

Merton Council

Council meeting

Membership

The Mayor: Councillor Marsie Skeete

The Deputy Mayor: Councillor Judy Saunders

Councillors: Agatha Mary Akyigyina OBE, Stephen Alambritis, Mark Allison, Stan Anderson, Laxmi Attawar, Hamish Badenoch, John Bowcott, Kelly Braund, Mike Brunt, Michael Bull, Adam Bush, Tobin Byers, Charlie Chirico, David Chung, Caroline Cooper-Marbiah, Pauline Cowper, Stephen Crowe, Mary Curtin, David Dean, John Dehaney, Nick Draper, Edward Foley, Brenda Fraser, Fidelis Gadzama, Ross Garrod, Suzanne Grocott, Jeff Hanna, Joan Henry, Daniel Holden, James Holmes, Janice Howard, Mary-Jane Jeanes, Abigail Jones, Philip Jones, Andrew Judge, Sally Kenny, Linda Kirby, Abdul Latif, Najeeb Latif, Brian Lewis-Lavender, Gilli Lewis-Lavender, Edith Macauley MBE, Russell Makin, Peter McCabe, Oonagh Moulton, Ian Munn BSc, MRTPI(Rtd), Katy Neep, Jerome Neil, Dennis Pearce, John Sargeant, David Simpson CBE, Peter Southgate, Geraldine Stanford, Linda Taylor OBE, Gregory Patrick Udeh, Jill West, Martin Whelton and David Williams

Date: Wednesday 7 February 2018

Time: 7.15 pm

**Venue: Council chamber - Merton Civic Centre, London Road,
Morden SM4 5DX**

This is a public meeting and attendance by the public is encouraged and welcomed. For more information about the agenda please contact

democratic.services@merton.gov.uk or telephone [020 8545 3616](tel:02085453616).

All Press contacts: press@merton.gov.uk, 020 8545 3181

Council meeting

7 February 2018

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Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non-pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Assistant Director of Corporate Governance.

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Agenda Item 3

COUNCIL
22 NOVEMBER 2017
(7.49 pm - 10.44 pm)

PRESENT The Mayor, Councillor Marsie Skeete,
The Deputy Mayor, Councillor Judy Saunders,

Councillor Agatha Mary Akyigyina OBE, Stephen Alambritis, Mark Allison, Stan Anderson, Laxmi Attawar, Hamish Badenoch, John Bowcott, Mike Brunt, Michael Bull, Adam Bush, Tobin Byers, Charlie Chirico, David Chung, Caroline Cooper-Marbiah, Pauline Cowper, Stephen Crowe, Mary Curtin, David Dean, John Dehaney, Nick Draper, Edward Foley, Brenda Fraser, Ross Garrod, Suzanne Grocott, Jeff Hanna, Joan Henry, Daniel Holden, James Holmes, Janice Howard, Mary-Jane Jeanes, Abigail Jones, Philip Jones, Andrew Judge, Sally Kenny, Linda Kirby, Abdul Latif, Najeeb Latif, Brian Lewis-Lavender, Gilli Lewis-Lavender, Edith Macauley MBE, Russell Makin, Peter McCabe, Oonagh Moulton, Ian Munn BSc, MRTPI(Rtd), Katy Neep, Dennis Pearce, John Sargeant, David Simpson CBE, Peter Southgate, Geraldine Stanford, Gregory Patrick Udeh, Jill West, Martin Whelton and David Williams

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillors Braund, Gadzama, Neil and Taylor OBE.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 13 September 2017 be agreed as an accurate record.

4 ANNOUNCEMENTS BY THE MAYOR, LEADER OF THE COUNCIL AND CHIEF EXECUTIVE (Agenda Item 4)

The Mayor provided a brief update on the forthcoming Mayor's Christmas Meal and thanked those present for their continued support.

There were no announcements from the Leader or the Chief Executive.

5 PUBLIC QUESTIONS TO CABINET MEMBERS (Agenda Item 5)

The responses to the written public questions were circulated prior to the meeting. The Mayor then invited each of the questioners in turn to ask (if they wished) a further question to the Cabinet Member. A copy of the supplementary questions and responses will be included in the 'public questions to Cabinet Members' published document.

6 COUNCILLORS' ORDINARY PRIORITY QUESTIONS TO CABINET MEMBERS (Agenda Item 6)

The responses to the written member ordinary priority questions were circulated prior to the meeting. The Mayor then invited each of the members in turn to ask (if they wished) a further question to the Cabinet Member. A copy of the supplementary questions and responses will be included in the 'member ordinary priority questions to Cabinet Members' published document.

7a STRATEGIC THEME: COUNCILLORS' QUESTIONS TO CABINET MEMBERS (Agenda Item 7a)

The responses to the written member strategic theme priority questions were circulated prior to the meeting. The Mayor then invited each of the members in turn to ask (if they wished) a further question to the Cabinet Member. A copy of the supplementary questions and responses will be included in the 'member strategic theme priority questions to Cabinet Members' published document.

It was also noted that a copy of the member non priority questions and responses will be published after the meeting, in line with Constitutional requirements.

7b STRATEGIC THEME: MAIN REPORT (Agenda Item 7b)

The Strategic Theme report on Corporate Capacity with a focus on Bridging the Gap was moved by Councillor Allison and seconded by Councillor Alambritis .

Councillor Crowe also spoke on the item.

RESOLVED: That the Strategic Theme report be agreed.

7c STRATEGIC THEME: MOTIONS (Agenda Item 7c)

The motion was moved by Councillor Williams and seconded by Councillor Dean.

The Labour amendment as set out in agenda item 25 of Supplementary Agenda 4 was moved by Councillor Allison and seconded by Councillor Brunt.

The Labour amendment was put to a vote and was carried – votes in favour: 32, votes against: 19, abstentions: 4.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 32, votes against: 19, abstentions: 4.

