensuring potential adverse impacts resulting from noise are mitigated or reduced to a minimum; and noise levels which give rise to significant adverse impacts on health and the quality of life are avoided. Further guidance is provided in the Government's Planning Practice Guidance (PPG) and the Noise Policy Statement for England (NPSE) (2010).

206 Whilst the PPG and NPSE do not provide decision makers with technical or numerical values for categorising and assessing noise levels in decibels (dBs) in terms of their impact, industry standard guidelines set out in British Standard BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' recommends that daytime noise levels do not exceed 35 dB and night-time values in bedrooms do not exceed 30 dB. This is aligned with the World Health Organisation (WHO) recommendations set out in Guidelines for Community Noise (1998). With regard to external private and communal amenity spaces, British Standard BS8233:2014 recommends that external noise levels do not exceed an upper guideline value of 55 dB.

207 London Plan Policy 7.15 and Policy D14 of the Intend to Publish London Plan state that development should manage noise to improve health and quality of life by: avoiding significant adverse noise impacts on health and quality of life; mitigating and minimising existing and potential adverse noise impacts within the vicinity of new development; separating new noise sensitive development from major noise sources through the use of screening, internal layout, set back distances; and where this is not possible, adverse effects should be controlled and mitigated by incorporating good acoustic design principles. The Mayor's London Environment Strategy aims to reduce the number of people adversely affected by noise and includes a wide range of policies and proposals to support this aim. Merton Local Plan Policies DMD2 seeks to protect existing and future occupants from noise and vibration.

208 The applicant has undertaken a noise impact assessment which included baseline noise surveys adjacent to the south and western boundaries closest to the tram line and adjacent car pound, as well as to the north and provides noise contour modelling to assess the suitability of noise levels within external spaces and internal residential units within the proposed development. This shows that the highest daytime noise levels would be associated with the tram line and could exceed 55 decibels, although this would reduce across the site as shown below:

Figure 4 – daytime external noise levels in decibels



209 In terms of internal noise levels within living rooms, the assessment shows that the day and night time noise levels within dining rooms and bedrooms could be achieved in accordance with the above British Standard when the windows closed and assuming appropriate glazing standard is provided, in line with best practice. Vibration associated with the tram line and pylons is not considered to be significant. The residual outdoor daytime noise levels on private outdoor amenity spaces located on the facades of blocks immediately adjacent to the southern boundary of the site with the linear park could exceed the recommended noise level set out in the WHO advice. Further noise assessment modelling and potential mitigation measures would therefore need to be submitted and approved at reserved matters stage.

#### Conclusion – noise and vibration

210 Overall, subject to good acoustic design, sound insulation and noise mitigation measures being incorporated in the detailed design of the scheme and on blocks and outdoor private and public amenity space to the south of the site, GLA officers consider that the residual noise levels expected within residential units and the proposed outdoor public, communal and private outdoor spaces within the development would be acceptable. Subject to the above provisions being secured by condition, the application complies with the requirements of the NPPF, London Plan Policies 3.5 and 7.15, Policies D4 and D14 of the Intend to Publish London Plan and Merton Local Plan Policy DMEP2.

#### **Urban design**

211 The NPPF (at paragraph 124) states that good design is a key aspect of sustainable development. Paragraph 127 of the NPPF sets out a number of high level design objectives for new development, including the need to optimise the potential of a site; provide appropriate and welcoming layouts and landscaping; good architecture; establish a strong sense of place; and be sympathetic to local character while not preventing or discouraging appropriate change. Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails

to take the opportunities available for improving the character and quality of an area and the way it functions.

212 Chapter 7 of the London Plan and Chapter 3 of the Intend to Publish London Plan includes a range of design principles and requirements which apply to new development and are set out within specific policies on:

- inclusive design (London Plan Policy 7.2/ draft London Plan Policies D3 and D5);
- designing out crime (London Plan Policy 7.3/ draft London Plan Policy D10);
- local character (London Plan Policy 7.4/ draft London Plan Policy D1);
- public realm (London Plan Policy 7.5/ draft London Plan Policy D7);
- architecture (London Plan Policy 7.6 and draft London Plan Policy D2);
- tall and large scale buildings (London Plan Policy 7.7 and draft London Plan Policy D8);
- heritage assets (London Plan Policies 7.8 and 7.9 and draft London Policies HC1 and HC3).

213 Merton Local Plan (Core Strategy) Policy CS14 states that development should be designed to respect, reinforce and enhance local character to contribute to Merton's sense of place and identity by: conserving and enhancing heritage assets and suburban neighbourhoods and green spaces; protecting the valued and distinctive suburban character of the borough by resisting tall buildings where they will have a detrimental impact on this character; and by promoting high quality sustainable design that meets urban design and climate change objectives; responds to the distinctive places within the borough; enhances community safety; provides functional spaces and buildings with adequate internal amenity; and provides an inclusive, safe, and accessible public realm.

214 Merton Local Plan Policy DM D1 and D2 requires development proposals to accord with key principles of good urban design by enhancing the character and quality of the public realm, by encouraging permeable and legible network of streets and public spaces which provide a clear distinction between public and private space, including through the use of defensible space, to ensure new developments are safe, secure and take account of crime prevention and to facilitate walking, cycling and the use of public transport. Policy DM D2 also requires appropriate provision of outdoor amenity space, green infrastructure and biodiversity, daylight and sunlight and seeks to ensure that local views, panoramas and prospects are maintained and enhanced and to relate positively and appropriately to scale, height massing and density of surrounding buildings and the historic, urban and landscape context, as well as ensuring an acceptable impact on adjacent residential properties and habitats. Merton Local Plan Policy DM D4 relates to heritage assets and aims to conserve and enhance the borough's heritage assets and distinctive character. This states that proposals affecting the setting of heritage assets will be assessed against the NPPF and London Plan policies and should reflect guidance set out in Merton's conservation area appraisals and management plans.

215 Merton Council resolved to refuse the application as the Council's Planning Committee felt that the application failed to demonstrate, through the accompanying illustrative material, that the quantum of development proposed could be reasonably accommodated on the site without appearing overly dominant and unduly prominent due to its height, bulk and massing and thereby failing to relate positively or appropriately to local character, including the adjacent conservation area and failing to deliver housing development of the highest quality in relation to its context. The Council therefore concluded that the application would be contrary to the NPPF, London Plan Policies 3.5, 7.4, 7.6, 7.7 and 7.8 and Merton Local Plan Core Strategy Policy CS.14 and Policies DM.D2 and DM.D4 of the Merton Sites and Policies Plan (2014). However, GLA officers note that this was not the conclusion or recommendation of Merton Council's planning and urban design officers, who recommended that the application should be approved by Planning Committee and did not raise any objection with the proposed design, layout, height, massing and residential density of the proposed development or in relation to its impact on adjacent heritage assets, open spaces or residential properties.

## Layout, landscaping and public realm

216 London Plan Policies 7.1 to 7.5, together with Policies D1-D3, D8 of the Intend to Publish London Plan and the Housing SPG (2016) apply to the design and layout of development and set out a range of urban design principles relating to the quality of public realm, the provision of convenient, welcoming and legible movement routes and the importance of designing out crime by optimising the permeability of sites, maximising the provision of active frontages and minimising inactive frontages.

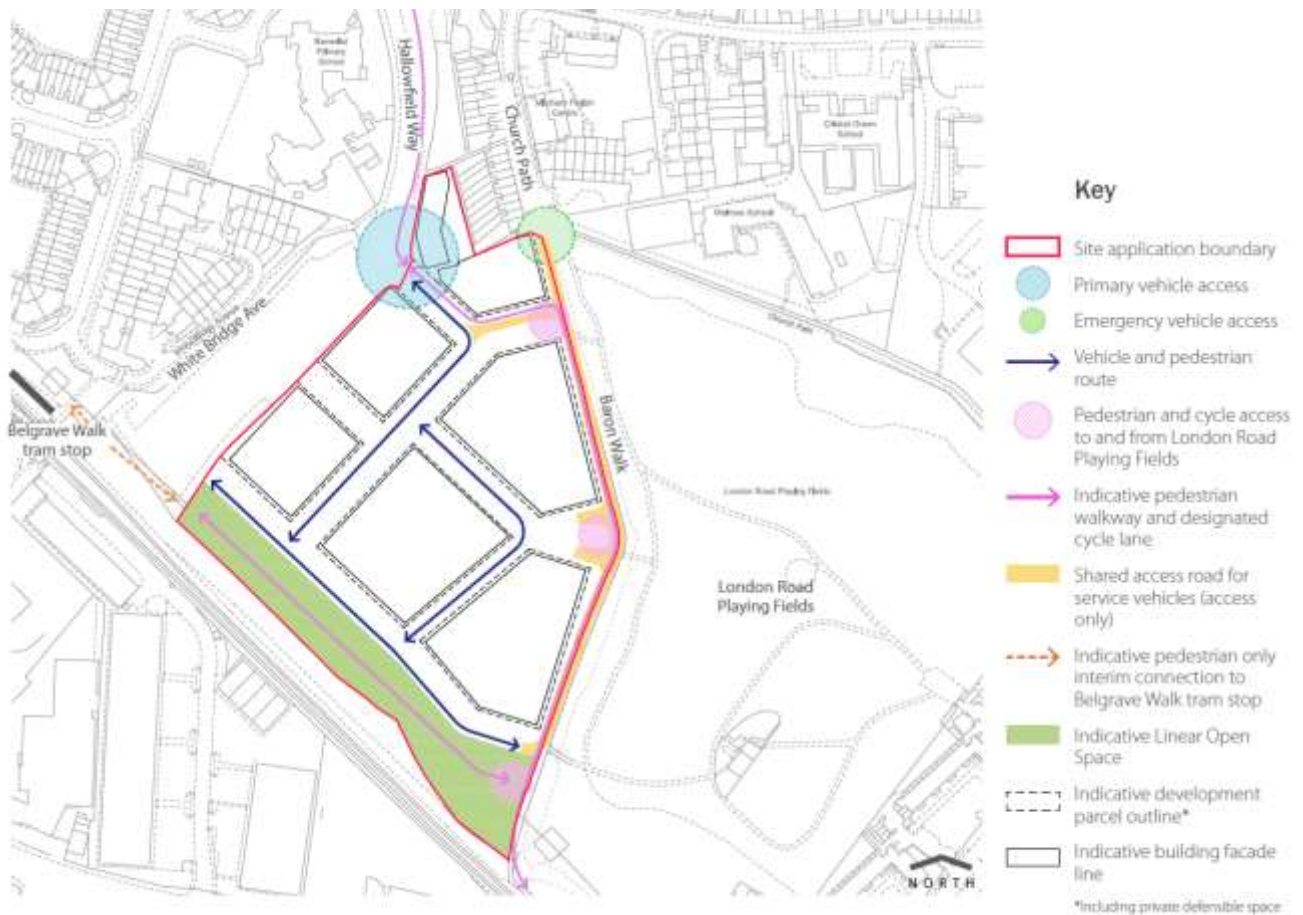
217 The indicative proposed layout of the development as detailed in the illustrative masterplan, design code and supporting indicative framework plans would establish a logical and clear hierarchy of streets and public spaces. This would help to reintegrate what is quite an isolated cul de sac industrial site which turns its back into its surrounding context. The layout envisaged proposes a total of six development parcels varying in size which would create a strong development frontage alongside Baron Walk and the London Road Playing Fields helping to better define and activate this key pedestrian route. The blocks adjacent to the playing fields would be set back a minimum of 6 metres from the site's western boundary to enable the widening and enhancement of this route which would be lined by residential units, with defensible private space, landscaped boundaries and front doors serving individual ground floor units and a combination of new and retained existing planting proposed alongside the existing raised embankment on the park side of this route. The indicative sections for this route which have been provided as part of the applicant's Design and Access Statement demonstrate this would be provided to acceptable design standard in terms of width, lighting, landscaping and public realm and overlooking.

218 Three east-west connecting routes through the site are proposed which would provide a high degree of permeability and connectivity with Baron Walk and the London Road Playing Fields, with legible pedestrian and cycle access points proposed at the north, south and centre of the site's boundary with the open space, as shown below in Figure 4. A green boulevard would run through the centre of the site linking the site's northern access point onto Hallowfield Way with a linear greenway route / public open space to the south. The green boulevard would be fronted by the tallest blocks up to 10-storeys and is envisaged to comprise a formal tree lined boulevard street running broadly north-south through the site. The greenway / linear open space to the south of the site would cover the exclusion zone associated with the high voltage pylons. This area of land would be re-landscaped to provide a green edge to the site boundary adjacent to the tram line comprising play space as well as an east-west pedestrian and cycle access to Belgrave Walk tram stop. For this route and area of public open space to be provided in full, the agreement of third parties (subsidiaries of Transport for London) is required who are the landowners of a small parcel of land within the greenway/linear open space and land to the west of the site which lies to the south of the adjacent Cappagh car pound site. Delivery of the open space will be secured through the section 106 agreement.

219 Church Path is included within the proposed movement hierarchy as a shared surface route providing pedestrian and cycle access, alongside provision for emergency vehicles, with the primary vehicle access point for the site being provided via the existing site access on Hallowfield Way. Whilst a number of objections have been raised in relation to increased pedestrian and cycle movement and the use of this route by mopheads / scooters, GLA officers consider that the provision of a shared pedestrian and cycle access is critically important in fully optimising the site's connectivity and integration with the surroundings, in accordance with the above planning and urban design principles, whilst noting the existing access constraints along Church Path. Details of the access arrangements, including measures to prohibit vehicle access would be determined at Reserved Matters Stage and are required by condition. It should also be noted that both the Design Code and the S106 agreement would secure improvements to cycle provision along Hallowfield Way to ensure that this route is the primary route in terms of cyclist access.



Figure 5 – indicative framework plan – movement and access



220 The more sensitive context to the north has been appropriately considered in the illustrative masterplan and design code. Fine grained development parcels are proposed immediately adjacent to the existing residential properties on Church Path which would help to screen the rear gardens and provide appropriate back-to-back arrangement in terms of building footprint, layout, orientation, scale and massing. Building heights in this location would be limited to 3-storeys on this parcel and the typology of residential properties on this parcel within the design could relate positively to the intimate and fine grain character of the conservation area.

221 Non-residential uses are indicatively proposed on the south facing elevation of this block which would provide the potential for commercial or community uses in Class A1-A3 / D1/2 use to be provided in close proximity to the park and fronting the main desire lines to the north via Hallowfield Way, whilst providing the potential for direct sunlight serving any possible cafe or nursery use should this come forward. Whilst a number of objections have been raised in relation to the proposed location of these uses and their close proximity to residential properties on Church Path, this is considered acceptable, taking into account the proposed land uses, the distance from the residential properties to the north and noting the overarching design considerations and benefits above. Conditions would be secured as part of this outline planning permission and measures should be included in any Reserved Matters Application to ensure that any unacceptable residential amenity or environmental considerations are fully addressed and mitigated.

222 The interface with the existing car pound has been addressed appropriately with two west facing linear blocks proposed fronting the green boulevard, which would effectively wrap this fenced site boundary from view. These two blocks would be split by an east-west side road which could eventually form a main route from the site to White Bridge Avenue to the west should the car pound be brought forwards for redevelopment at a later date, in line with the Council's wider site allocation. Similarly, a further east-west connection could be provided across the adjacent Cappagh site to the south, thereby replacing the need for the proposed indicative interim pedestrian route across TfL land and providing a more attractive public square at the entrance to

the tram stop. The applicant's Design and Access Statement (page 100) illustrates how the adjacent Cappagh site could be redeveloped and easily plug into the proposed masterplan to demonstrate that the Council's aspiration for the redevelopment of both sites as part of their wider site allocation would not in any way be compromised by the stand-alone redevelopment of the site.

