

## Merton Estates Local Plan

### Inspector's Post-Hearing Outline of Required Main Modifications

Following the close of the hearing sessions on 6 July 2017 and in the light of the Council's formal request to me to recommend Main Modifications (MMs) to address matters of soundness, I am now providing an outline of the required MMs.

Whilst I have concluded that the submitted plan is not sound in a number of respects, I consider that it can be made sound through a number of MMs. These all relate to issues which were discussed at the hearings. The MMs will need to be publicly advertised and be subject to sustainability appraisal. I will take representations received on the MMs into account and so this note is without prejudice to my final report.

The proposed MMs which, at this stage, I consider are necessary can be summarised as follows (broadly in the order in which they relate to the document). Please note, every effort has been made to reference previous minor amendments where they would need to be incorporated in Main Modifications, but it should not be assumed that lack of specific reference to a MA is deliberate. It is suggested that where there are various MAs and further changes to be incorporated within one policy, they should be consolidated into one MM per policy.

Part 02: Background –

Section: Key Drivers –

Delivering Merton's Core Planning Strategy – add new paragraphs along the lines of MA3A, clarifying the parts of the wider development plan within which the ELP sits and referring to a new Appendix 4.

Section: The Vision -

Insert new policy with justification, along the lines of 'OEP1 Vision' as set out in MA1 but taking account of the following:

- For Eastfield - include elements of the text of paragraph 3.39 which help to strengthen the explanation of the overall vision and its practical translation into policy requirements and consider whether recognising the Eastfield estate's experimental design is a realistic aim, given total regeneration is proposed.
- For High Path - include elements of the text of paragraph 3.130 which help to strengthen the explanation of the overall vision

and its practical translation into policy requirements and consider whether the aim to create a more intensive urban development should be stated.

- For Ravensbury – include elements of the text of paragraph 3.238 which help to strengthen the explanation of the overall vision and its practical translation into policy requirements.

Insert new policy with justification, along the lines of 'OEP2 Strategy' as also set out in MA1 but taking account of the following:

- begin part B) with "Are consistent with ..."
- part D) to read along the lines of "Indicate the proposed timing of major building phases"; and
- add new part E) along the lines of "provide affordable housing on a phase by phase basis, having regard to prevailing need, viability and national and local policy and guidance."

Add text to the 'vision' or 'inspiration' photographs on pages 30, 32 and 34, clarifying their purpose and status, along the lines of MA1 whilst adding: "... but are not intended to be a definitive template to be slavishly copied".

Add text to the 'vision' diagrams on pages 31, 33 and 35, clarifying their purpose and status, along the lines of MA1 and MA72 but also making clear that proposals or features outside the plan boundary are illustrative and intended to show the context for the ELP's policies. Amend the diagrams to reflect any changes to individual policy diagrams (see below). Ensure reference is made to text having primacy where any ambiguity is apparent.

Section: Urban Design Principles –

Insert new policy with justification, along the lines of 'OEP3 Urban Design' as set out in MA2 but including the following (either in the policy and/or justification):

- ensuring that the full range of Equalities, disability, inclusive design and accessible environments issues is given due weight, ensuring that the essence of existing text in para 2.39 is not lost and referencing para 57, 58, 61 and 69 of the NPPF;
- specific reference to management of flood risk for both fluvial and surface water; and

- stronger reference to the need to design against crime and for community safety (possibly by specific reference to 'Secured by Design' principles).

### Part 03: Analysis and planning policies –

NB. This title may need to be slightly amended, to “area planning policies” for example, in the light of the introduction of three new general policies.

#### Eastfields –

##### Policy EP E1 –

Combine parts a) and b) so that they read more clearly and, in the case of b), unambiguously.

Amend part c) to read “Proposals should create a principal focal point ...” (and amend Justification if necessary and key in diagram).

Move Further guidance text to the Justification, along the lines of MA14. See also implications of new Policy MA1 for para 3.39 (above).

Diagram key – add “illustrative” to northern access street.

##### Policy EP E2 –

Move Further guidance text to the Justification, along the lines of MA15.

##### Policy EP E3 –

Amend part a) of the policy and paragraph 3.56 of the Justification to make clearer the meaning and potential implications of “should not divide the estate into two”. At present, this is expressed no more strongly than opening up Acacia Rd / Mulholland Close to vehicles should be investigated. It is not clear, from the policy/Justification or diagram, how the indicative vehicular street grid could be implemented without potentially dividing the estate into two parts.

Part b) and the Justification should be suitably amended to make clear that proposals should facilitate the potential extension as a street of Grove Road from the north.