RESOLVED:

This Council recognises that at a time of significant government cuts to council budgets and of constrained public spending which has seen local authorities lose at least 40% of their funding from central government, it is inevitable that there will be a reduction in local services as innovation alone cannot fill this massive gap in funding. However it is more important than ever that local authorities should innovate to try to mitigate some of the impact of these government cuts. This is one way they can reduce costs and generate additional income whilst continuing to deliver quality frontline services at a price their residents can afford, although it is acknowledged that the scale of the government's cuts mean that reductions to some services cannot be avoided without increased investment from central government.

This Council is therefore concerned that Merton should innovate successfully in order to save money or generate income and is proud that the recent Annual Residents survey found that a record number of residents said Merton was an efficient and well run council. Our successes in this regard include:

- An innovative four borough waste contract with Conservative Kingston, Liberal Democrat Richmond and Labour Croydon to save Merton in the region of £48m over the lifetime of the contract
- Successfully sharing our legal service and our regulatory services, along with a number of other services, in order to save money whilst also increasing resilience.
- Successfully running a profit making company, CHAS, with dividends ploughed back into council services.
- One of the most efficient library services in London with some of the highest usage levels and customer satisfaction.
- Establishing a property company, Merantun, to maximise the councils' assets to the benefit of council tax payers rather than big developers.
- Contributing to around £1m in savings so far, with more to come, partly linked to implementing a new website that has moved around 200 different sets of transactions online, with up to 70% of service requests now through the website and connecting our website and call centre to back office systems so that we reduce manual handling of requests, customers' requests get referred to the right operative quickly and they can receive better updates on progress.

However, there will always be examples where we could have achieved more and sooner had we had more resources (invest to save), more staff or more expertise and some such attempts have been challenging leading in some cases, although often temporarily, to reduced customer satisfaction and increased costs for council taxpayers in the short term, including:

- Lengthy and ongoing delays by the external provider to the Customer Contact Programme have meant considerable potential savings have still not been

realised, although at least £1m has already been delivered with further savings estimated on full roll out;

- The new waste management and street cleaning contract signed with Veolia and three other boroughs at a net cost of £298,000, but delivering over £2m per annum in savings for Merton alone, initially reported reduced services for some residents and a large increase in complaints and service requests received by the council about the state of local streets and town centres, however we are working hard with Veolia to ensure they deliver the performance standards expected and the implementation of a wheeled bin solution in 2018 will help reduce litter on the streets still further, with Keep Britain Tidy finding that up to 50% of litter on our streets was due to black sacks and open boxes;
- On track for an autumn 2018 opening, despite delays to the new leisure centre in Morden and currently renegotiating a contract with GLL so that Merton taxpayers will benefit from the uplift in revenue and value of this new asset - the increased revenue benefit from this contract is in the draft council budget estimated at £300k per annum;
- Pursuing a much anticipated new secondary school for South Wimbledon, at a significantly reduced cost to the council due to c£35m we have successfully secured from government, and made possible by a sometimes controversial land swap with the Elim Church which is based on compulsory purchase principles and independent valuation advice and supported by government; although it has meant the loss of Merton Hall from full time community use, this is an important asset of considerable heritage, community and monetary value which will still be available for community use outside of the times it is used by the church, the Wimbledon Foodbank and other services the church delivers; and
- Understandable difficulties in maximising ongoing revenue from the P4 site through alternative models put forward by the Conservative group that would have involved the council speculatively investing £50m in the site with no confirmed tenant and in the context of the Conservative government's botched Brexit negotiations that have already impacted on London's commercial property market. This was a model that was clearly reckless and irresponsible and this administration will instead focus on viable, affordable and realistic solutions that would help better deliver what residents wish to see at this location whilst potentially providing an ongoing revenue stream to the council, despite the challenges of the government's failure to allay market fears in relation to Brexit.

This Council notes the significant savings the council has delivered since 2010 through innovation and increased efficiency but regrets that more savings will be required in future years due to the government's austerity agenda and that this persistent failure by government to invest in local services hampers our ability to innovate successfully and is costing the borough significant amounts of money and therefore requests that the Chief Executive undertake a comprehensive review of Merton's performance in this regard in order to identify any systemic weaknesses within the organisation and to bring forward recommendations for improvement to Members for consideration through the Scrutiny process.

8 REPORT OF THE COLLIERS WOOD COMMUNITY FORUM (Agenda Item 8)

Councillor Dehaney presented the report which was received by the Council.

9 REPORT OF THE MITCHAM COMMUNITY FORUM (Agenda Item 9)

Councillor Munn presented the report which was received by the Council.

10 REPORT OF THE MORDEN COMMUNITY FORUM (Agenda Item 10)

Councillor Philip Jones presented the report which was received by the Council.

11 REPORT OF THE RAYNES PARK COMMUNITY FORUM (Agenda Item 11)

Councillor Bull presented the report which was received by the Council.

12 REPORT OF THE WIMBLEDON COMMUNITY FORUM (Agenda Item 12)

Councillor Najeeb Latif presented the report which was received by the Council.

13 NOTICES OF MOTION - CONSERVATIVE MOTION 1 (Agenda Item 13)

The motion was moved by Councillor Moulton and seconded by Councillor Holmes.

The Labour amendment as set out in agenda item 26 of Supplementary Agenda 4 was moved by Councillor Macauley and seconded by Councillor Abigail Jones.

The Labour amendment was put to a vote and was carried – votes in favour: 33, votes against: 19, abstentions: 3.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 33, votes against: 19, abstentions: 3.