223 The illustrative masterplan and design code envisages the majority of car parking being accommodated within ground floor podium car parks set below communal courtyards of blocks and effectively screened and wrapped by outward facing ground floor residential units, with further car parking provided on-street. This is a significant improvement on the original illustrative masterplan for the site which included a series of car parking zones in the public realm between pavilion blocks.

224 Appropriate mandatory design codes are set out in relation to active frontages, defensible space, landscaping, communal courtyards, landscaping and the public realm to ensure the provision of a clearly defined and easily navigable layout of buildings, streets, communal courtyards and public open spaces in which private and public space is clearly delineated and public routes well overlooked by the adjacent blocks, in accordance with the local and strategic planning and urban design principles set out above. The layout and size and dimensions of development parcels proposed would also enable the provision of a range of building typologies, including mansion blocks, high and lower rise apartment buildings (flats), terraced houses and mews properties, within different contexts in terms of street and public open space and in relation to aspect and orientation.

225 As set out above, the scheme has been subject to design scrutiny as part of the Merton Design Review Panel, who awarded the development an AMBER score and were supportive of the proposed layout and design of the scheme in terms of the proposed connectivity and permeability improvements and edge conditions. Where points of clarification were raised by the Panel, these have generally been incorporated within the design code where appropriate and, where further work was recommended, for example, in terms of landscaping and other detailed comments in terms of design and residential quality, these issues are more appropriately addressed at reserved matters stage.

226 The landscaping and open space proposals are shown below in Figure 5 and would provide a strong framework for the site in terms of public space and green infrastructure provision with the central green boulevard providing an important connecting element of the landscape proposals connecting the London Road Playing Fields with the linear greenway to the south and Belgrave Walk Tram Station and with further pocket parks also appropriately located within the site, including on the key entrance points proposed to the playing fields. This would be tied together by street planting and further greening within communal courtyards, roof terraces, and front boundary landscaped set back areas serving ground floor residential units at street level. Overall, GLA officers consider this to be acceptable, given the outline nature of the application.

#### Conclusion – layout, landscaping and public realm

227 Overall, taking into account the outline nature of the application, GLA officers consider that the proposed indicative layout and landscaping of the scheme would strongly accord with the key urban design, public realm and landscaping principles and requirements set out above by providing a highly connected, permeable, legible and convenient layout which would fully optimise the potential to integrate the site with the surrounding urban area and adjacent open spaces. The application would accord with the overarching requirement to design out crime through the delivery of safe, attractive and inviting public open spaces which would be clearly defined, easy to navigate and well-overlooked by the proposed buildings. The proposed layout would also accord with the requirement to prioritise pedestrian and cycle movement, ensuring vehicle access and parking would be appropriately catered for whilst not dominating the public realm or constraining pedestrian and cycle movement. As such, the application would comply with the above local and strategic planning and urban design policies.

Figure 6 – indicative open spaces proposed



## Height and massing

### Tall buildings policy context

228 The London Plan defines tall and large buildings as those which are substantially taller than their surroundings and cause a significant change to the skyline or are larger than the threshold sizes for referable planning applications to the Mayor (which is 30 metres for residential development in this location). It is this definition which is used in the Merton Local Plan

229 The outline application seeks planning permission for residential buildings up to a maximum height of 10-storeys within the locations defined in the applicant's submitted building heights parameter plan). This would be substantially taller than the prevailing building heights in the surrounding area and could also exceed the 30-metre threshold, although this has not been specifically confirmed at this stage and would only be clarified at reserved matters stage when detailed elevational drawings are submitted. As such, the application is proposing tall buildings and must be assessed against the criteria set out in London Plan Policy 7.7 and Policy D9 of the Intend to Publish London Plan and Merton Local Plan CS14, DMD1, DMD2 and DMD4.

230 London Plan Policy 7.7 states that tall buildings should be part of a plan-led approach and not have an unacceptably harmful impact on their surroundings. In terms of location, Policy 7.7 states that tall buildings should be generally limited to the Central Activities Zone, opportunity areas, and areas of good access to public transport but leaves scope for tall buildings to be considered in other locations outside of these areas, subject to urban design analysis and compliance with the criteria set out in Policy 7.7. To accord with this criteria, tall buildings should:

- be located in areas whose character would not adversely be affected;
- relate well to the surrounding buildings, urban grain and public realm, particularly at street level;
- improve the legibility of an area and enhance the skyline;

- incorporate the highest standards of architecture and materials;
- provide active ground floor activities that provide a positive relationship to the surrounding streets;
- contribute to improving the permeability of the site and wider area, where possible;
- incorporate publicly accessible areas on the upper floors where appropriate;
- make a significant contribution to local regeneration;
- not adversely affect their surroundings in terms of microclimate, wind, overshadowing, noise, glare, or give rise to interference with aviation or telecommunication infrastructure; and
- not adversely impact local or strategic views.

231 This policy approach is broadly carried forward and built upon in Policy D9 of the Intend to Publish London Plan, which states that applications for tall buildings that are referable to the Mayor should be subject to design review and encourages boroughs to proactively identify locations where tall buildings will be considered suitable. Policy D9 states that tall buildings should be part of a plan-led and design-led approach with full consideration given to the potential visual, functional, environmental and cumulative impacts arising from such proposals, including matters relating to views, legibility, heritage, glare, light pollution, design quality, aviation, telecommunications, wind, daylight and sunlight. In line with Policy 7.7 and Policy D9, the impact of tall buildings in sensitive locations must be carefully considered, taking into account the impact on the setting of designated heritage assets.

232 In terms of the Local Plan context, Merton's Core Strategy Policy CS14 states that tall buildings will be resisted where they have a detrimental impact on areas with a distinctive suburban character and may therefore only be considered to be appropriate in the town centres of Colliers Wood, Morden and Wimbledon, where they would also need to be of exceptional design and architectural quality and not harm the townscape or significance of heritage assets. Paragraph 22.20 of the Core Strategy states that tall buildings may be suitable in areas of the borough where regeneration and change is envisaged and where there is a higher building precedent and good public transport access. This is not considered to apply in this instance.

233 As such, the application therefore forms a departure from the Merton Local Plan which does not support tall buildings in this particular location. In strategic planning terms, the site is also not within the locations specified in Policy 7.7, as it is not within a town centre, opportunity area, the CAZ or a high PTAL location.

234 In this context, GLA officers note that, although Merton Council officers and the Merton Design Review Panel did not object to the proposed height and massing of the scheme, Merton Council's Planning Committee resolved to refuse to application as they considered that the application had failed to demonstrate that the height, bulk and massing of the proposal would not be overly dominant and prominent and fail to relate positively to the local character and would harm the visual amenity and conservation area, being contrary to London Plan Policies 3.5, 7.4, 7.6, 7.7 and 7.8 and Merton Council Policies CS14, DM.D2 and DM.D4. Policy DMD4 relates to managing heritage assets.

235 Merton's Tall Buildings Background Paper (2010) is also relevant. This identifies a number of views, vistas and panoramic views within the borough as well as areas which are considered distinctive and valued suburban character which are considered sensitive to tall buildings. In this study, the site is identified as being within a sensitive location for tall buildings, as distinct from an inappropriate location for tall buildings, which comprises much of the rest of the borough, and further detailed study areas where there is greater potential for tall buildings (page 59). Whilst the study is 10 years old, it comprises a relatively detailed assessment of the character, topography and setting of the borough which has informed the adopted local planning policies, so should be given appropriate regard as a material consideration.

## Tall buildings and massing assessment

### *Existing context*

236 In terms of the surrounding context and site constraints in relation to tall buildings and their potential environmental and visual impact, the most sensitive immediate context is to the north with two-storey residential terraced cottages located on Church Road immediately adjacent to the site boundary, as well as the Mitcham Cricket Green Conservation Area and a number of listed buildings the impact on which is assessed in more detail as part of the heritage assessment below. In other respects, the site is relatively unconstrained to the south, east and west. To the west, the closest residential properties on White Bridge Avenue are approximately 50-metres from the site boundary and are buffered from the site by the adjacent car pound. To the east, the London Road Playing Fields comprises a wide expanse of open space of circa 6 hectares which is bounded on all sides by relatively mature tree belts. The closest residential properties to the east comprise the 6-storey blocks fronting London Road, a significant distance from the site. The residential properties, care accommodation and primary schools to the north do not front the playing fields and are also heavily screened by the tree belt along Church Path. The immediate site context to the south is also unconstrained, given the tram line, high voltage pylons and their associated 56-metre wide exclusion zone. Further south are industrial properties falling within the remainder of the SIL boundary which runs up to Morden Road.

237 In terms of the baseline situation, the industrial buildings on the existing site are approximately 7 to 9 metres in height and are of a significant size and scale in terms of their footprint and overall massing, although none of these are within close proximity to residential properties or the conservation area. The high voltage electricity pylons are of a substantial height, with electricity wires running circa 12-metres above ground level and the tops of the pylons approximately 40-metres in height. Although visually permeable, the pylons are highly noticeable in long and medium range views to the south, from the conservation area, Hallowfield Way, White Bridge Avenue and looking west across the playing fields.

### *Proposed height and massing*

238 The proposed development would be limited to up to 3-storeys to the north of the site closest to Hallowfield Way and the rear boundaries of residential properties on Church Path and would be limited to up to four-storeys adjacent to the car pound to the west. Building heights up to 10-storeys are proposed in the centre of the site and on one of the indicative development parcels facing onto the London Road Playing Fields, with building heights across the remainder of the site limited to up to 8-storeys, including the majority of the development frontage adjacent to the London Road Playing Fields to the east. Overall, GLA officers consider that the height and massing of the scheme is well-considered and has been carefully refined in the revised application to ensure the scheme responds positively and appropriately to the surrounding context, taking into account the opportunities and constraints identified above.

### *Visual impact and views*

239 In relation to the impact on designated heritage assets, having considered the applicant's Heritage Townscape and Visual Impact Appraisal (HTVIA) and undertaken a site visit to site and surroundings, GLA officers consider that the proposed development would not harm the significance of the Grade II\* listed Mitcham Parish Church, the surrounding Grade II listed tombs or the Grade II listed Vicarage and would not harm the significance of the Grade II listed Registered Morden Hall Park and the Wandle Valley Conservation Area, by reason of impact on setting. GLA officers do, however, consider that View 12 of the applicant's HTVIA demonstrates that the application would alter the setting of locally listed terraced properties along Church Path which are within the Mitcham Cricket Green Conservation Area and that this would give rise to some degree of harm to the setting of the conservation area, which would constitute less than substantial harm. A more detailed heritage assessment is provided in the relevant section of this report below.

240 The applicant's HTVIA views 1, 2 and 2a show that the proposed blocks of heights up to 8 and 10-storeys would be visually prominent from within London Road Playing Fields rising above the height of the existing tree line which runs along the site boundary with designated public open space. The proposals would create a strong contrast with the open and green character of the playing fields providing a visually interesting backdrop to the existing character of the open space which enclosed by the existing tree line and the distant skyline in which the nearby high voltage pylons are highly noticeable. In comparison to the original application (which proposed blocks ranging in height from 7 to 8-storeys along this site boundary), the impact of the increased massing is relatively negligible given the distance involved and the scale and size of the playing fields. Overall, the proposed height and massing would not have an unacceptable harmful impact on the character, setting or intrinsic visual or landscape amenity value of the open space, taking into account the existing context and the overall significance in planning terms.

241 Similarly, Views 5, 8 and 10 of the applicant's HTVIA demonstrate that the height and massing of the scheme would not have an adverse visual impact on landscape character and amenity value of Modern Hall Park, Ravensbury Park, and Mitcham Cricket Green given the distances involved and surrounding existing landscape and townscape features present and would not adversely impact any long distance views from these designated open spaces or the openness of them, noting that Morden Hall Park and Ravensbury Park fall within designated MOL.

242 View 6 of the HTVIA shows that the upper levels of the 10-storey blocks along the proposed green boulevard in the centre of the site would be visible from the central open space within Deer Park Gardens when viewed from the western side of the open space. Whilst Deer Park Gardens has a distinctive suburban character, being laid out according to Garden City principles, the architectural and townscape character of the properties are not of a high quality and the buildings are not within a conservation area. Therefore, whilst noting the provisions of the Merton Local Plan Core Strategy Policy CS 14, GLA officers consider that the impact of the development is acceptable and would not cause any unacceptable adverse harm in relation to the townscape or distinctive character of the borough.

#### *Character and appearance*

243 Taking into account the site location and the immediate and wider landscape, townscape and heritage context and the prevailing scale and character of the surrounding area, GLA officers do not consider that the proposed height, scale and massing of the scheme would have an adverse impact on the character and appearance of the area. Furthermore, GLA officers consider that site size, location and setting, as well as the well-considered stepped massing of the scheme would mean that it would sit comfortably in its immediate and wider urban and landscape setting. The maximum heights would be appropriately reduced towards the more sensitive historic and residential context to the north to generally avoid harming the adjacent conservation area or the amenity of the nearby properties. The opportunity would be taken to provide taller and larger buildings in terms of height and massing towards the central, southern, eastern and western parts of the site, which are comparatively unconstrained, for the reasons set out above. As a result, apart from spatially limited harm to the setting of the unlisted terrace on Church Path, GLA officers consider that the application avoids harm being caused to the character and appearance of the area and any other important short, medium and long-distance views, as demonstrated by the applicant's HTVIA.

#### *Functional and environmental impact*

244 In functional terms, the proposed tall and large buildings are considered to be of an acceptable standard in terms of the proposed indicative layout and design and access arrangements and would contribute to the enhancing the legibility of the area, with active ground floor residential accommodation provided, in line with the above strategic policies. In terms of the environmental impact, the the proposed development at would not have an unacceptable impact on the surrounding properties or open spaces in relation to daylight, sunlight or overshadowing and the internal public and communal spaces are acceptable in relation to overshadowing.

## Conclusion – height and massing and tall buildings

245 In summary, the application is not in accordance with the London Plan or Merton Local Plan as tall and large buildings are proposed in a location where these are not considered acceptable. The proposals are also contrary to the plan-led principle set out in the Intend to Publish London Plan and represents a departure from the Local Plan in respect of tall buildings. GLA officers note that the sole reason for refusal provided by Merton Council relates to bulk, height and massing and its impact on local character, visual amenity and the setting of the Mitcham Cricket Green Conservation Area.

246 However, taking into account the site location and the immediate and wider context and the particular spatial circumstances in this case and noting the requirements of the relevant local and strategic policies set out above, GLA officers do not consider that the height and massing of the proposed development would have an unacceptable impact on the surrounding area or detrimentally impact the distinctive character or visual amenity of surrounding townscape and landscape features, open spaces or negatively impact local views and the surrounding skyline, as demonstrated in the applicants HTVIA. Furthermore, the impact on heritage assets is considered acceptable in this instance, as set out in more detail below. Therefore, whilst the application is not in accordance with the London Plan and Merton Local Plan in relation to building heights, GLA officers consider that the proposed development otherwise does comply with the qualitative assessment criteria set out in London Plan Policy 7.7 and Policy D9 of the Intend to Publish London Plan and Merton Local Plan Policy CS14. The policy conflicts are considered in the planning balance section of this report,.

### **Fire safety**

247 Policy D12 of the Intend to Publish London Plan seeks to ensure that development proposals achieve the highest standards of fire safety and to ensure the safety of all building users and should be designed to incorporate appropriate passive and active fire safety measures, alarm systems, and provide suitable arrangements for emergency service access and means of escape. In line with Policy D11, all major development proposals should be supported by a fire statement, undertaken by a suitably qualified assessor, which should cover the range of issues set out in that policy.

248 Given the outline nature of the proposed development, a fire statement has not been submitted, which is acceptable in this instance. The submission and approval of a fire safety, in line with Policy D12 will be required at reserved matters stage and a condition is recommended to secure this.