Move Further guidance text to the Justification, with amendments re through traffic and buses, along the lines of MA16.

Policy EP E4 –

Amend part a) to read “.. and with provision of no fewer than the existing number of affordable homes, non-residential uses ...”.

Amend part b) to incorporate reference to the London Plan.

Move Further guidance text to the Justification and incorporate amendments re London Plan density, along the lines of MA17 and MA18.

Policy EP E5 –

Amend the policy to make reference to open space deficiency in terms of the London Plan, along the lines of MA21.

Move Further guidance text to the Justification and incorporate amendments re designated open space and open space deficiency, along the lines of MA19, MA20 and MA22, but potentially with cross-reference to the street network providing better access to designated open space. However, do not include an additional separate diagram showing a pedestrian route from the area deficient in designated open space, as suggested in MA23.

Amend part b) to “have regard to” the Mayor’s SPG.

Delete parts c) and d) and any relevant parts of the Justification, as they are more relevant to policy EP E7 (along the lines of MA24 and MA25).

Amend the policy and Justification to add reference to indoor and outdoor sports facilities, along the lines of MA 73 and MA74.

Policy EP E6 –

Amend the policy, along the lines of MA26, to ensure that flood risk is addressed appropriately and consistent with the London Plan. Amend the Justification to ensure consistency with national policy and guidance, with regard to individual development proposals’ compliance with the sequential and exceptions tests.

Amend the policy and Justification, along the lines of MA26 and MA28 respectively, to ensure that the policy is effective and consistent with development plan and national policy and guidance with regard to sustainable energy requirements.

Amend part k) and the Justification to require an approach to working method statements and construction logistics plans which is appropriate and proportionate to the scale and nature of the proposal,

whether outline or detailed, the sensitivity of the context and the types and severity of the anticipated impacts. The requirement should also be consistent with the requirements set out elsewhere in the development plan, including Policy DM D2 xii and xiii.

Amend part l), along the lines of MA27, to include reference to a requirement for submission of a site waste management plan.

#### Policy EP E7 –

Amend the policy to rationalise the wording, in order to make it effective and avoid unnecessary prescription, detail and repetition, particularly regarding the retention of trees. Focus the policy on distinctive requirements for the incorporation of retained trees (e.g. part (g)) and new tree planting and landscaping, and consequentially amend the Justification as appropriate. Ensure consistency with Policy DM 02 parts b) – f) of the Sites and Policies Plan.

Insert new element of the policy, with new Justification text, seeking to ensure appropriate provision of private garden and/or amenity space to all new dwellings (houses and flats), having regard to relevant standards and the character of the development. Ensure consistency with Policies EP H7 and EP R7 and with Sites and Policies Plan policy DM.D2. (This approach differs from MA30 and MA31).

Move Further guidance to Justification, along the lines of MA29.

#### Policy EP E8 –

Move Further guidance to Justification, along the lines of MA32.

#### High Path –

#### Policy EP H1 –

Move Further guidance to Justification, along the lines of MA33. See also implications of new Policy MA1 for para 3.130 (above).

#### Policy EP H2 –

Amend the second part of the first sentence of part a) to read "... and should form the basis of the main pedestrian and cycle routes into, out of and through the estate". Amend the second sentence of part a) to allow an element of flexibility with regard to views along the length of the street from Abbey Road to Morden Road.

Amend or delete part e) to clarify the meaning of "existing level of vehicular links" and its relevance to this policy, which is not primarily concerned with vehicular links.

Amend part f) to begin "Provision for future extensions ..." to reflect the location outside the plan area.

Move Further guidance to Justification, along the lines of MA34.

Delete "required" historic street alignment from diagram key.

#### Policy EP H3 –

Amend part c) to clarify that proposals should "take account of" or "make provision for" measures which may be outside the plan area.

Amend or delete part d) after the first comma, as this text relates wholly to locations well outside the plan area.

Amend part e) to require preparation of a comprehensive parking (management) strategy. Amend Justification accordingly, referring as appropriate to parking policies or guidance elsewhere in the development plan and the need to address demand from residents, businesses and commuters in the context of the area's high PTAL.

Amend part f) along the lines of "Proposals should demonstrate how any implications of a potential Tramlink extension to South Wimbledon could be accommodated."

Move Further guidance to Justification, along the lines of MA35, whilst also taking account of the above changes.

Amend the key and/or diagram itself to clarify which features/requirements outside the plan area are illustrative or contextual.

#### Policy EP H4 –

Amend parts a) and b) to include references to affordable homes and the London Plan respectively.

Move Further guidance to Justification, with amendments, along the lines of MA36.