RESOLVED:

Following publication of the MOPAC/MPS Public Access Strategy on 1 November 2017, this Council condemns the government's £1 billion per year cut in funding for the Metropolitan Police which has led to the Mayor of London's decision to close Wimbledon Police Station, which he has been forced into by this government's year on year £1 billion cuts - which dwarfs the Met's £240 million one off reserves, which represent just 2% of the Met's budget, and which are already allocated for policing in London to provide a buffer, particularly in light of the current terror threat.

14 NOTICES OF MOTION - LIBERAL DEMOCRAT MOTION 1 (Agenda Item 14)

The motion was moved by Councillor Jeanes and seconded by Councillor Southgate.

Councillor Grocott also spoke on the motion.

The Labour amendment as set out in agenda item 27 of Supplementary Agenda 4 was moved by Councillor Byers and seconded by Councillor Curtin.

The Labour amendment was put to a vote and was carried – votes in favour: 32, votes against: 23, abstentions: 0.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 32, votes against: 0, abstentions: 23.

RESOLVED:

This council acknowledges that there is a crisis in social care. Government has slashed council funding by more than 40% since 2010, much of this agreed under the Conservative/Liberal Democrat coalition, and as a result adult social care, which is the biggest single area of the council's controllable spending, is inevitably facing significantly reduced budgets. Added to this, although we very much welcome increasing numbers of older people living longer than ever, they often have more complex care needs in later life which require increased spending on more expensive care packages. However, despite the significant financial challenges as a result of the Conservative and Liberal Democrat austerity agendas, this Council is encouraged that in the process of recommissioning home care, the approach of the administration has been benchmarked against Unison's *Ethical Care Charter* www.savecarenow.org.uk/ethical-care-charter

This Council notes:

1. The objective of the Charter is to establish a minimum baseline for the safety, quality and dignity of care by ensuring employment conditions for care workers that a) do not routinely short-change clients and b) ensure the recruitment and retention of a more stable workforce through more sustainable pay, conditions and training levels.
2. Officers assess that the administration's commissioning approach meets all but 2 of the minimum standards set out in the charter and has met both Stage 1 and Stage 2 of the charter, with Stage 3 part achieved.
3. The two areas that the administration is not currently able to meet due to a significant funding gap as a result of Conservative and Liberal Democrat cuts are:
 - Coverage by an occupational sick pay scheme (in excess of statutory entitlements) by the external homecare contractor
 - Payment of the London Living Wage by the external homecare contractor, which officers have estimated would increase the cost of the contract by £2.6m per annum, a potential cost to the council of £18m over the lifetime of the contract.
4. There are significant problems nationwide in the recruitment and retention of care workers and the Conservative and Liberal Democrat governments have exacerbated this by cutting council's funding.

This Council believes:

1. Merton's Cabinet agreed to implement a Minimum Income Guarantee based on the London Living Wage in 2013 and to pay all directly employed and agency staff at or above this rate and we should stick to that. The rate that external contractors pay their staff was also looked at when this decision was made and it was agreed at the time that there was insufficient information about the cost to the council of requiring contractors to pay the London Living Wage, however we should keep this matter under review. In line with this, as part of the current home care contracting process officers reviewed the potential cost of requiring external homecare contractors to pay the London Living Wage and estimated this cost at an additional £2.6m per annum in the price of the contract, or £18m over the lifetime of the contract. Council also notes that this is just one of our many external contracts so that the full cost of requiring all contractors to pay the London Living Wage is still unclear and will be significantly more than the additional cost of this one contract.
2. Care workers play a vital role not only in the safety and dignity of clients, but also the independence of their clients; we should value that work and it is shameful that Conservative/Liberal Democrat governments have allowed the crisis in adult social care to develop due to their ideologically-led austerity cuts.
3. The Ethical Care Charter is supposed to be a minimum and we call on the government to properly fund adult social care so at least this level can be achieved by all councils.

This Council requests Cabinet to:

1. Build on its 2013 decision to pay all directly employed staff and agency workers a minimum income guarantee based on the London Living Wage and to continue reviewing the cost to the council of requiring our external contractors to pay the London Living Wage and to report back to Council in setting each year's budget the affordability of implementing it with regards to care workers in particular; and
To ask the Overview & Scrutiny panel to look into what additional savings could be made in order to find the additional £18m required to pay for this at a future date, bearing in mind that any changes to the contract tender documents at this stage (the contract is due to be awarded in January) would require the council to re-start the tender process at an estimated delay of at least a year (plus the cost in officer time) and would require us to continue with our current contract which is not satisfactory and does not require payment of the National Living Wage which the new contract would do.
2. Ask external contractors to publish the costs of agency staff cover for and recruitment of care workers, acknowledging that they may have issues of commercial confidentiality with this request.
3. Monitor and report back on the impact of the Ethical Care Charter criteria adopted in the appropriate Strategic theme reports.

15 NOTICES OF MOTION - CONSERVATIVE MOTION 2 (Agenda Item 15)

The motion was moved by Councillor Holden and seconded by Councillor Dean.

Councillor Sargeant also spoke on the motion.

The Labour amendment as set out in agenda item 28 of Supplementary Agenda 4 was moved by Councillor Garrod and seconded by Councillor Macauley.

The Labour amendment was put to a vote and was carried – votes in favour: 32, votes against: 19, abstentions: 4.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 32, votes against: 19, abstentions: 4.

RESOLVED:

This Council recognises that the government has cut council budgets by over 40% since 2010 and that millions of pounds have had to be saved by local councils up and down the country, of all political flavour. The level of cuts required in Merton would have affected front line services and forced the council to reduce essential services for our residents. Merton Council therefore took an innovative approach to making the savings required by working with three of our neighbouring boroughs, Labour Croydon, Liberal Democrat Sutton and Conservative Kingston, to agree a joint contract with Veolia to save an estimated £48m over the lifetime of the contract whilst still delivering a comprehensive service vice to residents. As with any significant change of this type, there have been initial difficulties in bedding down the new system across four boroughs and some residents are frustrated where local streets, parks and town centres have overflowing bins, fly tipping, graffiti, un-swept streets and missed rubbish collections. Nonetheless, our missed refuse collections are still very low at 0.1%.