### **Designing out crime**

249 Policy 7.3 of the London Plan seeks to ensure that the principles of designing out crime are integrated in the design of new development to promote a sense of security without being overbearing or intimidating, which is reflected in Policy D11 of the Intend to Publish London Plan Policy. The criteria in Policy 7.3 requires new development to provide legible, convenient and well-maintained movement routes and spaces which are well-overlooked and benefit from an appropriate level of activity, with private and communal spaces clearly defined to promote a sense of ownership. Merton Local Plan Policies CS14, DMD1 and DMD2 seek to ensure new developments incorporate key principles in relation to designing out crime to ensure community safety, including through ensuring easily navigable and well defined and overlooked public routes and open spaces.

250 As set out under 'layout, landscape and open space' above, the overarching layout and design principles embedded in the proposed illustrative masterplan and design code would ensure the provision of a good standard of urban design in which the provision of active frontages are maximised, with communal and individual front door entrances and ground floor residential units with defensible space provided facing onto key streets and public spaces to ensure appropriate



levels of ownership, overlooking and activity during the day and evening. Key issues associated with the existing site and the adjacent unattractive and unwelcoming footpaths which are currently constrained in terms of natural surveillance and ownership would also be improved upon through the proposed development through the introduction of overlooking, public realm improvements, improved maintenance and lighting.

251 The Metropolitan Police Designing Out Crime Officer raised no objection to the application and provided an extensive list of suggested safety and security measures that would be considered as part of the detailed detail at reserved matters stage and secured by condition on any subsequent RMAs. As such, the outline application complies with the above strategic and local planning policies in respect of designing out crime.

## Heritage

### Statutory and planning policy context in relation to heritage

252 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duties for dealing with heritage assets in planning decisions. In relation to listed buildings, Section 66 of the act states that all planning decisions should “*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*”. In line with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, planning decisions must also give special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas which may be affected by a proposed development.

253 The underlying statutory obligation in relation to listed buildings is that the decision maker must pay “special regard to the desirability of preserving the building or its setting”. ‘Preserving’ in the context of both listed buildings and conservation areas means doing no harm: see *South Lakeland District Council v Secretary of State for the Environment* [1992] 2 AC 141. If it is judged that harm to the heritage asset/s would arise from the proposed development, the decision maker must attribute considerable importance and weight to that harm in the decision, in order to comply with the statutory duties (see *East Northamptonshire District Council and others v Secretary of State for Communities and Local Government and another* [2015] 1 W.L.R. 45. Where there is a finding of harm, that creates a strong presumption against planning permission being granted.

254 The NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset’s conservation, and the more important the asset, the greater the weight should be. Any harm to or loss of significance of a designated heritage asset requires clear and convincing justification. Significance is the value of the heritage asset because of its heritage interest, which may be archaeological, architectural, artistic or historic, and may derive from a heritage asset’s physical presence or its setting. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Where a proposed development will lead to ‘substantial harm’ or total loss of the significance of a designated heritage asset, consent should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to ‘less than substantial harm’, the harm should be weighed against the public benefits of the proposal. In every case, great weight should be given to the conservation of heritage assets. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

255 London Plan Policy 7.8 and Policy HC1 of the Intend to Publish London Plan state that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. Policy HC1 seeks to avoid



harm where possible and encourages heritage impact to be considered early on in the design process. These policies apply to both designated and non-designated heritage assets.

256 Merton Local Plan (Core Strategy) Policy CS14 requires new development to conserve and enhance Merton's heritage assets and the wider historic environment, including historic parks and gardens. Specifically in relation to Mitcham, Policy CS2 states that development should conserve and enhance the historic environment around the Mitcham Cricket Green Conservation Area. Merton's Local Plan Policy DMD4 states that proposals affecting heritage assets should conserve and enhance the significance of the asset(s) as well as its surroundings.

Figure 7 – heritage context



### Heritage assessment

257 The northern section of the site falls within the Mitcham Cricket Green Conservation Area. There are no statutory listed buildings on the site; however, the site is adjacent to two conservation areas and a number of listed buildings. The Mitcham Cricket Green Conservation Area to the north includes the Grade II\* listed Mitcham Parish Church of St Peter and St Paul, together with Grade II listed tombs and the Grade II listed Vicarage of St Peter which is on the southern side of Church Road. The conservation area boundary also includes Church Path – a row of Victorian cottages which are immediately to the north of the site, of which numbers 2-20 Church Path are locally listed buildings. The conservation area boundary also includes the area of landscaping to the east of Hollowfield Way.

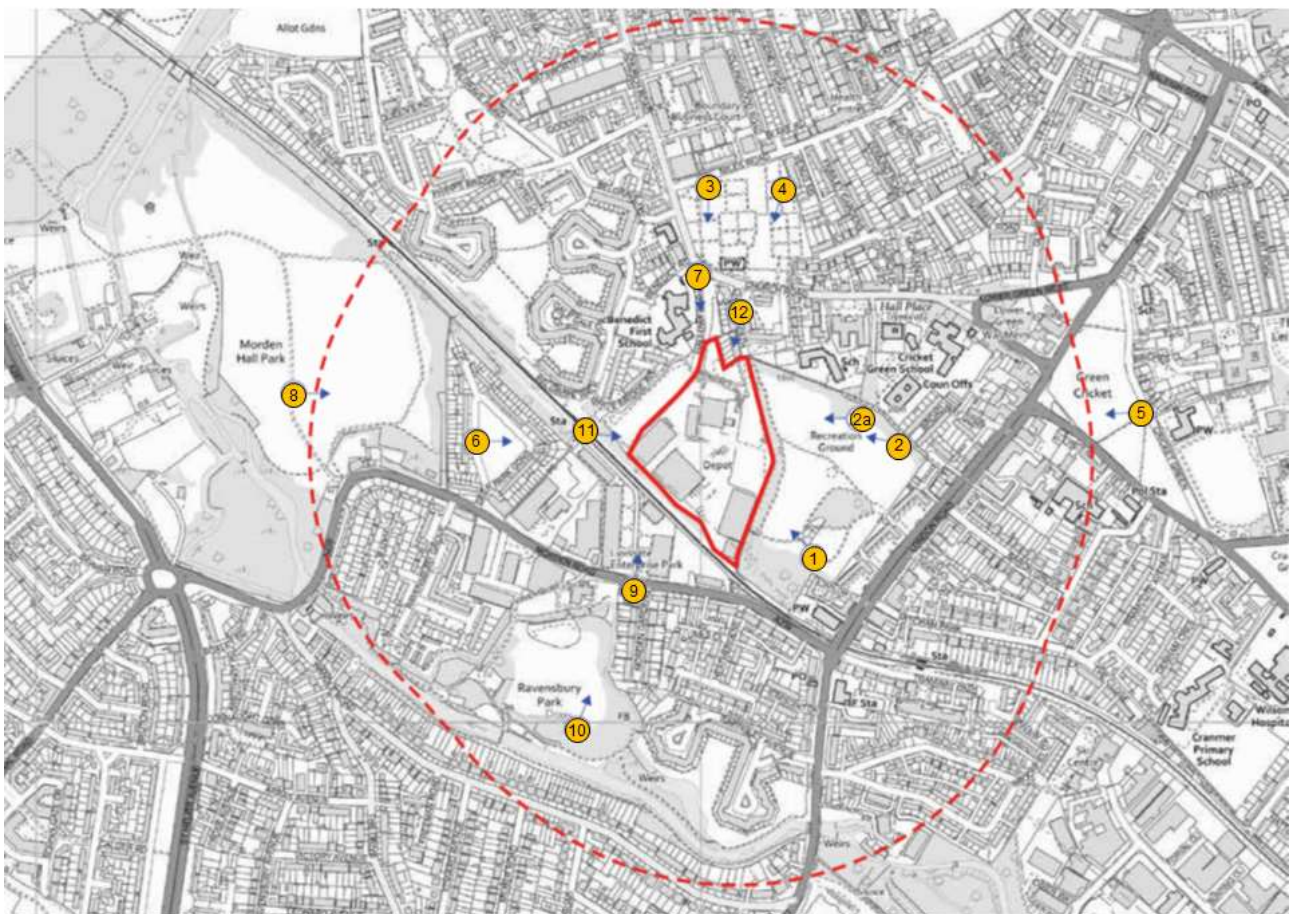
258 The conservation area also includes a number of other listed buildings located further to the west along Church Road, at Lower Green, including the Grade II Nos. 60, 62, 64 Church Road, the Grade II War Memorial and Grade II listed Mitcham Parish Rooms. Further to the west, the Cricket Green forms a key historic and landscape feature within the conservation area, having been used for cricket throughout the 18<sup>th</sup> and 19<sup>th</sup> centuries. On its south-eastern side, the Cricket Green is fronted by a cluster of circa 18<sup>th</sup> century Grade II listed cottages and pubs at the intersection of London Road and Cricket Green. This includes the Grade II listed 346 to 348 London Road, the White Hart Inn and Burn Bullock Pub and the Tate Almshouses, as well as a Grade II Cricket Green water fountain and horse trough.

259 The Cricket Green Conservation Area Appraisal and Management Plan (2013) is a material consideration and summarises the special interest and character of the conservation area being derived from the presence of a series of linked original settlements and character areas with their own distinct identity, as well as the presence of extensive open spaces, views and a network of historic lanes and footpaths. The appraisal identifies the Grade II\* listed Mitcham Parish and Churchyard and the Cricket Green as being key features within the conservation area with key panoramic views identified across these open spaces towards focal points and local landmarks, including from Church Path looking north towards the Grade II\* listed Parish Church.

260 The Wandle Valley Conservation Area includes the southern section of the London Road Playing Field, together with Grade II listed properties on London Road including the Grade II listed Mitcham Station, Nos. 470,470 and 482 to 484 London Road. The conservation area extends to the south and west to include Morden Hall Park and Ravensbury Park. Morden Hall Park is a Grade II listed Registered Park. The majority of the conservation area, including Morden Hall Park and Ravensbury Park is between approximately 250 to 300 metres from the site to the south of the tram line.

261 The applicant has submitted a Heritage Townscape and Visual Impact Assessment (TVIA) Addendum (February 2020) which considers the potential visual impact of the proposed development on the surrounding townscape and heritage context, with 12 representative views assessed from points assessed using verified views and wireline studies to show the existing baseline situation and the proposed situation, reflecting the maximum building heights proposed.

Figure 8 – HTVIA verified view locations assessed



262 The first stage of the HTVIA scoped out potential views from certain locations within the Cricket Green Conservation Area given there would be no visibility of the site or proposed development from these locations, including along Church Road and at Lower Green. Having visited these locations, GLA officers agree with this conclusion and are satisfied with the scope of

the HTVIA and view points selected. The 12 views assessed within the applicant's HTVIA are shown below. View 12 along Church Path was added to the updated HTVIA at the request of GLA officers at Stage 1. The study has been undertaken at an appropriate time of year (ie. during the winter when trees are not in leaf) and GLA officers consider that the assessment provides a robust and reliable assessment of the potential visual impact on the surrounding townscape and heritage assets, having undertaken a site visit to the view points and other locations within the surrounding context.

### Heritage assessment

#### *Grade II\* Mitcham Parish Church*

224 In terms of significance, the Grade II\* listed Mitcham Parish Church dates back to circa 1820 is of very high significance, being a prominent landmark and townscape feature within the conservation area, as well as being recognised as a good example of 19<sup>th</sup> Century Gothic architectural design. The setting of the Grade II\* listed Parish Church contributes to its significance with the building standing proud marking the western gateway entrance into the conservation area and set within its own well-defined historic landscape context of the Parish Churchyard which expands to the north. The Church's relationship to the Grade II listed Vicarage to the south and surrounding Grade II listed tombs which also contributes to its significance and their overall group value.

263 There are a number of kinetic views available of the Parish Church from the various pathways within the Churchyard in which the silhouette of the square Church tower, corner turrets and roofline can be easily appreciated against a background of clear sky. Clear sightlines of the Grade II\* Parish Church and Vicarage are restricted to some extent by evergreen trees within the churchyard.

264 View 3 and 4 of the applicant's HTVIA assesses the potential for visual impact on the setting of Grade II\* listed Mitcham Parish Church and Churchyard in south-facing views. These view points are located to the far north of the Churchyard, approximately 270 metres from the site boundary. This is due to the fact that height of the proposed buildings would not be visible from the southern half of the Churchyard within the immediate setting of the Church and Vicarage due to the distance, topography, landscaping and surrounding buildings. This has been verified by GLA officers on a site visit. Views 3 and 4 are not listed as key views in the Cricket Green Conservation Area Appraisal and Management Plan.

265 In View 3 the proposed buildings would appear in the distance to the right of the Grade II\* listed Parish Church and at broadly the same level as the height of top Benedict Primary School roof due to the distance to the site. In View 4, the upper storeys of the proposed buildings would appear in the distance behind the roofline of the Grade II Parish Vicarage and rising over the top of the Victorian terrace cottages along Church Path. In both View 3 and View 4, the upper sections of the proposed buildings which would be visible would be a significant distance from the silhouette of the Grade II\* listed Church and tower which could still be easily appreciated from within the churchyard against a background of clear sky from this particular location. During summer months the foliage on deciduous trees shown in both views would obscure most of the development from view at these specific locations within the churchyard. Screening provided by evergreen and deciduous trees within the foreground would also ensure that the visibility of the proposed buildings would be substantially screened from other more kinetic view points within the churchyard and in closer proximity to the Grade II\* listed building.

266 The wider setting of the Grade II\* listed Parish Church and Grade II listed tombs would be altered by the application through the introduction of the upper storeys of the proposed development in both Views 3 and 4 which would alter the wider skyline and background context in which the designated heritage assets are appreciated. Consequently, GLA officers consider that the application would harm the setting and significance of the Grade II\* listed Mitcham Parish

Church or the setting of the Grade II listed tombs. This harm would constitute less than substantial harm.

#### *Grade II listed Vicarage of St Peter*

267 The Grade II listed Vicarage is located on the southern side of Church Road set behind a 2-metre brick wall. Built in 1826, the Vicarage is as fine example of a Georgian house, built in a typical late Regency villa style with pale yellow brick work and an attractive original fenestration detailing. Its significance is derived from its historic architectural appearance and character and its close historic association with the Parish Church and associated group value, as well as its location directly facing the Parish Church and, together, marking the entrance to the conservation area. The setting of the Grade II listed Vicarage contributes to its significance and the building can be appreciated from the northern side of Church Road and within the southern areas of the churchyard looking south towards the site, as well as looking west from Church Path.

268 The proposed development would not be visible from these locations. Very little of the Grade II listed Vicarage is visible in View 4 of the applicant's HTVIA, given the distance to this viewpoint. View 4 shows that the upper sections of the building would be visible in the distant background of the Vicarage, rising above its roofline. This would alter the setting of the building but only when viewed from this specific distant location. However, the roofline and background setting of the Grade II listed Vicarage would be altered and GLA officers consider that this would give rise to less than substantial harm to the setting and significance of the Grade II listed building.

#### *Mitcham Cricket Green Conservation Area*

269 View 5 of the applicant's HTVIA is taken from the far eastern side of the Cricket Green looking west, approximately 570 metres from the site. This shows that a single storey of the proposed development would appear in the distance behind the gap between the Grade II listed former Burn Bullock public house and the buildings opposite (356 to 352 London Road), with the Grade II listed White Hart Inn further to right in this view. Very little of the proposed development would be visible in the background setting of this view and the height of buildings within the distant skyline would be at the same level as the buildings in the foreground of the view fronting the Cricket Green. As such, taking into account the visibility, height and distance involved, GLA officers consider that the proposals would be barely discernible from this location and would not alter the setting of the conservation area or the Grade II listed buildings or cause any harm to their significance. GLA officers note that this is the only location within the Cricket Green where it would be possible to glimpse a view of the proposed development due to the distance to the site and surrounding built form, which has been verified by GLA officers via a site visit to the location.