#### Policy EP H5 –

Consider need for amendment to the policy and Justification, as appropriate, to ensure that it is clear that it relates to a deficiency in designated open space.

Delete part c) of policy as in MA37.

Amend the policy and Justification to add reference to indoor and outdoor sports facilities, along the lines of MA 73 and MA74.

Amend part b) so as to "have regard to" the Mayor's SPG. Address the need for flexibility with regard to re-provision or relocation, and for clarity along the lines of MA40.

Move Further guidance to Justification, with amendments, along the lines of MA38.

Policy EP H6 -

Address the repetitiveness of the policy (particularly parts a) and c)), in the light of the degree of duplication with Policy EP H7, with respect to trees.

Address the need for clarity and consistency between parts a) and c) and the diagram, with regard to description of green networks/chains/corridors.

Amend the policy, along the lines of MA42, to ensure that flood risk is addressed appropriately and consistent with the London Plan. Amend the Justification to ensure consistency with national policy and guidance, with regard to individual development proposals' compliance with the sequential and exceptions tests.

Amend the policy and Justification, along the lines of MA43 and MA45 respectively, to ensure that the policy is effective and consistent with development plan and national policy and guidance with regard to sustainable energy requirements.

Amend part j) and the Justification to require an approach to working method statements and construction logistics plans which is appropriate and proportionate to the scale and nature of the proposal, whether outline or detailed, the sensitivity of the context and the types and severity of the anticipated impacts. The requirement should also be consistent with the requirements set out elsewhere in the development plan, including Policy DM D2 xii and xiii.

Amend part k), along the lines of MA44, to include reference to a requirement for submission of a site waste management plan.

Policy EP H7 -

Amend the policy to rationalise the wording, in order to make it more concise, in order to be effective and avoid unnecessary prescription, detail and repetition, particularly in part a) regarding the retention of trees. Focus the policy on distinctive requirements for the incorporation of retained trees and new tree planting and landscaping,

and consequentially amend the Justification as appropriate. Ensure consistency with Policy DM 02 parts b) – f) of the Sites and Policies Plan. Also, amend the diagram to ensure clarity in cross-referencing between it and the policy.

Delete part d), or amend it and make consequential changes to the Justification, in order to make it effective, as, in its present form, it merely requires compliance with vague concepts (“highest quality, accessible, meet the needs of residents”) and relevant policy requirements, which are not further explained.

Insert new element of the policy, with new Justification text, seeking to ensure appropriate provision of private garden and/or amenity space to all new dwellings (houses and flats), having regard to relevant standards and the character of the development. Ensure consistency with Policies EP E7 and EP R7 and with Sites and Policies Plan policy DM.D2. (This approach differs from MA46 and MA49).

Move Further guidance to Justification, with amendments, along the lines of MA47.

Policy EP H8 –

Clarify in part a) of the policy whether references to “lower than ... Morden Road and Merantum Way” refers to those roads’ existing or proposed heights;

Emphasise in part c) that transition between new taller buildings within the plan area on Morden Road and new development to the east of them should be carefully designed;

Delete parts f) and g) from the policy and amend the diagram (and, if necessary, cross-sections) accordingly, as these relate to areas completely outside the plan area; include appropriate contextual information in the Justification.

Move Further guidance to Justification, with amendments, along the lines of MA48.

Ravensbury -

Policy EP R1 –

Consider rationalising parts a) and d) to make them more concise and, therefore, effective.

Move Further guidance to the Justification, with amendments, along the lines of MA50, including explanation that there are no proposals within the plan to refurbish Ravensbury Court (with also consequent

amendment to the diagram) and ensuring that investigation of improvement works well beyond the plan boundary are not couched as requirements.

See also implications of new Policy MA1 for para 3.238 (above).

#### Policy EP R2 –

Amend part d), with any consequential changes to the Justification, along the lines of “the new street network should provide connections between Ravensbury Grove and Morden Road, provided that active frontages and other appropriate measures to deter crime and promote community safety are incorporated, and should permit views towards Ravensbury Park.”

Move Further guidance to Justification, with amendments, along the lines of MA51.

#### Policy EP R3 –

Amend the policy, and make any necessary consequential amendments to the Justification, to qualify the objective of improving permeability, such as amending part a) along the lines of “... which should be well surveyed, in order to deter crime and promote community safety. Entrances ...”

Furthermore, combine and amend parts b) and c) along the lines of “Proposals should, subject to detailed investigation, make appropriate provision for a clear, legible and safe pedestrian and cycle route between the entrances to Morden Hall Park and Ravensbury Park, including links into the Ravensbury estate and to the wider pedestrian and cycle networks. The desirability and potential to relocate the crossing of Morden Road to a safe and convenient location should be investigated as part of such a proposal.”