The results of the most recent Residents' Survey, which showed street cleaning and litter as residents' top concern, and by the 6 month performance review of the new Veolia contract considered by the Sustainable Communities scrutiny panel earlier this month, which included a number of worrying findings:

- Bin collection target just missed for each of the last 4 months but stands at 0.1%; Street litter target initially missed but independent inspections for litter on Merton's roads have now found that the management of litter since Veolia began the contract is improving and for the last two months has been better than the standards previously maintained;
- Increased detritus in the first four months which has since improved and for recent months the performance is better than last year;
- Green sacks left uncollected after the street sweeping which Veolia have agreed to address. Two additional mobile response crews are now operational to deal with this workload and we are seeing improvements already and are continuing to monitor the situation;
- Some Bins not being emptied frequently enough, which are being addressed by the two additional mobile response crews;
- Failure to remove fly tips within 24 hours due to an increase in the number of recorded instances. However due to the innovative nature of the contract

which is based on outcomes and not inputs, Veolia is still required to pick up these fly tips and we will be continuing to press them on how they intend to address this issue;

- Initial Backlog in clearing graffiti from public land while a new bespoke graffiti removal vehicle and team was being put in place, and has now been in place since August and the backlog is being cleared; and
- The £410,000 cost of implementation of the new contract which was part funded by the government's "Transformation Challenge" programme so the net cost to Merton was £293k, within the budget agreed by council, and which will achieve an estimated £2m in savings a year .

This Council believes that despite the government's funding cuts and the resulting impact on council budgets, residents deserve cleaner streets, parks and town centres of which we can all be proud and that is why a more affordable joint borough contract makes sense in the financial circumstances. Therefore, in order to continue to clean up the borough, this Council calls on the Cabinet to:

- a) Continue weekly street cleaning of residential roads and ensure street sweepers follow after the refuse vehicle on the same day where this is required, bearing in mind the outcomes-based nature of the contract which specifies the level of cleanliness required, and which may require more than weekly sweeps in some streets;
- b) Continue to Protect the weekly bin collection and continue to review and refine plans to move to a wheeled bin service from October 2018, with food waste and recycling continuing to be collected on a weekly basis and landfill waste collected on alternate weeks in order to drive up recycling levels;
- c) Consider Increasing the use of mobile CCTV where appropriate and where resources can be identified to crack down on graffiti and fly tipping; and
- d) Regularly review the four borough contract with Veolia, keeping all financially viable options open, and to demand action as part of the contract service level agreement with regard to performance failures experienced so far but without incurring further financial cost to the Council for doing so.

16 COUNCIL TAX SUPPORT SCHEME 2018/19 (Agenda Item 16)

The report was moved by Councillor Allison and seconded by Councillor Alambritis.

The Conservative amendment as set out in agenda item 29 of Supplementary Agenda 3 was moved by Councillor Williams and seconded by Councillor Grocott.

The Monitoring Officer advised that, in accordance with Part 4A, paragraph 10.4 of the Constitution, a recorded vote would be taken.

The Conservative amendment was then put to a vote and was lost –

Votes in favour: Councillors Badenoch, Bowcott, Bull, Bush, Chirico, Crowe, Dean, Grocott, Holden, Holmes, Howard, Abdul Latif, Najeeb Latif, Brian Lewis-Lavender, Gilli Lewis-Lavender, Moulton, Simpson, West and Williams (19)

Votes against: Councillors Akyigyina, Alambritis, Allison, Anderson, Attawar, Brunt, Byers, Chung, Cooper-Marbiah, Cowper, Curtin, Dehaney, Draper, Foley, Fraser, Garrod, Hanna, Henry, Jeanes, Abigail Jones, Philip Jones, Judge, Kenny, Kirby, Macauley, Makin, McCabe, Munn, Neep, Pearce, Sargeant, Saunders, Skeete, Southgate, Stanford, Udeh and Whelton (37)

Not voting: (0)

The substantive motion was then put to a vote and was carried –

Votes in favour: Councillors Akyigyina, Alambritis, Allison, Anderson, Attawar, Brunt, Byers, Chung, Cooper-Marbiah, Cowper, Curtin, Dehaney, Draper, Foley, Fraser, Garrod, Hanna, Henry, Jeanes, Abigail Jones, Philip Jones, Judge, Kenny, Kirby, Macauley, Makin, McCabe, Munn, Neep, Pearce, Sargeant, Saunders, Skeete, Southgate, Stanford, Udeh and Whelton (37)

Votes against: (0)

Not voting: Councillors Badenoch, Bowcott, Bull, Bush, Chirico, Crowe, Dean, Grocott, Holden, Holmes, Howard, Abdul Latif, Najeeb Latif, Brian Lewis-Lavender, Gilli Lewis-Lavender, Moulton, Simpson, West and Williams (19)

RESOLVED:

1. That the uprating changes for the 2018/19 council tax support scheme detailed in the report be agreed, in order to maintain low council tax charges for those on lower incomes and other vulnerable residents including not to implement restricting personal allowances for households with more than two children; and
 2. That Council adopts the new 2018/19 scheme.
- 17 THE ADDITION OF SCHEMES TO THE CAPITAL PROGRAMME AND PROPOSED CHANGE TO MINIMUM REVENUE PROVISION POLICY 2017/18 (Agenda Item 17)

The report was formally moved by Councillor Allison and formally seconded by Councillor Alambritis.

The Monitoring Officer advised that, in accordance with Part 4A, paragraph 10.4 of the Constitution, a recorded vote would be taken.