270 Whilst the conservation area appraisal highlights views along Church Path in the other direction (towards the Parish Church) as being important, views to the south are also a significant feature of the conservation area which contributes to its overall character and significance, revealing the historic fabric of the area, with small-scale Victorian terraced cottages lining the footway. View 12 shows that the proposed buildings would alter the setting of the locally listed terrace along Church Path and would therefore alter the intimate and historic character of this linear view to the south. GLA officers consider that the harm caused to the setting of the conservation area in this location would be less than substantial, taking into account the significance of the heritage asset and the degree of change to its setting.

271 View 7 of the applicant's HTVIA shows the proposed development along Hallowfield Way looking into the northern section of the site, part of which would be within the Mitcham Cricket Green Conservation Area. Although these areas along the eastern side of Hallowfield Way and the northern section of the site itself are within the conservation area, they do not contain any historic built fabric or in any way contribute to the significance or character of the conservation area. There would be no loss of any historic built fabric as a result of the proposed development. GLA officers therefore do not consider that the proposed buildings on this part of the site would cause any direct harm to any historic fabric within the conservation area.

272 In summary, GLA officers consider the application would cause less than substantial harm to the setting and significance of the Mitcham Cricket Green Conservation Area, the Grade II\* listed Mitcham Parish Church, the Grade II listed Parish Tombs and the Grade II listed Vicarage.

#### *Wandle Valley Conservation Area*

273 The current setting of the southern section of the London Road Playing Field which falls within the Wandle Valley Conservation Area is defined by the presence of overhead high voltage power lines, the tram line, the relative open and green character of the playing field and the adjacent industrial premises. As demonstrated by View 1 of the applicant's HTVIA, wider setting of this spatially discrete area of the conservation area would be altered in this location by the development of 8 to 10-storey blocks adjacent to the open space. However, this would not give rise to any harm to the setting or significance of this relatively remote section of the conservation area. Due to the distance from the site and screening of buildings along London Road, there would no visual impact or harm to the setting of the Grade II listed Mitcham Station, Nos. 470,470 and 482 to 484 London Road.

274 The Wandle Valley Conservation Area extends to the south and west to include Ravensbury Park and Morden Hall Park, which is a Grade II listed Registered Park. View 8 of the applicant's HTVIA demonstrates that the development would be barely discernable from view from within Morden Hall Park given the distance and screening from trees, with the development likely to be totally obscured during summer months when leaves are on the trees. Similarly, View 10 demonstrates that the proposals would be almost totally screened from view from within Ravensbury Park to the south due to the distance involved, with only the tops of buildings likely to be visible (which would be totally obscured during the summer).

275 As such there would be no harm caused to the Wandle Valley Conservation Area or the Grade II listed Morden Hall Park or any of the listed buildings located within them.

#### Archaeology

276 The site is within an Archaeological Priority Zone, as identified on the LBM's Proposals Map. The application has been accompanied by archaeological reports which have been considered by Historic England GLAAS who have confirmed no further site investigation or conditions are required, for reasons detailed above in the consultation summary section of this report.

#### Conclusion – heritage

277 In summary, GLA officers conclude that the proposed development would alter the setting of the Mitcham Cricket Green Conservation Area, the Grade II\* listed Mitcham Parish Church, the Grade II listed tombs and the Grade II listed Vicarage. GLA officers consider that the harm caused to the setting and significance of these designated heritage assets would be less than substantial. This harm must be given considerable importance and weight in the decision and any harm requires clear and convincing justification. As harm has been identified, the proposal would conflict with Policy 7.8 of the London Plan, Policies D9 and HC2 of the Intend to Publish London Plan, Policies CS2 and CS12 of Merton Local Plan (Core Strategy) and Policy DMD4 of Merton's Local Plan.

278 However, in this instance, GLA officers consider that the less than substantial harm would be clearly and convincingly outweighed by the public benefits associated with the housing and affordable housing provision proposed, namely, the provision of up to 850 new homes, of which 35% would be affordable, comprising a 60:40 policy compliant tenure mix of low-cost rent and intermediate housing provision, as set out above. Further public benefits would also include the improvements to Baron Walk, the creation of new public open space and pedestrian and cycle routes through the development. The reduction in HGV movements within the conservation area along Church Road, which would constitute an important heritage related public benefit in this



particular case, given the existing situation. Given the significant benefits of the scheme, GLA officers consider that the less than substantial harm is outweighed and heritage impacts do not justify the refusal of the permission. In coming to these conclusions, GLA officers have taken account of the statutory duties contained in the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **Inclusive design**

279 London Plan Policy 7.2 and Policy D5 of the Intend to Publish London Plan require all future development to meet the highest standards of accessibility and inclusion, and that the design process has considered how everyone, including those with disabilities, older people, children and young people, will be able to use the places and spaces that are proposed. London Plan Policy 3.8 and Policy D7 of the Intend to Publish London Plan require that ninety percent of new housing meets Building Regulation requirement M4(2) 'accessible and adaptable dwellings' and ten per cent of new housing meets Building Regulation requirement M4(3) 'wheelchair user dwellings', that is, designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users

### Accessible homes

280 The applicant's Planning Statement confirms that 10% of the proposed residential units would be designed in accordance with Building Regulation M4(3), with the remaining 90% of the residential units designed to comply with Building Regulation M4(2). This complies with the strategic policies set out above. A condition is recommended which would ensure that this level of accessible housing is secured, in accordance with London Plan Policy 3.8 and Policy D7 of the Intend to Publish London Plan, with the distribution and proposed tenure and type of M4(3) homes submitted and approved prior to commencement. These requirements are also embedded in mandatory requirements set out in the design codes in relation to building entrances, lifts and communal courtyard spaces and parking.

### Public realm

281 Based on the illustrative material provided in support of the outline application, GLA officers consider that the scheme would ensure a good standard of public realm in terms of inclusive access, catering for the mobility requirements of all users, taking into account the proposed layout as set out in the indicative access and movement framework plan and also various design code requirements which relate to inclusive access, streetscape, landscape and public realm design guidelines. The detailed design and layout of all public spaces within the scheme will be considered in more detail at reserved matters stage to ensure full compliance with the above strategic planning policies, subject to the various conditions recommended.

### Disabled car parking

282 The proposed quantum of disabled car parking would accord with the Intend to Publish London Plan, which requires disabled car parking for 3% of the residential units to be provided from the outset and demonstration that the further 7% could be provided should demand arise. Provision would be secured by a condition requiring the submission and approval of a site wide car parking management plan alongside the first reserved matters application.

### Inclusive design - conclusion

283 As such, the application would achieve a high level of accessible and inclusive design and would comply with London Plan Policies 3.8, 6.13, 7.1, 7.2, 7.5 7.6, Policies D5, D7, T6.1, T6.5 of the Intend to Publish London Plan, together with the Accessible London SPG.

## Neighbouring amenity impacts

284 London Plan Policy 7.6 and 7.7 and Policy D9 of the Intend to Publish London Plan state that the design of new buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings in relation to privacy, overshadowing, wind and microclimate. This is particularly relevant where tall and large-scale buildings are proposed. Merton Local Plan Policy DM D2 states that development is expected to ensure appropriate levels of sunlight and daylight and privacy for both proposed and adjoining buildings and gardens and protect existing properties from visual intrusion, noise, vibration and pollution in order to ensure an acceptable quality of living conditions.

### Daylight, sunlight and overshadowing

285 In support of the revised submission, an updated Daylight, Sunlight and Overshadowing Impact Assessment (Feb 2020) has been prepared to assess the impact of the proposed development based on the updated revised masterplan. Due to the site's location and immediate surrounding context, there are relatively few residential properties which have habitable room windows facing the site and which have the potential to be affected by the proposed development. The following buildings have been identified as potentially sensitive receptors in relation to daylight and sunlight impacts, which are shown below in yellow dashed lines:

- Property 1: 1 to 7 White Bridge Avenue
- Property 2: 22 to 40 Church Path

Figure 9 – properties assessed in the applicant's daylight sunlight and overshadowing assessment



286 As shown in Figure 2 above, the building heights parameter plan restricts the massing of the development to no more than 3-storeys adjacent to Church Path and up to 6-storeys adjacent to the site's western boundary with the Cappagh car pound, with the taller elements of the scheme

up to 8 and 10-storeys proposed within the centre of the site and adjacent to the London Road Playing Field and the exclusion zone and proposed linear greenway to the south. The massing of the scheme has therefore been refined to reduce the impact of the development on the surrounding residential properties in terms of daylight and sunlight.

287 In line with the BRE assessment methodology, a preliminary qualitative and geometric daylight and sunlight assessment was undertaken using a 25-degree section plane analysis from the lowest windows of the sensitive receptors listed above to identify whether any of these properties would be affected by the development in terms of daylight and sunlight. This assessment showed that none of these properties would encounter any obstruction from the proposed buildings, with the height of the proposed blocks falling below the 25-degree section plane. The assessment concluded that the properties will all therefore retain adequate levels of daylight and sunlight and, in accordance with the BRE methodology, no further quantitative analysis to assess the daylight and sunlight impacts affecting habitable rooms within these properties was considered necessary.

### Overshadowing

288 The BRE Guidelines suggests that to be considered adequately sunlit throughout the year, open spaces should receive a minimum of 2 hours of sun over at least 50% of the site area on the 21<sup>st</sup> of March (Spring Equinox). Ten private open spaces (rear gardens) associated with neighbouring properties on numbers 22 to 40 Church Path have been assessed. The applicant's assessment demonstrates that all of these properties exceed the BRE standard with no material change proposed, based on the existing level of sunlight received.

### Conclusion – daylight and sunlight

289 The assessment therefore concludes that the proposed development at would not have an unacceptable impact on the surrounding properties or open spaces in relation to daylight, sunlight or overshadowing. As such, the application is acceptable in relation to daylight and sunlight and complies with London Plan Policy 7.6, Policy D9 of the Intend to Publish London Plan and Merton Local Plan Policy DM D2.

### **Privacy and overlooking**

290 Whilst detailed planning and design considerations in relation to privacy in terms of potential impacts on existing adjacent residential properties will be more fully considered a reserved matters stage, GLA officers consider that the overall approach proposed as set out in the illustrative masterplan, building heights parameter plan and design code would ensure appropriate approach to residential privacy is followed, noting the design rules set out in the design code for the conservation edge character area (5.3.1) which require an appropriate set back distances in relation to the adjacent residential properties. As set out above, terraced residential housing typologies are proposed immediately adjacent to the existing properties on Church Path, which would form an appropriate back-to-back relationship with the immediate residential context. Accordingly, GLA officers consider that the outline application would not give rise to any unacceptable impacts in relation to privacy and overlooking and the application therefore complies with the above local and strategic planning policies.

### **Neighbouring amenity impacts conclusion**

291 The proposals would not have an unacceptable impact on the residential amenity of existing residents close to the site, and therefore the proposals comply with London Plan Policies 7.6, 7.7 and 7.15, Policy D9 of the Intend to Publish London Plan and Merton Local Plan Policies CS14 and DM D2.



## **Sustainability and climate change**

292 London Plan Policy 5.2 and Policy SI2 of the Intend to Publish London Plan, require development proposals to minimise carbon dioxide (CO<sub>2</sub>) emissions to meet the Mayor's targets, in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

293 This energy hierarchy and the overarching requirement to minimise CO<sub>2</sub> emissions is also set out in Merton Local Plan Policy CS15. Policy DM EP1 seeks to promote the provision of decentralised energy networks and aims to identify areas of opportunity for new decentralised energy networks within the borough and to prioritise connection to these where new development is proposed. Policy CS15 also requires all non-residential development over 500 sq.m. to meet BREEAM very good standards.

294 In accordance with the Intend to Publish London Plan, applications proposing residential buildings are required to meet the zero carbon target, with residential uses expected to achieve a minimum on-site reduction in CO<sub>2</sub> emissions of at least 35% improvement beyond Part L 2013 Building Regulations, with any shortfall required to achieve the zero carbon target secured via a carbon off-set payment. Non-residential uses are not at present subject to the zero carbon target and should demonstrate at least a 35% on-site reduction beyond Part L 2013. Policy SI2 of the Intend to Publish London Plan includes the expectation that energy efficiency measures alone should account for a minimum of 10% of the reductions carbon dioxide emissions for residential development and 15% for non-residential development.

295 Based on the applicant's updated energy assessment (Feb 2020) submitted supporting the revised outline application, an overall on-site reduction in CO<sub>2</sub> emissions of 36% beyond 2013 Building Regulations compliant development is expected, which would comply with the minimum on-site requirement for reductions in CO<sub>2</sub> emissions as set out in the London Plan and Intend to Publish London Plan. Given the outline nature of the proposed development, the energy strategy has been undertaken at a relatively high level and further details of the final site-wide energy strategy for the site would emerge at reserved matters stage and would be secured by condition.

296 The original energy strategy submitted in June 2019 alongside the application for 600 residential units considered a range of potential site-wide heat network options modelled, including a Combined Heat and Power (CHP) and Air Source Heat Pump solution. In response to the GLA's initial energy assessment comments, the applicant has revised the energy strategy to confirm that Air Source Heat Pumps would be utilised (rather than CHP) as this strategy performs better against the updated SAP 10 carbon emission assessment criteria and factors.

### Be Lean: Energy efficiency measures

297 A range of energy efficiency and passive design measures are proposed, including good standards of thermal insulation and air tightness to minimise heat loss, whilst minimising the risk of internal heat generation through passive ventilation and mechanical ventilation and heat recovery measures. The residential (domestic) element of the scheme is expected to achieve a 14% reduction in CO<sub>2</sub> emissions via energy efficiency measures alone and the non-residential (non-domestic) element is expected to achieve a 15% reduction in CO<sub>2</sub> emissions via energy efficiency measures. This complies with the minimum on-site target in the Intend to Publish London Plan. Full details of the proposed energy efficiency measures would be required at reserved matters stage.

### Be Clean: supply energy efficiently

298 In line with GLA guidance a single site wide heat network is proposed for the site which would utilise Air Source Heat Pump (ASHP) system to ensure the use of low emission heat

technology. This would achieve a 25% reduction in CO2 emissions. Further details of the ASHP proposals in terms of performance and design will be required at reserved matters stage as part of a final site wide energy strategy.

299 Merton Council Climate Change officer has advised that no district heating systems currently exist in the area and none are planned in the area at the current time, following feasibility studies which have been undertaken by the borough exploring the potential for decentralised heating systems. Notwithstanding this, in accordance with above local and strategic planning policies, the development would be future proofed to enable connection of the scheme to a wider district heat network should one become available. This would be demonstrated at detailed design stage and, if the situation changed ahead of the submission of reserved matters and a district heat network was available or planned, the energy strategy for the site could be amended to prioritise connection to this as part of the final agreed energy strategy.

#### Be Clean: use renewable energy

300 The applicant's energy strategy confirms that renewable energy technology would be incorporated in the form of solar photovoltaic panels (PV), which would cover a roof area of approximately 220 sq.m., based on the illustrative masterplan. This would provide a further 1% reduction in CO2 emissions. The applicant has stated that further scope to maximise the provision of solar PV panels within the scheme would be explored and demonstrated at reserved matters stage once the detailed roof layout has been established. This could provide scope for additional CO2 savings on-site and thereby reduce the requirement for carbon off-setting; however, this would need to be confirmed at detailed design stage.

#### Carbon off-site

301 A carbon offset payment would be required to ensure the residential element of the scheme complies with the zero carbon standard. The level of carbon offset payment would be confirmed and calculated following the submission and approval of a final energy strategy alongside the first Reserved Matters Application and approved prior to commencement, with the required financial contribution towards the Council's offset fund paid prior to occupation. This would be secured via the Section 106 agreement, in accordance with of London Plan Policy 5.2, Policy SI2 of the Intend to Publish London Plan and Merton Local Plan Policy CS15.