Amend part d) along the lines of “Whilst Ravensbury Grove should remain the main vehicular access into the estate, proposals should make provision for a potential secondary vehicular access from Morden Road, such as for emergency vehicles, should further investigation reveal such a feature to be necessary and not harmful to road and community safety.”

Move Further guidance to Justification, with amendments to reflect the above, along the lines of MA52 but also making clearer that investigation of improvement works well beyond the plan boundary are not couched as requirements.

Make clear, in the Justification, that any proposal for a new bridge across the River Wandle, connecting with Ravensbury Grove, should take account of the need to deter crime and promote community safety.

Amend the key and/or diagram itself to take account of the above and clarify which features/requirements outside the plan area are illustrative or contextual.

#### Policy EP R4 –

Amend parts a) and b) to include references to affordable homes and the London Plan respectively.

Delete Further guidance and amend Justification, along the lines of MA53, MA54 and MA55, with particular emphasis on the estates “suburban” character.

#### Policy EP R5 –

Delete parts a), b) and d) of the policy and parts of the Further guidance and Justification, along the lines of MAs 56 - 60, as planning permission has been granted for a scheme and these elements are not relevant to this policy, which is to be focussed on designated open space, play and sports facilities. Amend the diagram as necessary in consequence.

Amend the policy and Justification to add reference to indoor and outdoor sports facilities, along the lines of MA 73 and MA74.

Amend part c) so as to “have regard to” the Mayor’s SPG.

#### Policy EP R6 –

Amend parts a) to e) of the policy, along the lines of MA61, to ensure that flood risk is addressed appropriately and consistent with the development plan and London-wide guidance, and national policy and guidance.

Amend the policy and Justification, along the lines of MA62 and MA64 respectively, to ensure that the policy is effective and consistent with development plan and national policy and guidance with regard to sustainable energy requirements.

Amend part n) and the Justification to require an approach to working method statements and construction logistics plans which is appropriate and proportionate to the scale and nature of the proposal, whether outline or detailed, the sensitivity of the context and the types and severity of the anticipated impacts. The requirement should

also be consistent with the requirements set out elsewhere in the development plan, including Policy DM D2 xii and xiii.

Amend part o), along the lines of MA63, to include reference to a requirement for submission of a site waste management plan.

Move Further guidance to the Justification, along the lines of MA65, whilst ensuring that references to Main River Wandle enhancement are not unduly prescriptive, acknowledging the location outside the plan area.

#### Policy EP R7 –

Amend the policy to include reference to retention and enhancement of communal gardens on Hengelo Gardens and Ravensbury Grove (moved from EP E5).

Amend the policy, particularly part b), to rationalise the wording, in order to make it more concise, in order to be effective and avoid unnecessary prescription, detail and repetition, regarding the retention of trees. Focus the policy on distinctive requirements for the incorporation of retained trees and new tree planting and landscaping, and consequentially amend the Justification as appropriate. Ensure consistency with Policy DM 02 parts b) – f) of the Sites and Policies Plan.

Insert new element of the policy, with new Justification text, seeking to ensure appropriate provision of private garden and/or amenity space to all new dwellings (houses and flats), having regard to relevant standards and the character of the development. Ensure consistency with Policies EP E7 and EP R7 and with Sites and Policies Plan policy DM.D2. (This approach differs from MA60 and MA66).

Move Further guidance to Justification, along the lines of MA67.

#### Policy EP R8 –

Re-configure the policy, Further guidance and Justification (removing the distinction between the latter two), to make it more concise, less repetitive and remove any ambiguity created by the overlap between part a) and parts b) to e). Make clear that building heights should not exceed those of Ravensbury Court flats and should generally be lower, particularly towards the centre of the estate, whilst allowing some flexibility, mainly towards the edge of the estate and at focal points, in order to provide for visual variety and punctuation, provide a barrier to noise etc and to take account of factors such as the requirements for finished floor levels due to flood risk and different ground levels.

## Part 04: Design Requirements for Planning Applications

Make clear the status of this part of the plan and ensure the text is couched in terms of guidance and the scope of information needed to support proposals, rather than policy requirements, which should be located elsewhere in the document or which may merely repeat what is included in the policies and Justifications.

Include an additional section regarding the SACs, along the lines of MA71.

### Appendices

Introduce new Appendix 4, setting out cross-references to development plan policies along the lines of MA69.

*Nicholas Taylor*

Inspector