Votes in favour: Councillors Akyigyina, Alambritis, Allison, Anderson, Attawar, Badenoch, Bowcott, Brunt, Bull, Bush, Byers, Chirico, Chung, Cooper-Marbiah, Cowper, Crowe, Curtin, Dean, Dehaney, Draper, Foley, Fraser, Garrod, Grocott,

Hanna, Henry, Holden, Holmes, Howard, Jeanes, Abigail Jones, Philip Jones, Judge, Kenny, Kirby, Abdul Latif, Najeeb Latif, Brian Lewis-Lavender, Gilli Lewis-Lavender, Macauley, Makin, McCabe, Moulton, Munn, Neep, Pearce, Sargeant, Saunders, Simpson, Skeete, Southgate, Stanford, Udeh, West, Whelton, and Williams (56)

Votes against: (0)

Not voting: (0)

RESOLVED:

1. That Council approve the following Capital Schemes to be included in the Capital Programme:

Scheme	2017/18 Budget	2018/19 Budget	2019/20 Budget	Funding/Re-profiling
Canons Parks for the People				
Capital Bidding Fund	(560,100)	0		Virement
Parks - Canons Parks for the People	180,450	1,117,470	195,540	HLF Funding
Mitcham Area Regeneration - Parks for the People	638,780	2,032,100	301,040	HLF Funding & Virement
Collier Wood Library				
Finance Lease	500,560			
Total	759,690	3,149,570	496,580	

2. That in respect of capital expenditure incurred before 1 April 2008, Council revise the Minimum Revenue Provision Policy to read:

“For capital expenditure incurred before 1 April 2008 or by Supported Capital Expenditure, the MRP policy will be the equal annual reduction of 2% of the outstanding debt at 1 April 2017 for the subsequent 50 years”

The remainder of the MRP Policy Statement will remain as approved by Council on 1 March 2017.

- 18 REVISIONS TO THE COUNCIL’S CONTRACT STANDING ORDERS (Agenda Item 18)

The report was formally moved by Councillor Allison and formally seconded by Councillor Alambritis.

RESOLVED:

That the proposed revisions made to the Council's Contract Standing Orders, effective from 1 December 2017 and for the Council's Constitution to be amended accordingly, as recommended by Standards and General Purpose Committee on 7 September 2017 be adopted.

Changes made are in response to the implementation of the Public Contracts Regulations 2015, the Local Government Transparency Code 2015 and to drive greater compliance overall with procurement governance and best practice.

19 REVIEW OF POLLING PLACES (Agenda Item 19)

The report was formally moved by Councillor Allison and formally seconded by Councillor Alambritis.

RESOLVED:

1. That the designation of the Acacia Adventure Playground building as the polling place for polling district HD in Figges Marsh Ward be agreed, and the use of the Acacia Centre for polling district IE in Longthornton Ward be retained.
2. That Dundonald Recreation Group Pavilion replace Dundonald Primary School as a polling place for polling district PA in Dundonald Ward.
3. That Joseph Hood Primary School replaces Merton Adult College as a polling place for polling district SA in Cannon Hill Ward.

20 CHANGES TO THE JOINT REGULATORY SERVICE COMMITTEE (Agenda Item 20)

The report was formally moved by Councillor Draper and formally seconded by Councillor Garrod.

RESOLVED:

1. That the amended Terms of Reference for the Joint Regulatory Services Committee (JRSC) as set out in Appendix 3 of the report be agreed; and
2. That the Chair of the JRSC rotates on an annual basis between Merton, Richmond and Wandsworth.

21 RECRUITMENT FOR DIRECTOR OF CHILDREN, SCHOOLS AND FAMILIES (Agenda Item 21)

The report was formally moved by Councillor Allison and formally seconded by Councillor Alambritis.

RESOLVED:

1. That a recruitment campaign be commenced for the post of Director of Children, Schools and Families in accordance with Section 6A (1) of the Local Authority Social Services Act 1970 as the current post holder will be leaving by April 2018.

2. That appointment to the post of Director of Children, Schools and Families within the current Merton Director salary range of £121,564.09 to £137,713.09 be approved. As the Directors' salaries exceed £100,000 per annum, under the Localism Act approval has to be sought from full Council.

22 CHANGES TO MEMBERSHIP OF COMMITTEES (Agenda Item 22)

The report was formally moved by Councillor Alambritis and formally seconded by Councillor Allison.

RESOLVED:

That changes to the memberships of committees approved under delegated authority since the last meeting of the Council be noted.

23 PETITIONS (Agenda Item 23)

The report was formally moved by Councillor Alambritis and formally seconded by Councillor Allison.

RESOLVED:

1. That the following petitions be received in accordance with Part 4A, paragraph 18.1 of the Council's Constitution:
 - i. Councillor Abdul Latif – Petition on the Virgin Active Gym at Battle Close
 - ii. Councillor Brian Lewis-Lavender – Petition on the early opening hours of Sir Joseph Hood Memorial Playing Fields
2. That the responses to the petitions submitted at the meeting held on 13 September 2017 be noted.

24 BUSINESS FOR THE NEXT ORDINARY MEETING OF THE COUNCIL (Agenda Item 24)

Councillor Moulton announced that the Strategic Theme for the next ordinary meeting of the Council, being held on 7 February 2018, shall be Sustainable Communities.