#### Conclusion – energy strategy

302 Overall, the applicant's energy strategy has been prepared in line with the London Plan energy hierarchy and the proposed levels of on-site reductions of CO2 are acceptable would meet the minimum on-site targets in the London Plan and Intend to Publish London Plan. Merton Council's Climate change officer supported the proposed outline energy strategy for the site, as did the GLA's energy team. Given the outline nature of the application, the submission and approval of a more detailed final site-wide energy strategy for the site should be secured by condition prior to the determination of any reserved matters application and then implemented as part of the completed development, covering all the matters raised above in terms of energy efficiency, district heat network and renewable energy, as recommended by Merton Council and GLA energy / climate change officers. This would include securing the submission and approval of a whole life cycle carbon assessment and 'Be Seen' energy monitoring information, in line with GLA energy assessment guidance. Subject to this being secured, GLA officers consider that the application complies with the requirements of London Plan Policy 5.2, 2018 GLA Energy Assessment Guidance, Policies SI2 and SI3 of the Intend to Publish London Plan and Merton Local Plan Policies CS15 and DM EP1.

## **Flood risk and sustainable drainage**

303 The site is within Flood Zone 1, approximately 135 metres to the north of the River Wandle flood zones, and generally has very low risk of flooding from surface water, except for isolated areas of higher risk to north-west. Development should minimise and where necessary mitigate the risk of flooding and manage surface water run-off by using sustainable urban drainage (SuDs) measures, in line with the drainage hierarchy in order to reduce as much as possible the overall amount of rainfall discharged into the drainage system and to reduce the risk of surface water flooding, as set out in London Plan Policies 5.12 and 5.13, Policies SI12 and SI13 of the Intend to Publish London Plan and Merton Local Plan Policies CS, CS16, DMF1 and DMF2. Further guidance is provided in the Sustainable Design and Construction SPG.

304 At Stage 1, the applicant's approach to flood risk management was considered to comply with Policy 5.12 of the London Plan and Policy SI12 of the Intend to Publish London Plan and generally supported the approach to sustainable urban drainage, subject to this being secured by condition and further above ground SuDs measures being considered, for example, blue roofs and rain gardens.

305 In accordance with the requirements of the NPPF, a revised Flood Risk Assessment and Surface Water Drainage Strategy (Feb 2020) has been submitted which is based on the revised masterplan and proposal for up to 850 residential units. The Assessment identified that above surface groundwater flooding is considered low and the risk of tidal and fluvial flooding was negligible, with no requirement for specific flood risk mitigation measures.

306 The existing heavy industrial site is comprised entirely of impermeable hard-standing and the drainage strategy proposed would limit the rate of surface water discharge to less than 25% of the existing brownfield run-off rate for the site. A range of Sustainable Urban Drainage (SuDs) measures are proposed as part of the applicant's indicative masterplan. This includes green roofs at roof top level, 1 metre thick blue/green roofs on podiums above car parking, rain gardens and lawns along the Green Boulevard, permeable paving, open landscaped areas and below ground water attenuation (geo-cellular) crates.

307 The application was supported by the Environment Agency and Merton Council officers who raised no objection to the proposed flood risk and SuDs strategy for the site. The submission and approval of a more detailed drainage strategy would be secure by condition and key features secured at Reserved Matters Stage to ensure compliance with London Plan Policy 5.13 and Policy SI13 of the Mayor's Intend to Publish London Plan.

### Conclusion – flood risk and sustainable drainage

308 Overall, taking into account the particular site circumstances and the characteristics and density of the proposed development, GLA officers consider that the proposed approach is in line with the drainage hierarchy, having maximised the potential for above-ground SuDs measures within the public realm and within / on the proposed blocks and is in accordance with the relevant local and strategic planning policies and guidance and the NPPF.

## **Urban greening, trees and ecology**

309 Paragraph 170 and 175 of the NPPF state that planning decisions should contribute to enhancing the natural environment by minimising biodiversity impacts and avoiding or mitigating harm and providing net gains. Similarly, London Plan Policy 7.19 promotes the protection and enhancement of biodiversity, including green corridors and states that new development should realise the opportunities for positive biodiversity gains

310 London Plan Policy 7.19 promotes the protection and enhancement of biodiversity, and states that Sites of Importance for Nature Conservation (SINCs) of borough importance should be given the level of protection commensurate with their importance. Policy G6 of the Mayor's Intend

to Publish London Plan states that SINC's should be protected; however, where harm is unavoidable, the benefits of the development should clearly outweigh the impacts, with suitable mitigation applied.

311 London Plan Policy 7.21 and Policy G7 of the Intend to Publish London Plan require development proposals should ensure that, wherever possible, existing trees of value are retained and that the loss of trees as a result of development is mitigated through the provision of replacement trees of an adequate value. London Plan Policy 5.10 and Policy G5 of the Intend to Publish London Plan require new development to provide urban greening in order to contribute to the adaptation and reduction of the effects of climate change.

312 Merton Local Plan Policies CS13 and DMO1 state that any development proposals likely to affect a SINC are required to demonstrate that such development will not adversely affect the nature conservation values of the site and require, where appropriate, development to integrate new or enhanced habitat or design and landscaping which encourages biodiversity and where possible avoid causing ecological damage.

313 Whilst the vast majority of the existing site is covered by hard-standing and does not contain any trees or vegetation, there are a limited number of trees to the north of the site running alongside and beyond the boundary with residential properties on Church Path. The site boundary to the east and south also runs adjacent to tree belts. The tree belt to the south is a designated green corridor and includes relatively dense scrub woodland which forms a barrier to the tram line. The adjacent London Road Playing Field is designated as a locally open space and Site of Importance for Nature Conservation (SINC) (Grade 2) and contains a relatively dense woodland tree belt alongside Baron Walk footpath adjacent to the site boundary.

#### Impact on trees

314 An update Arboricultural Impact Assessment (Feb 2020) has been submitted which reflects the updated indicative masterplan and includes a tree survey and quality assessment / categorisation and a tree constraints plan which shows the potential impact of the proposed development and site access improvements. The tree survey undertaken shows that the adjacent tree belt on London Road Playing Fields includes a range of young to medium aged Category B and C trees (trees of moderate or low quality), including oak, poplar, ash, holly, rowan, elm, lime, blackthorn, hawthorn, sycamore and horse chestnut which are in fair to good physically condition. No category A trees (of high quality) were identified.

315 The impact assessment shows that three individual trees, four groups of trees and part of one group of trees (all Category C) are at risk of being removed, subject to the final design which will be determined at reserved matters stage. These are located to the north of the site and adjacent to Barons Walk. The main reasons for the removal would be due to access improvements associated with widening Barons Walk and providing access into the playing fields.

316 This is a reduction in the number of trees originally proposed for removal in the original application and arboricultural impact assessment undertaken in May 2019, which identified 12 category C and 4 category B individual trees / groups of trees for potential removal. A key reason for this is the applicant's proposal to set back the blocks from Baron Walk and ensure the widening of this route is undertaken within the site boundary.

317 The study identifies a range of other tree protection measures to safeguard other trees from damage or disturbance during the proposed development, which could be secured by condition at reserved matters stage. Should the provision of the interim access to Belgrave Walk Station be provided across TfL (London Bus Ltd Land) there would be additional loss of tree and scrub planting which would require further assessment but are not considered to be of a high quality.

318 Merton Council planning officers concluded that the loss of trees would be acceptable and would be mitigated through significant replacement planting across the site as a result of the

extensive, high quality landscaping proposals and the significant urban greening indicated by the proposed development. No objection was received from the Council's Arboricultural officer.

319 Overall, whilst the loss of existing trees of value would cause harm in terms of biodiversity and landscape impact, on balance, GLA officers consider that this is justified in this instance in order to facilitate the sustainable and acceptable residential-led redevelopment of the site and ensuring necessary improvements in relation to pedestrian and cycle access and enhanced connectivity to the adjacent open space from the site, which would also provide significant improvements for the wider area. The mitigation proposed in terms of replacement tree planting on the site, providing a significant net increase in trees overall, together with the proposed tree protection measures during the demolition and construction of the development is acceptable and accord with London Plan Policy 7.21 and Policy G7 of the Intend to Publish London Plan.

#### Impact on ecology and biodiversity

320 A revised Ecological Impact Assessment has been submitted as part of the updated outline planning application proposals and indicative masterplan. The site itself is considered to be of low ecological value; however, the designated SINC and green corridor habitat areas were assessed to determine the potential for reptiles, nesting birds, small mammals or bats which was considered generally low based on the initial Phase 1 habitat survey. The main potential ecological impacts arising from the development would arise from loss of habitats due to the proposed tree removal and ground cover clearance and light pollution post construction. A number of mitigation and ecological enhancement measures are recommended to ensure net biodiversity gain, as required by national, local and strategic planning policies. These include various standard lighting and habitat mitigation measures and the inclusion of bat roost boxes, swift nesting boxes, as well as flower rich planting areas, green roofs, SuDs and invertebrate refuge features. These would all be detailed at reserved matters stage subject to the condition recommended.

321 Overall, the applicant's ecology report concludes that the proposed development would have no significant long-term negative or adverse residual ecological effects on the SINC, designated green corridor or any other nature conservation features within or in close proximity to the site. Furthermore, the report suggests that the proposed redevelopment of the site (which currently has very low ecological value) would give rise to net ecological / biodiversity gains. This assessment conclusion is accepted by GLA officers. As such, the application is considered to accord with the local, strategic and national planning policies in relation to biodiversity and ecology.

#### Urban greening

322 The indicative masterplan and landscape strategy includes substantial areas of urban greening, including a new public green boulevard, public pocket park greens, a linear public open space to the south adjacent to the tram line and an orchard square, together with semi-private communal podium gardens. This overall approach was supported at Stage 1 and GLA officers recognised that this would provide substantial net gains compared to the existing hard landscaping on site in terms of urban greening and biodiversity. The applicant has stated that the revised indicative masterplan would comply with the 0.4 Urban Greening Factor target in the Intend to Publish London Plan. Compliance with the UGF target is a mandatory requirement of the design code and would need to be demonstrated via approved plans at reserved matters stage. This an acceptable approach given the outline nature of the application and GLA officers consider that the application complies with London Plan Policy 5.10 and Policy G5 of the Intend to Publish London Plan.

#### **Conclusion - climate change and sustainability**

323 The proposed development would minimise carbon dioxide emissions to meet London Plan targets and local policy regarding climate change. The development would not increase flood risk and would deliver sustainable urban drainage and urban greening benefits over the existing situation at the site. The development has committed to achieve high standards in

sustainable design and construction. In these respects, the development is in compliance with relevant planning policies regarding sustainability and adapting to climate change.

## **Other environmental issues**

### **Air quality**

324 Paragraph 181 of the NPPF states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, with further guidance in the Government's Planning Practice Guidance (PPG).

325 A core priority of the Mayor's Environment Strategy (2018) is to improve London's air quality and protect public health by reducing exposure to poor air quality, particularly for the most disadvantaged and those in priority locations such as Air Quality Focus Areas, and outlines a range of initiatives that seek to improve the capital's air quality over time, including the Ultra-Low Emission Zone (ULEZ). London Plan Policy 7.14 and Policy SI1 of the Mayor's Intend to Publish London Plan state that London's air quality should be significantly improved and exposure to poor air quality reduced, especially for vulnerable people. Policy SI1 states that development proposals should not create unacceptable risk of high levels of exposure to poor air quality and should ensure design solutions are incorporated to prevent or minimise increased exposure to existing air pollution.

326 Merton Council Local Plan Policy DM EP4 seeks to minimise pollution and requires development to be designed to mitigate impacts on air quality and not result in adverse impacts. The entire borough is designated as an Air Quality Management Area.

327 An updated Air Quality Assessment (March 2020) has been submitted alongside the revised outline application which includes an assessment of the baseline conditions and potential air quality impacts both during the construction and operational phases of the development.

### Site suitability assessment and mitigation

328 In terms of the baseline conditions and site suitability assessment, the dispersion modelling suggests that background Nitrogen Dioxide (NO<sub>2</sub>) concentrations are not predicted to exceed the nationally set air quality objective limit values for human health set by the Air Quality Standards Regulations (2010). These limits values are set at 40µg/m. As a result, no mitigation is required to bring the proposed residential units in line with the relevant limits in relation to human health, for example, mechanical ventilation.

### Construction phase impacts

329 The study assesses temporary air quality impacts arising from the construction phase of the development, including emissions and dust created by earthworks and machinery on site and concludes that, whilst these have the potential to adversely affect local air quality, this issues can be appropriately managed and mitigated, via conditions requiring a Demolition Environmental Management and Logistics Plan and Construction Environmental Management and Logistics Plan which would to outline detailed mitigation measures to control and appropriately manage dust and air quality impacts, including proposals for monitoring and a pollution response plan. Detailed matters relating to HGVs and construction logistics and plant and machinery would be also address by way of this condition.

### Operational phase impacts

330 The net impact of the proposed development on the air quality conditions and pollution levels in the surrounding area has been assessed taking into account changes in air quality (NO<sub>2</sub>

and PM10 concentrations) at sensitive residential and community uses and ecological areas within 100 metres of the site. The air quality assessment shows that the overall impact of the development in terms of air quality is negligible with less than 1% change predicted. Furthermore, the predicted levels of NO2 and PM10 concentrations would remain below the limit values. In addition, the dispersion modelling for the operational phase of the development demonstrates that the proposed development would have a beneficial impact, reducing the current level of NO2 and PM10 concentrations at a number of locations, including those close to the nearby Benedict Primary School and along Church Road, receptor locations adjacent to the two other nearby schools and residential properties, as well as at a number of the other locations tested on the surrounding road network. This improvement in air quality is driven by the removal of the current industrial use and frequent HGV movements carrying waste materials which would lead to a reduction in traffic congestion and emissions.

#### Air quality neutral / positive assessment

331 In line with London Plan Policy 7.14, new developments should be at least 'air quality neutral' and not lead to further deterioration of existing air quality, with Policy S11 of the Intend to Publish London Plan requiring large-scale development such as this to be 'air quality positive'. An air quality neutral assessment has been undertaken as part of the applicant's Air Quality Assessment which shows that the overall transport emissions from the proposed scheme is negative for both NO2 and PM10, with the relevant benchmarks not exceeded. As such, the development is considered to be air quality neutral and no additional mitigation is required to offset traffic generated emissions arising from the development. A number of transport related obligations would also be secured via Section 106 agreement which would have beneficial air quality impacts, including bus capacity improvements, bus stop access improvements, pedestrian access improvements to Belgrave Walk tram stop and the provision of a cycle route and public realm improvements on Hallowfield Way.

#### Conclusion - air quality

332 GLA officers consider that the application is acceptable in terms of air quality. No specific mitigation is required to make the site suitable for residential occupation or to address any residual air quality impact on the surrounding area. Having regard to the current and proposed use and the improvements identified above, GLA officers consider that the local air quality impact of the scheme is would be beneficial in overall terms, when compared to the existing baseline situation. As such, the application complies with London Plan Policy 7.14, Policy S11 of the Intend to Publish London Plan and Merton Local Plan Policy DMEP4.

#### **Noise and odours**

333 The applicant's Noise Impact Assessment (Feb 2020) confirms that plant associated with the proposed development is not likely to give rise to adverse noise impacts on the nearby, which would require any form of specific mitigation to avoid or minimise adverse noise impacts on the surrounding residential and community uses. The Council's Environmental Health officer has raised no objections to the proposals and recommended a number of conditions be attached to any grant of consent, which are recommended. Furthermore, GLA officers note that, once constructed, the proposed development would give rise to reduced noise impacts compared to the existing waste operation, which currently generates substantial noise, as well as other environmental impacts such as odours which have a harmful adverse impact on the amenity of residents nearby and the character and amenity value of adjacent public open spaces. The application and proposed change of use of the site would therefore result in a significant net improvement in the acoustic environment in the surrounding area.

334 As set out in the principle of development section of this report, GLA officers consider that the introduction of residential accommodation on this designated SIL site would not give rise to specific concerns in relation to the Agent of Change principle and result in any noise impacts which might constraint the continued efficient operation and function of the adjacent SIL. As such,

GLA officers therefore consider that the application complies with London Plan Policy 7.15, Policies DM14 and DM13 of the Intend to Publish London Plan and Merton Council Policy DM EP2.

## **Waste**

335 London Plan Policy 5.17 requires adequate provision for waste and recycling storage and collection facilities as part of new developments. In relation to waste generated through demolition, groundworks and construction, Policy 5.18 requires applicants to produce site waste management plans to arrange for the efficient handling of construction, excavation and demolition waste and materials. Policy SI7 of the Intend to Publish London Plan seeks to reduce waste and increase material reuse and recycling and promotes a circular economy. The policy also sets several waste targets including a strategic target of zero biodegradable waste or recyclable waste to landfill by 2026.

336 Matters relating to demolition and construction waste are set out in the applicant's outline construction traffic management plan (March 2020) and would be managed through pre-commencement conditions requiring the submission and approval of a demolition and construction waste management plan. Matters in relation to household waste and recycling and collection will be considered in more detail at reserved matters stage. However, in broad terms, GLA officers are satisfied that the outline application is in general accordance with the above strategic planning policies, taking into account the detailed requirements set out in the design code and noting that the Council's waste management officer raised no objection to the proposals in terms of the outline layout and proposed indicative arrangements for waste collection and recycling facilities.

## **Contaminated land**

337 London Plan Policy 5.21 and Merton Local Plan Policy DM EP4 require the investigation and, where appropriate, remediation of contaminated sites, with appropriate mitigation to ensure contaminated land is brought back into beneficial use and to avoid harm to the environment or human health. A geo-environmental site investigation has been undertaken during 2019 to provide an initial evaluation of the environmental condition of the site in terms of geology, hydrogeology, ground conditions and levels of contamination within soils and groundwater to identify potential contaminants associated with the existing and historic use of the site, risks to human and environmental health and nearby waterbodies, and to establish what mitigation and/or remediation measures would need to be implemented if the site was redeveloped. A conceptual site model has been prepared, based on this initial assessment and highlight the need for remediation within the site boundary, including those arising from ground conditions and contamination and risks to human health, such as asbestos. These risks are considered to constitute negligible short term risks to human health and controlled waters, which can be mitigated and managed appropriately through standard pre-commencement planning conditions. These are therefore recommended for inclusion in the draft decision notice, in accordance with London Plan Policy 5.21 and Merton Local Plan Policy DM EP4.

## **Transport**

338 Chapter 9 of the NPPF sets out the Government's aim to promote the use of sustainable modes of transport. When considering the transport implications of development proposals, the NPPF states that decision-makers should ensure that site specific opportunities available to promote sustainable transport modes have been taken up; safe and suitable access to site would be achieved for all users; and any significant impacts from development on transport network (in terms of capacity or congestion) or highways safety can be mitigated to an acceptable degree. Paragraph 109 of the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or where residual cumulative impacts on the road network would be severe. Paragraph 110 of the NPPF sets out



additional criteria which should be addressed which includes pedestrian, cycle and inclusive access.

339 London Plan Policy 6.1 sets out a strategic approach for transport in London. This includes the aim to encourage patterns of development that reduce the need to travel, especially by car, through the use of maximum car parking standards; seeking to improve the capacity and accessibility of public transport, walking and cycling infrastructure; encouraging shifts to more sustainable modes of travel and promoting walking and safe and step-free access. Policy 6.3 states that the impact of development proposals on transport capacity and network should be fully assessed and not adversely affect safety, with schemes appropriately phased where transport capacity is insufficient to allow for the expected trip generation. Other relevant transport policies are Policies 6.9, 6.10, 6.11 and 6.13 which cover cycling, walking, parking and traffic congestion. Policy 8.2 of the London Plan sets out the Mayor's priorities for planning obligations and states public transport improvements should be given the highest importance, alongside affordable housing.

340 The Mayor's Transport Strategy (2018) (MTS) seeks to promote sustainable mode shift, reduce road congestion, improve air quality and assist in the development of attractive, healthy and active places. The MTS aims to ensure that by 2041, 80% of all Londoners' trips will be made on foot, by cycle or by public transport by 2041. Policy T1 of the Intend to Publish London Plan requires development proposals to support this overarching aim, as do a range of other policies including 'Healthy Streets' (Policy T2), cycling (Policy T5), parking (Policy T6, T6.1-T6.5) and Policies T4 and T5 which relate to transport capacity, connectivity and safeguarding and the provision of necessary transport mitigation measures (Policy T9). Policy T4 requires transport impacts to be assessed and mitigated and states that development proposals should not increase road danger.

341 Merton Council Local Plan Policy CS18 seeks to promote active transport by prioritising access and safety for pedestrians and cyclists, reducing conflict between other transport modes and providing appropriately designed cycle storage facilities and infrastructure. Policies CS19 and DMT1 aim to support and enhance the public transport network by identifying and mitigating any adverse impacts arising from new development through financial contributions and planning obligations, as well as by safeguarding land for construction of major public transport projects. Policy DMT1 states that new development should enhance existing walking and cycling routes and provide or enable new connections and/or land where gaps or barriers to movement are identified. Policies CS20 and DMT3 relates to parking, servicing and deliveries and aim to ensure the level of residential and non-residential car parking is suitable for its location to minimise the impact on local amenity and the road network and requires development to accord with the London Plan maximum car parking standards.

#### Transport issues identified at Stage 1

342 A number of transport issues were raised in the Mayor's initial Stage 1 consultation response on the application, including the need for conditions to secure disabled car parking provision, Electric Vehicle Charging Provision and the submission and approval of a Car Parking Management Plan, as well as a Construction Management Plan, Delivery and Servicing Plan and Travel Plan. The applicant was also required to increase cycle parking to meet the minimum standards in the Mayor's Intend to Publish London Plan and to design the cycle parking in accordance with the London Cycling Design Standards. An appropriate financial contribution to mitigate the impact of the development on bus capacity was also required. The scope for enhancements to the wider pedestrian and cycle network should be assessed in more detail and secured in accordance with the Healthy Streets criteria. Conditions were also required to ensure that the design and landscaping proposed along Hallowfield Way would not compromise the delivery of the Sutton Link project, in accordance with Policy T3 of the draft London Plan.

### Trip generation and mode split

343 The applicant has summarised their trip generation assessment within the Transport Assessment Addendum dated March 2020, which has been undertaken in accordance with TfL's methodology. This concludes that the development is likely to generate an additional 581 two-way person movements during the weekday morning peak (0800 to 0900), and approximately 645 two-way movements during the evening peak (1700 to 1800). Of these, it is predicted that there will be 79 two-way vehicle trips in the AM peak hour and 92 in the PM peak hour. The majority of additional movements are predicted to be public transport trips (389 two-way trips in the AM peak hour and 460 in the PM peak hour) and walking and cycling trips (113 two-way in the AM peak hour and 93 in the PM peak hour). This is consistent with a restraint-based approach to car parking.

### *Highways Impact*

344 The development is expected to generate a net decrease (-42) in two-way vehicle trips in the AM peak hour, although there will be a slight increase (+35) in the PM peak hour. However overall the development will generate a net decrease (-312) in daily two-way vehicle trips when compared with the existing use on site. Furthermore, the level of HGV traffic generated by the existing waste site would be significantly reduced, which would have a positive impact on the immediate and wider highway network in terms of total traffic and HGVs.

345 Highway modelling of the Church Street / Hallowfield Road roundabout indicates that it is currently operating over capacity during the AM peak period and would continue to operate over capacity when development trips are added. However, this is due to background traffic growth on the network. Whilst the junction will continue to operate overcapacity in the AM peak periods, the overall performance of the junction is slightly improved when compared to the existing operation due to the reduction in HGV and vehicle trips. Therefore, no mitigation is required in relation to improvements to the roundabout and the application accords with Merton Council Policy DMT2 and London Plan Policy 6.11. This is a conclusion which Merton Council planning and highways officers also arrived at, as detailed in the Council's Planning Committee report and the internal consultations on the application. The roundabout will continue to operate within capacity during the PM peak period, despite a slight increase in vehicle trips.

### Public transport impact

#### *Bus capacity*

346 There is one bus route within walking distance of the site (Bus Route 200). The proposed development is predicted to generate 150 two-way bus trips in the AM peak. A further 158 two-way bus trips are predicted in the PM peak hour. TfL have accessed the uplift in demand based on pre-COVID capacity and conclude that Route 200 is currently close to capacity between Mitcham and Colliers Wood where additional trips generated by the development would join the service additional. To mitigate this impact, a bus contribution of £450,000 (£90,000 per annum for 5 years) is therefore required to enhance bus services in the peak periods, in accordance with London Plan Policy 6.3 and Policy T4 of the Intend to Publish London Plan and Merton Local Plan Policies CS19 and DMT1. This financial contribution has been agreed with the applicant and would be secured in the Section 106 agreement and paid in three instalments linked to the phasing and occupation of market units.

#### *Bus stop accessibility*

347 To improve the accessibility of the existing northbound bus stop on Church Road it is proposed to relocate the stop to the south outside the Princess Lodge Flats, subject to further detailed design. These works will be subject to further discussion and agreement with TfL and the

local highway authority and the full costs of these works would be funded by the applicant and paid prior to commencement, which is secured in the s106 agreement.

#### *Impact on tram services*

348 As set out in the applicant's Transport Assessment, there would be an increase in tram trips during the AM and PM peak hours – with 197 departures / 42 arrivals anticipated during the morning peak hour; and 137 arrivals / 165 departures during the PM peak hour. The majority of these trips would be expected to use Belgrave Walk tram stop, given its proximity to the site. GLA officers do not consider that this would require additional tram capacity in terms of the frequency of services, taking into account the existing peak time tram line services (6 services per hour).

349 The existing access arrangements serving Belgrave Walk tram stop require passengers to cross the tram tracks via at-grade crossings in order to gain access to the platform which is located centrally, in between the tram tracks. Transport for London (TfL) has expressed concerns in relation to the potential impact of the proposed development on the operation of efficient and regular tram services given the expected uplift in passengers during weekday peak hours, specifically, that the increased numbers of passengers may disrupt services if the majority of these passengers exit the platform to the south, via Ravensbury Path. This could lead to overcrowding of the platform during peak hours and result in crossing passengers exiting the platform delaying south-west bound trams moving on from the tram stop.

350 To mitigate this issue as much as possible within the existing design constraints and the relatively unregulated nature of the access arrangements, TfL is seeking a planning obligation to facilitate the delivery of an additional pedestrian access route across the area of existing open space immediately to the north of the tram line. This pedestrian route would link the existing north-west tram stop access with Ravensbury Walk and would thereby provide an alternative for passengers moving to or from the development site, thereby reducing the reliance on the Ravensbury Path access tram stop access to the south, particularly when the station platform is busy.

351 The proposed pedestrian access route would need to be delivered on third party owned land which is owned by Clarion Housing Association and would also most likely need to be routed to avoid the pylon which is sited on the open space. Whilst these land ownership constraints are noted, GLA officers consider that a planning obligation to assist in the delivery of these necessary transport mitigation measures would meet the statutory and NPPF paragraph 56 tests for planning obligations. However, the ownership issues will need to be reflected in the wording of the obligation in acknowledgement of the reality that the landowner's agreement will be required to deliver the route. Whilst the detailed wording is still being discussed with the applicant, Council, TfL and GLA officers it is likely to either comprise a financial payment with this needing to be spent within a defined timescale and/or a reasonable endeavours obligation to implement an agreed scheme subject to the costs of the works being agreed with the applicant.

352 TfL has also requested that high security fencing should be installed along the southern boundary of the tram line, with the full costs covered by the applicant. High security fencing currently runs alongside the existing site boundary to the south adjacent to the tram line and green corridor. GLA officers therefore recommend that the details for this boundary are secured by condition, with boundary details submitted and approved by the local planning authority, in consultation with TfL, and delivered in accordance with the approved detailed plans.

353 The planning obligation relating to enhancements to Baron Walk has also be widened in its scope to require the submission and approval of a scheme of lighting and landscape maintenance at the at-grade tram crossing point over the tram line to address potential safety and security issues associated with the proposed pedestrian and cycle improvements. Subject to the above planning obligations and conditions being secured, in accordance with London Plan Policy 6.3 and Policy T4 of the Intend to Publish London Plan and Merton Local Plan Policies CS19 and DMT1, GLA officers consider the impact of the development on tram services to be acceptable.

## Healthy streets, walking and cycling

354 The Healthy Streets approach aims to create a high quality, attractive and inclusive environment in which people choose to walk cycle and use public transport. The dominance of vehicles should be reduced by using design to ensure slower speeds and safer driver behaviour, in line with the Mayor's Vision Zero ambition. The proposed development will see an increase in pedestrian and cycle trips to / from the site and the local area compared to the existing situation, which requires significantly improved pedestrian and cycle access arrangements in terms of site access, permeability and qualitative and safety improvements to the existing routes in order to promote active and sustainable modes of travel, in accordance with the strategic and local planning policies set out above and the objectives set out in Merton's draft site allocation (Mi1).

355 In terms of the baseline situation, there are a number of walking and cycling constraints associated with the existing site given its location and land use, as detailed in the applicant's Transport Assessment and Design and Access Statement, which are summarised below:

- The site is reliant on a single access point to the north of Hallowfield Way for pedestrians, cyclists and vehicles which is shared with the adjacent Cappagh car pound and has an industrial character, lacking in natural surveillance and lined by rear garden boundaries. There is currently no direct pedestrian access from the site to Belgrave Walk Tram stop to the west which means that access is only possible via Hallowfield Way, Ravensbury Path and White Bridge Avenue. The adjacent land to the west is in separate ownership which creates issues in terms of delivering direct pedestrian permeability between the site and the tram stop.
- There are a number of qualitative and safety and security issues with the existing footpath along Baron Walk which runs adjacent to the site to the east. This stems from its physical characteristics being lined with high security fencing on both sides and due to its width and length. As result, the route lacks natural surveillance and legibility and suffers from maintenance issues associated with litter, fly tipping and overgrown foliage. The footpath itself is at a lower level compared to London Road Playing Fields which, alongside the presence of high security fencing on both sides, increases the sense of isolation when moving along this route and lack of connectivity with the playing fields. Consequently, whilst this is an important movement route to the south, it is relatively undesirable as an option for most pedestrians, particularly after dark.
- Whilst access to Morden Road to the south is possible via Baron Walk and Ravensbury Path, this necessitates crossing the tram link via at grade crossing points which are lacking in natural surveillance, albeit these routes do include some safety measures in terms of signage and guard railing.
- Church Path is constrained in terms of pedestrian and cycle access, with relatively narrow footway on either side and a single lane carriageway with residential properties in close proximity to the footway.

356 The application proposes the following pedestrian and cycle improvements:

### *Hallowfield Way*

357 To improve the cycle access to the site, the Council's S106 Head of Terms agreed with the applicant, included a £80,000 payment to provide a new cycle way along Hallowfield Way, triggered on commencement of the development. Further potential illustrative landscape and public realm improvements along Hallowfield Way are also detailed in the applicant's Design and Access Statement (page 158) which provide an illustrative scheme showing how this route could be enhanced through landscaping, urban greening and public realm improvements, which would incorporate the proposed cycle route. This areas of the footway on Hallowfield Way lies outside the application site and SUEZ's land ownership and comprises Council-owned highway land.