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COUNCIL
22 NOVEMBER 2017
(7.15 pm - 7.41 pm)

PRESENT The Mayor, Councillor Marsie Skeete,
The Deputy Mayor, Councillor Judy Saunders,

Councillors Agatha Mary Akyigyina OBE, Stephen Alambritis, Mark Allison, Stan Anderson, Laxmi Attawar, Hamish Badenoch, John Bowcott, Mike Brunt, Michael Bull, Adam Bush, Tobin Byers, Charlie Chirico, David Chung, Caroline Cooper-Marbiah, Pauline Cowper, Stephen Crowe, Mary Curtin, David Dean, John Dehaney, Nick Draper, Edward Foley, Brenda Fraser, Ross Garrod, Suzanne Grocott, Jeff Hanna, Joan Henry, Daniel Holden, James Holmes, Janice Howard, Mary-Jane Jeanes, Abigail Jones, Philip Jones, Andrew Judge, Sally Kenny, Linda Kirby, Abdul Latif, Najeeb Latif, Brian Lewis-Lavender, Gilli Lewis-Lavender, Edith Macauley MBE, Russell Makin, Peter McCabe, Oonagh Moulton, Ian Munn BSc, MRTPI(Rtd), Katy Neep, Dennis Pearce, John Sargeant, David Simpson CBE, Peter Southgate, Geraldine Stanford, Gregory Patrick Udeh, Jill West, Martin Whelton and David Williams

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillors Kelly Braund, Fidelis Gadzama, Jerome Neil and Linda Taylor OBE.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 FREEDOM OF THE BOROUGH (Agenda Item 3)

The Mayor invited the Leader of the Council and the Leader of the Opposition to speak on the Motion.

Councillor Alambritis-

Thank you Madam Mayor

It gives me great pleasure to move accordingly

That, by virtue of the power vested in it by Section 249 of the Local Government Act 1972, the Council does admit the late Reverend Andrew Wakefield as Freeman of the London Borough of Merton in recognition of the substantial contribution that he

made over many years to the borough's religious and spiritual life; and for his extensive civic service and charitable work.

This honour is bestowed on the late Reverend Andrew Wakefield in recognition of his role in Civic Life to the South London Industrial mission and the key part he played in the formation of the GLA Civic Forum which he himself chaired. The Reverend Wakefield also chaired Merton Chamber of Commerce and he played a critical part in setting up the London Inter-Faith Forum. He was also chair of the Safer Neighbourhood Board and actively involved in the Police's advisory body. These roles led to a request that he chair the Merton Partnership Community Plan for Merton. Recently, the Reverend Wakefield served as Borough Dean and Roehampton University awarded him an honorary doctorate of divinity for his 30 years of service to Merton.

We are joined today at this special meeting by the right Reverend Doctor Richard Cheetham, the Bishop of Kingston. Bishop Richard knew Andrew from school; they were in the same year at Kingston Grammar School. Bishop Richard worked very closely with Andrew's ministry. The Bishop of Kingston is responsible for supporting the Church of England's work across South-West London, from Kingston to Waterloo, an area which includes this borough, our borough of Merton. The Archdeacon of Lambeth Simon Gates and the Area Dean of Merton Bruce Rickards are also here tonight, testament to the high regard Andrew was held in by all his colleagues in the Church. Bishop Richard makes this tribute to Andrew: "Andrew's ministry exemplified a vital part of the ethos of the Church of England, namely a deep commitment to serve the whole of the Community for the common good. From the basis of his profound belief in the justice of the love of god and his regular prayers at St Andrew's Church he developed an extraordinary ministry supporting many different community groups and causes". Bishop Richard continues "the depth of the impact of his ministry was evidenced by the large number of people and organisations attending his funeral. He was a real one-off character who did things in his own unique way. He combined a sharp intellect and a sense of humour with a deep Christian faith and passion for justice and really did care deeply about the community, especially in the borough of Merton". Bishop Richard concludes "He was a fine example of the love and deep tradition in the Church of England of working tirelessly for social justice and the common good".

One cannot help but be moved by that tribute.

There are of course other tributes to Andrew Wakefield from the Order of Service. With your indulgence I would like to read out a few of them.

Wimbledon CND: "Andrew Wakefield was a loyal supporter of our efforts to secure a world without war and an end to weapons of Mass Destruction."

Christian Muslim Forum: "Andrew was a pioneer of enduring friendship between priests and imams, churches and Islamic centres over many years in Merton he modelled new ways of sharing Civic leadership".

Andy Fairburn, Faith in Action: “Andrew Wakefield was involved in the setting up of Faith In Action, using his innovative skills to get the drop in for homeless people started.”

Audrey King, Humanists UK: “Over the years it was a pleasure working with Andrew on the Faith Community Forum and on the preparation and taking part in the Holocaust Memorial Day event”.

Diana Sterck, Merton Chamber of Commerce: “Andrew used his powerful combination of intellect and influence to make changes in our community. He leaves a lasting legacy in the business, faith and community sectors that make us proud that he was our chair.”

Steve Wallace, Borough Commander: “Andrew was a passionate and long term supporter of Merton Police and always keen to improve the Borough’s partnership approach to community safety and reducing crime.”

The tributes and the records show this outstanding contribution by Andrew Wakefield to the life of this Borough and a richly deserved admission to the role of the freeman of the London Borough of Merton. I know Andrew would be delighted with the company he is joining as freeman of this Borough. On the political front he is with and Danny Connellan and Alan Jones both spanning the political spectrum. On the sporting front, he is with Virginia Wade and Andy Murray, at the top of his game, which is of course not the case for Crystal Palace, I’m sad to say, and I know Andrew would have enjoyed that joke.

Finally, I so move that the Late Reverend Andrew Wakefield follow in the footsteps of the aforementioned and is made Freeman of the London Borough of Merton.

Councillor Mouton-

I’m very proud to have the opportunity to second this motion and I know I speak for many of us in saying that I’m just saddened that we are conferring this honour on the late Reverend Doctor Andrew Wakefield posthumously. But we all know how much he loved Merton and the Freedom of the Borough would have meant a lot to him. How honoured he would have been, if he had been here in person to receive it and I know his friends and family are here to do that on his behalf.