358 Further planning obligations in relation to wider urban design and landscaping improvements on Hallowfield Way (beyond the proposed cycle route) were not sought by the Council. However, GLA officers do consider these public realm and landscaping improvements should be provided along Hallowfield Way, alongside the proposed cycle route, in order to enhance the overall quality and attractiveness of this key gateway into the site, and also to reflect the movement and urban design aspirations set out in the Council's draft Local Plan site allocation (Mi1) and Conservation Area Appraisal and Management Plan. Accordingly, GLA officers recommend that landscaping and public realm improvements within the existing footway are also sought in the S106 agreement, in accordance with London Plan Policies 6.10 and 7.5, Policies D8 and T2 of the Intend to Publish London Plan and Merton Local Plan Policies CS18 and DMD1. It has been agreed between the applicant, Council and GLA and TfL officers that the best way of securing these works would be to widen the scope of the existing Hallowfield Way obligation and the financial contribution to £100,000. This revised figure is considered sufficient to allow for the provision of the proposed cycle route, as well as landscaping and public realm improvements.

### *Baron Walk*

359 A scheme of improvements to Baron Walk comprising its widening to provide a cycle path and pedestrian footway route (through the dedication of land within the site), with the fencing removed and embankment landscaping and planting enhanced and connectivity to the London Road Playing Fields and the pathways within the open space enhanced. These works would be appropriately secured in the Section 106, with details of these improvements submitted and approved as part of the first Reserved Matters Application and approved prior to commencement, with the full costs covered by the developer and completed prior to occupation. The attractiveness of this route would also be significantly improved through the provision of residential blocks running alongside the entire route providing overlooking and natural surveillance from ground floor and upper floor residential units. As set out above, the scope of the proposed works to Baron Walk would be widened to include necessary landscaping maintenance and lighting at the at-grade crossing over the tram line.

### *Improvements proposed within the application site*

360 Pedestrian and cycle connectivity through the site would be significantly improved as detailed above in the urban design section of this report, through the provision of three new entrances onto the London Road Playing Fields and a series of well-connected, legible, attractive and well-landscaped pedestrian and cycle friendly routes through the site, including a main green boulevard and the linear greenway running alongside the southern boundary with the tram line. This approach accords with the local and strategic planning policies set out above. The design code also requires home-zone standards for the new streets and public open spaces within the development.

### *Access to Belgrave Walk tram stop*

361 In terms of access to Belgrave Walk Tram Stop, the applicant's illustrative access and movement framework plan proposes to provide a pedestrian only route linking the south-western corner of the site and the proposed linear greenway route to the entrance to the tram stop at Ravensbury Path. This route would need to be constructed over third party land which is located to the south of the adjacent Cappagh car pound site. The land in question is owned by subsidiaries of Transport for London and comprises scrub landscaping directly below the overhead pylons.

362 The applicant's Design and Access Statement assumes that this pedestrian only route would only need to be an interim solution as, over the longer term, they expect the adjacent Cappagh owned car pound site to come forward for residential-led development, as anticipated and promoted in the Council's draft site allocation (Mi1). If the adjacent car pound did come forward for redevelopment, this would allow for more improved east-west pedestrian connections

to be provided through the car pound site and linking the application site directly to Ravensbury Path, White Bridge Avenue and Belgrave Walk Tram Stop. Whilst this is clearly a long-term possibility, to date, GLA officers understand that there have been no pre-application discussions with Merton regarding the car pound site. As such, the car pound site's redevelopment cannot be assumed or relied upon to address the site access constraints.

363 Therefore, GLA officers recommend that the Section 106 includes an obligation relating to the provision of this pedestrian only connection to Belgrave Walk Tram Stop. The detailed wording of this obligation is being discussed with TfL, Merton Council and the applicant, noting the land ownership issues, which will require either a financial contribution (subject to funding being allocated and spent within a defined timescale) and/ or an obligation subject to a reasonable endeavours clause.

364 In addition to this, as set out above, to mitigate the issues associated with exiting the platform to the south and heading in the most direct route towards the site, via Ravensbury Path, TfL is seeking a planning obligation to facilitate the delivery of an additional pedestrian access route across the area of existing open space immediately to the north of the tram line. This area of land is owned by a third party, Clarion Housing Association. Whilst the two obligations are closely associated, they mitigate different issues and related to different land ownership areas, so separate planning obligations in the Section 106 are recommended which would enable the obligations to be progressed and implemented separately.

#### Cycle parking

365 The applicant has stated that long and short-stay cycle parking provision serving the residential accommodation and non-residential uses would be provided in accordance with the minimum quantitative standards in the Intend to Publish London Plan and designed and laid out in accordance with the London Cycling Design Standards (LCDS), with further design requirements set out in the design code (page 40). Full details of the cycle parking provision for each phase of the scheme will be submitted for further scrutiny as part of subsequent Reserved Matters Applications and would be secured by planning condition.

#### Car parking

366 In total, 255 residential car parking spaces are proposed, with no car parking proposed for the non-residential use. The proposed residential car parking ratio has been reduced to 0.3 spaces per residential unit (from 0.4 spaces in the original application). This complies with the maximum car parking standard in the Intend to Publish London Plan or an Outer London location within PTAL 3 (which allows up to 0.75 spaces per dwelling)..

367 The applicant has stated that the quantum of disabled persons car parking would accord with the Intend to Publish London Plan, which requires disabled persons car parking for 3% of residential units to be provided from the outset and demonstration that a further 7% could be provided should demand arise. The applicant has also stated that provision for electric vehicle charging points would comply with the Intend to Publish London Plan which requires active provision for at least 20% of the spaces, with passive provision for the remaining spaces.

368 The indicative design and location of the car parking is also supported which envisages the majority of car parking being provided within safe and secure podium parking areas within blocks (209 spaces) which would be wrapped by outward facing residential units at ground floor level with limited on-street car parking provision (46 spaces). This significantly reduces the quantum of hard-standing and parking required in the public realm and is supported in design terms.

369 The proposed scheme would also include car club bays within the site to serve new and existing residents, which is supported, and the Section 106 agreement would secure the

submission and approval of further details of the proposed car club bays, as well as free membership for the car club for a period of three years for each first household.

370 A condition is recommended within the draft decision notice which would require the submission and approval of a site wide Car Parking Management Plan prior to the submission of any Reserved Matters Application. This would need to provide details of the electric vehicle charging points and disabled parking provision (both from the outset and demonstrating the scope to deliver the additional 7%, subject to demand, as set out above). Further details of the car parking provisions in terms of its detailed design and location would be submitted via reserved matters applications and these details would be secured via conditions attached to the grant of full planning permission, together with ongoing use of spaces in line with the approved detailed plans.

371 As detailed in the consultation summary section of this report, the site is not within an existing Controlled Parking Zone (CPZ) so the Council's transport and highways officer requested that a £45,000 financial contribution is sought to cover the cost of investigating, consulting and implementing a CPZ scheme in the area in order to avoid parking overspill issues. This would be secured via the Section 106 agreement. The Council's highways officer did not object to the quantum of car parking proposed.

372 As such, subject to the above mentioned conditions and obligation being secured, the application is acceptable in relation to car parking and complies with London Plan Policy 6.13, Policy T6.1 of the Intend to Publish London Plan and Merton Local Plan Policies CS20 and DMT3.

#### Delivery and servicing

373 An Outline Delivery and Servicing Management Plan has been submitted alongside the outline application which is based on the indicative masterplan and access and movement arrangements. This outline strategy is acceptable and demonstrates that the proposed development could be serviced appropriately within the existing site, both in terms of refuse and recycling collections and delivery vehicles, without impacting the surrounding highway network or giving rise to any pedestrian or cycle safety concerns. A condition would require the submission and approval of a more detailed full Delivery and Servicing Plan, in accordance with the London Plan Policy 6.3 and Policy T7 of the Intend to Publish London Plan.

#### Demolition and construction logistics

374 An outline Construction Traffic Management Plan has been submitted alongside the application which sets out the main logistics issues expected during demolition and construction and identifies a range of management, safety, security and highways and environmental issues which will need to be addressed. A condition is recommended to require the submission and approval of a more detailed site wide Construction Environmental Management Plan (CEMP) prior to the commencement of development which would need to set out in detail a range of mitigation measures in relation to construction related traffic management and logistics, in line with TfL's Construction Logistics Plan Guidance.

#### Travel planning

375 The S106 agreement would secure the submission and approval of residential and commercial travel plans, in line with TfL's best practice guidance, alongside the ongoing monitored and reviewed, with monitoring contributions.

## Sutton Tram Link Extension

376 TfL has been working with the London boroughs of Sutton and Merton to explore options and make the case for funding for the Sutton Link scheme. The Response to Issues Raised report from the previous public consultation was published in February 2020 and this confirms the preferred option is a tram route between Sutton town centre and Colliers Wood which would potentially operate in close proximity to the application site. The scheme would comprise either a Bus Rapid Transit or tram route would be expected to be routed via Church Road, Modern Road and St Helier Avenue, potentially crossing the tram line at Belgrave Walk and running along Hallowfield Way and White Bridge Avenue. However, this is subject to detailed design and, at present, there is a significant funding gap in financing the scheme which remains uncommented. Further funding will need to be found in order for the scheme to progress or be implemented, which will be challenging in the present time. The applicant's Design and Access Statement provides indicative plans showing how the route could function alongside the redevelopment of the site and the adjacent car pound (page 101).

377 London Plan Policy 6.2 and Policy T3 of the Intend to Publish London Plan requires development proposals to not compromise the delivery of safeguarded transport schemes. Further enhancements to the tramlink network are mentioned in broad terms in Table 6.1 of the London Plan and Table 10.1 of the Intend to Publish London Plan and the Sutton Link project is also specifically mentioned in the latter table (10.1). Merton Local Plan Policies CS19 and DMT4 relate to safeguarding of land for major public transport projects. The proposed tram link extension to Sutton is not listed in the currently adopted Local Plan but the route is identified in the draft Merton Local Plan.

378 Overall, based on the information available at this stage and the scope of the application and proposed development, GLA officers are satisfied that the application would not prejudice the potential delivery of the Sutton Tram Link Extension, given that no buildings are proposed within or immediately adjacent to the indicative route along Hallowfield Way and taking into account the width of the existing carriageway and footway. Taking into account these considerations, GLA officers do not consider that the pedestrian and cycle site access improvements proposed would compromise the provision of the Tramlink extension or be incompatible with its delivery. As such, GLA officers do not consider that the proposed development jeopardise the delivery of the Sutton Link and, accordingly, the application is in accordance with the above strategic and local planning policies.

## Conclusion – transport

379 The application complies with the car parking and cycle parking standards in the London Plan and Intend to Publish London Plan. The level of car parking considered to strike an appropriate balance in accommodating car parking within an Outer London location within PTALs 2-3, whilst encouraging more active and sustainable travel, with necessary CPZ-related obligations included to ensure potential over spill car parking issues can be addressed. The overall transport strategy for the site in relation to the proposed site access and pedestrian, cycle and public realm improvements also accords with the Mayor's healthy streets objectives and aspirations in relation to encouraging more active and sustainable modes of travel. Transport mitigation measures are necessary to ensure the impact of the development is acceptable in transport terms and impact on public transport addressed, and these would be secured in the Section 106 agreement, including bus capacity improvements, bus stop access improvements, cycle way improvements on Hallowfield Way and financial contributions towards the provision of a direct access to Belgrave Walk station, together with improved direct pedestrian access to the northern access to the tram stop. Subject to the above mentioned obligations and conditions being secured, the application is considered acceptable in terms of transport and is in accordance with transport policies set out in the London Plan, Intend to Publish London Plan and Merton Local Plan.



## Impact on social infrastructure

380 London Plan Policy 3.16 and Policy S1 of the Intend to Publish London Plan support the provision of adequate social infrastructure as part of new developments and states that facilities should be accessible by walking, cycling and public transport. London Plan Policies 3.17 and 3.18 and Policies S2 and S3 of the Intend to London Plan seek to ensure sufficient provision of health, social care, education and childcare facilities across London to meet demand, taking into account the requirements of infrastructure providers. These broad objectives are also set out in Merton Local Plan Policy CS11.

381 In terms of the baseline situation, the site is currently very close proximity to existing primary schools, with Benedict Primary School located immediately adjacent to the site access on Hallowfield Way and Melrose primary school on Church Road. In addition, the Cricket Green School is within 500 metres, which is a special needs school for a variety of ages. A new secondary school (Harris Wimbledon) is under construction at South Wimbledon, with other existing Harris secondary schools in Morden, Mitcham and St Marks. In terms of healthcare facilities, the Ravensbury Park Medical Centre and Pharmacy is to the adjacent to Ravensbury Park which has been recently constructed. In addition, the existing health care facilities at Mitcham Cricket Green have been recently expanded. Further additional healthcare capacity is proposed at the Local Care Centre near Wilson Hospital which is within 1 kilometre of the site.

382 As part of the public consultation process, objections to the application were received from local residents raising concerns regarding the impact of the development on social infrastructure, particularly in relation to the capacity of local schools and health care facilities.

383 As detailed above, the Council's schools and education officer was consulted on the application and raised no objection in relation to schools capacity and did not request any financial contribution or mitigation in terms of funding for additional classroom capacity, noting that the nearby school has a surplus of primary school places. These schools would also be within easy and safe walking distance. No objections or comments were received from the local health providers on the application.

384 Following the Mayor's decision to call-in the application, GLA officers have engaged with Merton Council officers preparing the draft Local Plan and supporting Infrastructure Delivery Plan (IDP) who have provided further information regarding the social infrastructure capacity work they have been undertaking and discussions with infrastructure providers. Merton Council officers have confirmed that they do not envisage any capacity issues in terms of primary, secondary schools or health care facilities arising from the proposed residential development of the site, given the existing and planned capacity of surrounding infrastructure and are therefore not seeking any specific mitigation. This is clarified in the Council's proposed site allocation in the Local Plan. Should there be any capacity issues in the future, this could be addressed and mitigated through the use of Community Infrastructure Levy funding which the scheme would generate.

385 In relation to childcare facilities, it should be noted that there is scope within the outline application for these to be provided as part of the flexible non-residential use proposed; however, no specific facility is secured at this stage.

386 Overall, GLA officers therefore conclude that the application would not give rise to any adverse impacts in terms of social infrastructure capacity in the surrounding area and the residential-led redevelopment of the site would accord with the above local and strategic policies in relation to social infrastructure.

## Mitigating the impact of the development through planning obligations

387 Regulation 122 of the Community Infrastructure Levy Regulations 2010 states that a section 106 planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. These are statutory tests.

388 The NPPF states that “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.”

389 London Plan Policy 8.2 sets out the Mayor’s priorities for planning obligations, and states that affordable housing; supporting the funding of Crossrail where this is appropriate; and other public transport improvements should be given the highest importance. The Mayor’s Intend to Publish London Plan at Policy DF1 identifies that priority should firstly be given to affordable housing and necessary public transport improvements; and following this recognise the role large sites can play in delivering necessary health and education infrastructure; and the importance of affordable workspace, and culture and leisure facilities in delivering good growth.

390 Pursuant to the consideration within the previous sections of this report, and in line with the policy context set out above, GLA officers propose to secure several planning obligations required to appropriately mitigate the impact of this development, which are set out in full at paragraph 9 of this report. A full list of the obligations is provided under paragraphs 10-13 above, and where appropriate there is detailed consideration given in the relevant topic section of the report. Where appropriate, GLA officers have provided an additional commentary below to support the consideration within this report and to inform the detailed drafting of a Section 106 legal agreement.

### Replacement waste management capacity

- An obligation restricting development until the replacement waste management capacity has been completed at the Beddington Lane Resource and Recovery Facility (79-85 Beddington Lane) in Sutton, as approved under planning permission reference DM2018/01865.

### Affordable housing

391 The following affordable housing obligations would be secured by legal agreement:

- Baseline Affordable Housing Requirement – minimum of 35% by habitable room, comprising 60% London Affordable Rent and 40% intermediate housing.
- Submission and approval of an Affordable Housing Scheme by the Council and GLA prior to commencement – detailing the location, distribution, tenure, size mix of affordable housing and its phasing – and the delivery and occupation of the development in accordance with that approved scheme.
- Triggers to ensure the delivery and transfer of overall affordable housing, linked to the phased construction and occupation of market housing.
- Triggers to ensure the delivery and transfer of London Affordable Rent units, linked to the phased construction and occupation of market housing.
- Affordable Housing Grant – prior to substantial implementation, the owner will use reasonable endeavours to contract with an Affordable Housing Provider who has access to grant funding and to determine whether or not grant funding is available and can be used to provide additional affordable housing.