I’ve led tributes to Andrew on previous occasions and there is so much to say about such an all-encompassing character. Many of us have known Andrew for years and I was always impressed by his boundless energy and enthusiasm for everything that he did for our community and his devotion to improving the lives of Merton residents by making the voluntary sector in Merton, the very best that it possibly can be. The list of organisations that he has been involved with and represented, both in tributes and here tonight is extraordinary and there’s a huge number in this public gallery led by Bishop Richard and that’s testament to his dedication and hard work.

I probably got to know him best in my mayoral year in 2010/11 when he was omnipresent across the borough, attending Mayoral and charitable events, charring

meetings and wearing so many hats that the fact that he was a vicar seemed secondary to all his other commitments and I know that others felt the same and at times indeed he appeared more mayoral sometimes than our actual mayor.

He took to social media with gusto and I know I'm not alone in missing his tweets and the friendly banter on Twitter and Facebook; his updates on his dog Darcy and his musings on a plethora of topics from the sports which he loved and to favourite brands and of course his favourites; Bruce Springsteen and his favourite football club.

To this day, he leaves a gap in our Borough that remains extraordinarily hard to fill. There is indeed no more fitting an award to bestow on the late Reverend Doctor Andrew Wakefield than the Freedom of the London Borough of Merton. It gives me great pleasure to second this motion.

The Mayor then invited the following Members to speak on the Motion.

Councillor Southgate-

It's entirely fitting that we are meeting tonight to award the title of honorary freeman of the Borough of Merton to Reverend Doctor Andrew Wakefield a year after his sad and untimely death, because for all practical purposes he exercised that freedom during his life, with his involvement in so many aspects of our boroughs life and activities to the great advantage and benefit of us all. He played a leading role in so many bodies that I won't attempt to list them. What that meant in practice though, was that it was difficult to attend a meeting without finding Andrew there! If he was there he didn't just nod along with the consensus. His contributions could be challenging, sometimes provocative, but they brought a different perspective to there that was always worth considering. His verbal style was an integral part of his larger than life personality. In my life as a ward councillor I learned to be grateful to Andrew for his active role in promoting the Inter-Faith forums, building good relations with the two muslim communities in my ward; the Ahmadiyya Mosque and the Morden Islamic Community Centre. He was also instrumental in setting up Faith in Action, a practical effort to support growing numbers of homeless to which all faiths contribute.

I last saw Andrew when I met him coming out of his home in Hartfield Road. He was very excited to have been awarded the honorary doctorate of divinity by Roehampton University, chiefly for the splendid robes he would be wearing for the ceremony and we have that picture here tonight. He richly deserved that accolade and if it came with added glee, then so much the better. Making him an honorary freeman of the Borough after his death is no more than he deserves after all he did during his active life amongst us here in Merton.

Councillor Kirby-

In 1998 when I was Mayor, I held a conference on homelessness, an topic the faith groups had suggested was a big issue for them. I set up a steering committee and Andrew agreed to be on it. From that Merton Faith-in-action homelessness project was developed. Andrew was Chair for a while. The project is thriving and operates a

drop-in two days a week in Merton for large number of homeless people with volunteers from many different faith groups as well as no faith.

When Andrew died one of his charities that received donations from his funeral attenders was Faith in Action – a project that was very dear to his heart.

Andrew and MVSC's Chris Frost (late) were a tour de force in Merton. An amazing team making a real difference to people's lives.

Andrew, for me, was Mr Merton, with his finger in so many pies. No-one deserves the honour more than him for his massive commitment to this borough and the many groups he supported in his time here.

Councillor Williams-

Freedom of the Borough has usually been for long serving councillors or MPs. Andrew was none of the above which makes this award so special. He was a special member of our community, and he gave his life, quite literally, to the welfare of others. He joked about his Bishop would be surprised how he found time to attend his parish duties, but the Bishop as we know was an old friend from school days. Andrew's personality and drive were as well known to Bishop Richard as to each of us and we all have our own special memory of how he touched our lives and that of the community he served in so many different capacities. Like the Holy Spirit he believed in, he was everywhere. Only perhaps when I was privileged to lead the Council, and subsequently as Mayor, did it really dawn on me just how many times Andrew turned up in different guises, even occasionally in a suit and tie, or a dinner jacket and black tie. If there were introductions he sometimes mentioned that he was there in more than one role and we all laughed. But when he bought a home to retire to just behind the Civic Centre, it seemed evident to me that conventional retirement would never beckon. It was not foresight just a hunch, but few of us would have thought his service would end as suddenly and as sadly as it did. This award is the highest honour we can bestow to mark exceptional service to the Borough, but Andrew was an exceptional man, and even in death he deserves this accolade in his memory.

Councillor Makin-

Andrew had so many hats I was constantly surprised how he managed to juggle them all. I worked with Andrew in turning around the fortunes of the credit union. There was no direction at board meetings so I recruited Andrew to the board where he saw for himself the disorganisation, bullying, intimidation and power struggles which were going on. After a few months Andrew and I got the board moving in the right direction. Once Andrew became chair, another hat, things started to move forward. There were a number of problems; relationships between the board and the manager, financial stability of the credit union, in fact the credit union needed £10,000 immediately to stave off bankruptcy and a further £100,000 in reserves. Andrew and I provided the 10k as a loan and Andrew told the PRA where the £100k was going to come from. The PRA were quite sceptical but said "good luck, you've got six weeks". Much to the surprise of the PRA, Croydon Council stumped up

£100,000 as a loan. There were conditions imposed by Croydon. A new manager was recruited by Andrew and I, the name was changed to but Andrew was to remain as chair of the board. The credit union is now on a sound financial footing and going from strength to strength. This is just one example of Andrew's tireless work on behalf of the community. He didn't want to see the credit union go to the wall so he put his hand in his own pocket. I can't think of anyone more qualified to become Freeman of the Borough.