- Early Stage Viability Review Mechanism
- Affordable housing policy cap at 50% affordable housing (based on a 60:40 tenure split)
- London Affordable Rent in line with the Mayor's annual benchmarks
- London Shared Ownership housing affordability – annual housing costs, including mortgage, rent, interest and service charge not exceeding 40% net household income,
- Provision for intermediate units to be provided as London Living Rent
- Initial marketing of intermediate housing units to eligible households with a local connection and on a range of income levels below the maximum £90,000 income threshold set in the Intend to Publish London Plan and AMR
  - Cascade to London-wide affordability and eligibility criteria after this initial 3-month period.

## Transport

392 The following transport obligations would be secured by legal agreement:

- Financial contribution of £450,000 towards bus capacity improvements to mitigate the costs and expenses of implementing bus capacity improvements on the 200 bus route from Mitcham to Colliers Wood, with payment made over three instalments linked to the occupation of market housing
- Bus stop improvement works comprising the relocation of the existing north-bound bus stop on Church Road (close to Miles Road) to the south outside Princess Lodge Flats and payment of the costs prior to commencement.
- A scheme of improvement works to Baron Walk to be submitted as part of the first Reserved Matters Application and approved prior to commencement, which shall include:
  - the widening of Baron Walk to provide a cycle path and pedestrian footway as set out in the Framework Design Code;
  - a costed scheme for the removal of the security fencing surrounding the London Road Playing Fields alongside measures to improve the connectivity of the development with the open space as well as realigning existing footpaths within the London Road Playing Fields to align with entrances to the site;
  - a scheme of landscape maintenance and lighting improvements at the Baron Walk at-grade pedestrian crossing over the tram tracks to improve safety and security;
  - completion of the agreed scheme of works prior to occupation at the developer's cost; and
  - the submission and approval of a maintenance scheme for Baron Walk prior to occupation.
- £100,000 financial contribution for the delivery of a dedicated cycle lane along Hollowfield Way on commencement, together with public realm and landscaping enhancements for Hollowfield Way;
- A reasonable endeavours obligation and/or a financial contribution in relation to the provision of a pedestrian footpath linking the south-western corner of the site to the entrance of Belgrave Walk stop at Ravensbury Path, including necessary landscaping, fencing, public realm improvements and lighting (via third party land owned by TfL subsidiary London Bus Ltd);
- A reasonable endeavours obligation and/or a financial contribution in relation to the provision of an additional pedestrian footpath connecting the existing north-western Belgrave Walk tram stop entrance/ exit to Ravensbury Path to provide a more direct

pedestrian route for tram passengers and to address the potential for overcrowding on the platform (via third party land owned by Clarion Housing Association);

- the submission and approval of a residential and commercial Travel Plan;
- £45,000 financial payment towards consultation and implementation costs associated with a CPZ scheme, together with an obligation to restrict future residents from obtaining car parking permits should the Council decide to introduce a CPZ
- Provision of car club bays prior to occupation of more than 75% residential units.
- Provision of car club memberships for each first households if requested by household.

Other obligations:

- Delivery of open space and play space provision prior to occupation of a relevant phase of the development, in accordance with the site wide phasing plan;
- Ongoing management and maintenance of open space and public access;

## Legal considerations

393 Under the arrangements set out in Article 7 of the Order and the powers conferred by Section 2A of the Town and Country Planning Act 1990 the Deputy Mayor, acting under delegated authority, is the Local Planning Authority (LPA) for the purposes of determining this planning application ref: 01508/A/P6

394 Section 35 of the Greater London Authority Act 2007 inserts section 2F into the Town and Country Planning Act 1990 a requirement that for applications the Mayor takes over, the Deputy Mayor must give the applicants and the LPA the opportunity to make oral representations at a hearing. He is also required to publish a document setting out:

- who else may make oral representations;
- the procedures to be followed at the hearing; and,
- arrangements for identifying information, which must be agreed by persons making representations.

395 .The details of the above are set out in the Interim Procedure for Representation Hearings, prepared in response to the threat to public health posed by the incidence and spread of the coronavirus . The interim procedure reflects recent legislation relating to the conduct of local authority meetings held before 7 May 2021, in particular making provision for decision making by remote means and remote access of the public and press to enable their attendance or participation by electronic means

396 In carrying out his duties in relation to the determination of this application, the Deputy Mayor must have regard to a number of statutory provisions. Listed below are some of the most important provisions for this application.

397 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that in dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

398 Section 70(4) defines “local finance consideration” as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or

b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

399 In this context “grants” might include the Government’s “New Homes Bonus” - a grant paid by Central Government to local councils for increasing the number of homes and their use.

400 These issues are material planning considerations when determining planning applications or planning appeals.

401 Furthermore in determining any planning application and connected application, the Deputy Mayor is required by section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine the application in accordance with the Development Plan (i.e. the London Plan and the adopted Local Plan) unless material considerations indicate otherwise.

402 Other guidance, which has been formally adopted by Merton Council and the GLA (e.g. Supplementary Planning Documents and Supplementary Planning Guidance), will also be material considerations of some weight (where relevant). Those that are relevant to this application are detailed in this Representation Hearing report.

403 Officers are satisfied that the current report to the Deputy Mayor has had regard to the relevant provision of the Development Plan. The proposed section 106 package has been set out and complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.

404 As regards Community Infrastructure Levy (CIL) considerations, the Mayoral CIL payment associated with this development is estimated to be approximately £2.8 million, whilst the Merton CIL payment is estimated to be £7.5 million, of which 15% (£1.125 million) would be spent on neighbourhood projects. Both figures take into account the expected relief from the affordable housing floorspace.

405 In accordance with his statutory duty in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Mayor shall have special regard to the desirability of preserving Listed Buildings, their settings and any features of special architectural or historic interest which they possess. The Mayor is also required to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas which may be affected by the proposed development (section 72 of the of the Planning [Listed Buildings and Conservation Areas] Act 1990). These matters have been addressed within earlier sections of the report.

406 Where the Mayor takes over an application, he becomes responsible for the section 106 legal agreement, although he is required to consult the relevant borough(s). In this instance, there have been a number of turns of the draft agreement between lawyers and it has progressed on a number of key issues, whilst others remain outstanding at this point in time. Both the Mayor and the borough are given powers to enforce planning obligations.

407 When determining these planning applications, the Deputy Mayor is under a duty to take account of the provisions of the Human Rights Act 1998 as they relate to the development proposal and the conflicting interests of the applicants and any third party affected by, or opposing, the application, in reaching his decision. Planning decisions on the use of land can only be taken in line with the Town and Country Planning Acts and decided in accordance with the development plan unless material considerations indicate otherwise.

408 The key Articles to be aware of include the following:

- (a) Article 6 - Right to a fair trial: In the determination of his civil rights and obligations... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- (b) Article 8 - Right to respect for private and family life: Everyone has the right to respect for his private and family life, his home and his correspondence.

- (c) Article 1 of the First Protocol - Protection of property: Every person is entitled to the peaceful enjoyment of his possessions.

409 It should be noted, however, that most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted i.e. necessary to do so to give effect to the Town and Country Planning Acts and in the interests of such matters as public safety, national economic well-being and protection of health, amenity of the community etc. In this case this Representation Hearing report sets out how this application accords with the Development Plan.

410 Regulation 122 of the Community Infrastructure Levy Regulations 2010 states that a section 106 planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. These are now statutory tests.

411 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Mayor as Local Planning Authority), that the Mayor as a public authority shall amongst other duties have due regard to the need to a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

412 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

413 Officers are satisfied that the application material and officers' assessment has taken into account the equality and human rights issues referred to above. Particular matters of consideration have included provision of accessible housing and parking bays, the provision of affordable and family housing and the protection of neighbouring residential amenity.

## **Conclusion and planning balance**

414 As detailed above Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. When assessing the planning application, the Deputy Mayor is required to give consideration to the provisions of the Development Plan and all other material considerations. He is also required to consider the likely significant environmental effects of the development and be satisfied that the importance of the predicted effects and the scope for reducing them, are understood.

### Tilted balance

415 Paragraph 11(c) of the NPPF sets out a presumption in favour of sustainable development in circumstances where the proposed development is considered to accord with an up-to-date development plan. Having reviewed Merton Council's 5 year housing land supply assessment, as set out in the Council's most recently published housing trajectory and Annual Monitoring report (2019/20), GLA officers consider the Merton Local Plan to be up to date for the purpose of paragraph 213 and 11 of the NPPF. Therefore, based on this information, Merton has a demonstrable five year land supply and the NPPF presumption in favour of sustainable development and the tilted balance is not engaged in respect of this application.

## Heritage balance

416 When considering the proposals, GLA officers have applied the approach required in section 16 of the NPPF and had regard to the statutory duties relevant to the protection of heritage assets. As set out above, GLA officers consider the application would cause less than substantial harm to the setting and significance of the Mitcham Cricket Green Conservation Area, the Grade II\* listed Mitcham Parish Church, the Grade II listed Parish Tombs and the Grade II listed Vicarage. As harm has been identified, the proposal would conflict with Policy 7.8 of the London Plan, Policies D9 and HC2 of the Intend to Publish London Plan, Policies CS2 and CS12 of Merton Local Plan (Core Strategy) and Policy DM D4 of Merton's Local Plan.

417 However, in this instance, GLA officers consider that the less than substantial harm would be clearly and convincingly outweighed by the public benefits associated with the housing and affordable housing provision proposed, namely, the provision of up to 850 new homes, of which 35% would be affordable, comprising a 60:40 policy compliant tenure mix of low-cost rent and intermediate housing provision, as set out above. Further public benefits would also include the improvements to Baron Walk, the creation of new public open space and pedestrian and cycle routes through the development. The reduction in HGV movements within the conservation area along Church Road, which would constitute an important heritage related public benefit in this particular case, given the existing situation. Given the significant benefits of the scheme, GLA officers consider that the less than substantial harm is outweighed and heritage impacts do not justify the refusal of the permission. In coming to these conclusions, GLA officers have taken account of the statutory duties contained in the Planning (Listed Buildings and Conservation Areas) Act 1990.

## Overall planning balance

418 As set out above, the application conflicts with the Development Plan because residential development is proposed on a safeguarded waste site, which also falls within designated Strategic Industrial Land (SIL). In addition to this, the application does not comply with the Merton Local Plan policies on tall buildings, as a tall buildings as the Local Plan does not support tall buildings in this particular location. The application therefore represents a departure from the Local Plan. Accordingly, as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, other material considerations must demonstrably exist to justify this departure.

419 In this specific case, GLA officers do consider that there are material considerations which do justify a departure from the development plan policies relating to safeguarded waste sites, SIL and tall buildings. Taken together, these considerations provide a clear and convincing basis for departing from the development plan.

420 The loss of the existing safeguarded waste site would be appropriately mitigated with sufficient compensatory waste management capacity provided, in accordance with London Plan Policy 5.17 and Policy WP3 of the South London Waste Plan (2012), with existing waste facility relocated to an alternative and more suitable safeguarded waste site in Sutton which has been vacant for 10 years. This site is within the South London Waste Plan area and is owned by SUEZ who has a deliverable planning permission secured. The delivery of the proposed replacement waste facility would be secured prior to the commencement of any enabling residential development on the site, via the Section 106 agreement.

421 Whilst the applicant's relocation strategy does form part of an emerging plan-led approach set out in the draft South London Waste Plan 2021, it is recognised that this draft Plan has not been subject to an Examination in Public and is not adopted. GLA officers consider that there are material considerations to justify a departure from the plan-led principle set out in the Intend to Publish London Plan, taking into account: the significant operational constraints present at the existing site which prohibit the provision of a modern 24-hour waste management facility, whilst also noting the public benefits associated with the provision of additional waste management capacity within the South London Waste Plan Area; and noting that the applicant's relocation

strategy is supported by the South London Waste Plan Authorities. Furthermore, GLA officers are satisfied that the loss of the existing safeguarded waste site at Benedict Wharf would not compromise the potential to meet the apportionment targets in the Intend to Publish London Plan.

422 In relation to site's current SIL designation, GLA officers consider that there are exceptional circumstances in this specific case which do justify the release and residential-led redevelopment of the site. The applicant's fully deliverable relocation strategy generally accords with the overarching principles set out in the Intend to Publish London Plan in terms of ensuring industrial intensification, as there would be no material loss of industrial capacity in terms of waste throughput, with a significant 24% increase proposed. The introduction of residential accommodation on the site would not compromise the integrity or function of the remaining SIL to the south of the site. Furthermore, the proposed residential redevelopment would help to deliver important wider public benefits in terms of facilitating the delivery of additional waste management capacity, alongside substantial housing supply, of which 35% would be affordable. Further public benefits would also include the improvements to Baron Walk, the creation of new public open space and pedestrian and cycle routes through the development. The reduction in HGV movements within the conservation area along Church Road, which would constitute an important heritage related public benefit in this particular case, given the existing situation.

423 Whilst the application represents a departure from the Local Plan in relation to building heights, GLA officers do not consider that the height and massing of the proposed development would have an unacceptable impact on the surrounding area or that the proposals would detrimentally impact the distinctive character or visual amenity of surrounding townscape and landscape features, open spaces or negatively impact local views and the surrounding skyline, as demonstrated in the applicant's HTVIA. Therefore, GLA officers consider that the proposed development otherwise complies with the qualitative assessment criteria set out in London Plan Policies 7.4, 7.6, 7.7, 7.8 and Policies D9, HC1 and HC3 of the Intend to Publish London Plan and Merton Local Plan Policy CS14, DMD2 and DMD4 and is, on balance, acceptable in this particular case.

424 In summary, whilst noting the application is in conflict with the land use policies in the Development Plan relating to waste management and Strategic Industrial Land, and is also contrary to the Local Plan in relation to tall buildings, GLA officers consider that the principle of the proposed residential-led mixed use redevelopment and the proposed density, height, massing, tall building is acceptable in this particular instance and consider that there are material considerations which justify a departure from the Development Plan in this specific case, taking into account the specific circumstances and wider public benefits associated with the application in relation to housing and affordable housing delivery and the provision of additional waste management capacity. Further public benefits would also include the improvements to Baron Walk, the creation of new public open space and pedestrian and cycle routes through the development. The reduction in HGV movements within the conservation area along Church Road, which would constitute an important heritage related public benefit in this particular case, given the existing situation.

### Conclusion

425 In preparing this report, officers have taken into account the likely environmental impacts and effects of the development and identified appropriate mitigation action to be taken to reduce any adverse effects. In particular, careful consideration has been given to the proposed conditions and planning obligations which would have the effect of mitigating the impact of the development.

426 Accordingly, the recommendations set out at the beginning of this report are proposed.



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for further information, contact GLA Planning Unit:

**Lucinda Turner, Assistant Director - Planning**

020 7983 5800 email: [Lucinda.Turner@london.gov.uk](mailto:Lucinda.Turner@london.gov.uk)

**John Finlayson, Head of Development Management**

020 7084 2632 email: [John.Finlayson@london.gov.uk](mailto:John.Finlayson@london.gov.uk)

**Allison Flight, Deputy Head of Development Management**

020 7084 2820 email [Alison.Flight@london.gov.uk](mailto:Alison.Flight@london.gov.uk)

**Nick Ray, Team Leader - Special Projects**

020 7983 4178 email: [Nick.Ray@london.gov.uk](mailto:Nick.Ray@london.gov.uk)

**Andrew Russell, Principal Strategic Planner (case officer)**

020 7983 5785 email: [andrew.russell@london.gov.uk](mailto:andrew.russell@london.gov.uk)

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