Councillor Holmes-

If you and the public gallery will forgive me I'm going to talk a little bit more personally about my experiences of Andrew and I would ask those of you who knew him better than me and that will be many of you, bear with me for the first few comments and wait for the second few comments. I first met Andrew at Wimbledon Community Forum about six years ago and I walked through the door and this man approached me and he was shouting. At first I thought he was shouting at me and that I'd done something wrong then I realised he wasn't actually shouting at me, he was shouting at Darcy his dog and after a little while I realised after a few years I realised why Darcy might have been trying to scarper and have a few moments peace from Andrew. That evening a fatal mistake occurred early in the meeting which is that Henry Nelless who many of you will know and who was chairing the meeting, gave the microphone to Andrew, and I don't think he got it back again for the whole meeting and woe betide anybody who tried to speak before Andrew had brought the microphone to them but what was then funny was after someone asked a question, Andrew would proceed to answer the question, normally by explaining which Committee it is that he chaired which panel he chaired that empowered him to answer this question, and this was my first introduction to Andrew.

More recently, we at my church St Marys, Wimbledon, we had been without a vicar and Andrew came and took several of the services. For those of you who don't know what the eight o'clock service at St Marys Wimbledon is like, I can tell you that I started going there at 17 with my grandparents and I was the youngest member of the congregation by far and I'm now 44 and I'm the youngest member of the congregation by far! So, the eight o'clock service at St Marys, they're not used to being shouted at, they're not used to a vicar who refuses to use a microphone and who stands at the altar and shouts. The only time he didn't stand at the altar and shout was when he came forward and stood at the lectern and shouted but it was certainly a shock to the eight o'clock parishioners at St Marys Church.

The reason I'm saying these things is because Andrew had an incredible impact on my life and I try to be, as we all do, a good person, in my case I try to be a good Christian, but it's a journey and it's not a very easy journey and with apologies in advance to the Bishops and the vicars who are here this evening, their role is to set us an example as to how we should lead our lives. What I found amazing about Andrew was the example he set me and I can't speak for anyone else, but the example he set me is of a normal person. By embracing his eccentricities and all his foibles and all the things that made Andrew Andrew, he set me an amazing example and he showed me that the God I believe in and that he believes in, can actually love us all and it doesn't really matter what we're like, and it doesn't really matter where

we come from and it doesn't really matter what our faults are and I'm certainly full of faults. Andrew showed me in the way he lived his life that actually anybody can aspire to be a bit better and anybody can hope that God loves them. I've waited for some time to be able to pay my personal tribute to Andrew and I just wanted to share with everyone what an impact he had on my life. Eccentric in his own way, argumentative – we always had something to argue about; anytime I met him he would listen to what I said and then immediately take the opposite view, regardless of whether he believed it or not. But I do want to pay my tribute to him and to thank him because by being Andrew, by being so normal, by being one of us, by being like the rest of us, he certainly showed me the way and I'm very grateful for that and I'm surprised but I will say this too; it's a year later and I still miss him, and that's the effect that he had certainly on my life.

Councillor Draper-

At Andrew's funeral the most poignant things I think that were said about him was that Andrew didn't feel he was loved or even that he was loveable, because nothing could be further from the truth. We all know that Andrew could be pretty annoying at times, but he got things done across the board and without any expectation of personal recognition. Wherever things needed sorting out or propping up; secular or religious, Andrew was there, making sure things worked, taking the initiative and acting as a spokesperson for Merton. My biggest dealing with Andrew were around a tiny part of his huge portfolio; The Wandle Industrial Museum and I know that the loss of his dynamism as well as his pragmatism has made a giant hole in that small group of immensely dedicated people who keep the museum going and who count themselves as his friends, as well as for the officers who deal with them, and for me, because I miss him, I really do. Merton is a poorer place for his loss. For a man who always wanted to be right, and lets face it who usually was, in this at least he was wrong. He was loveable, he was loved and he truly deserves this honour.

The Mayor then called for a vote on the Motion and reminded the Council that under Section 249 of the Local Government Act 1972, it requires more than a two thirds majority of Members passing the motion for the Honorary Freeman to be bestowed.

The vote was carried, unanimously.

The substantive resolution was agreed.

RESOLVED:

That, by virtue of the power vested in it by Section 249 of the Local Government Act 1972, the Council does admit the late Reverend Andrew Wakefield as Freeman of the London Borough of Merton.

This honour is bestowed on the late Reverend Andrew Wakefield in recognition of the substantial contribution that he made over many years to the borough's religious and spiritual life; and for his extensive civic service and charitable work.

In particular, Reverend Wakefield was an active member of the South London Industrial Mission and he chaired a number of bodies including the Greater London Authority's Civic Forum, Merton Chamber of Commerce, Merton Partnership's Community Plan and the Safer Neighbourhood Board. He played a critical part in setting up the London Inter Faith Forum and was actively involved in the police's advisory body. Recently, the Reverend Wakefield served as Borough Dean and Roehampton University awarded him an honorary Doctorate of Divinity for his 30 years of service to Merton.

Committee: Council

Date: 07 February 2018

Wards: All

Subject: Strategic Theme – housing development and regeneration

Lead officer: Director for Environment and Regeneration, Chris Lee; Director of Community and Housing, Simon Williams

Lead member: Cabinet Member for Environmental Sustainability and Regeneration, Councillor Martin Whelton

Contact officer: Deputy FutureMerton manager, Tara Butler

Recommendations:

That Council consider the content of the report.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. The council has approved its Business Plan 2015-2019.
- 1.2. The Business Plan represents the way in which the council will lead the delivery of the Community Plan via a number of thematic partnerships and strategic themes. Performance against these themes, plus an additional theme of corporate capacity, is monitored by Council.
- 1.3. Each meeting of Council will receive a report updating on progress against one of these strategic themes. This report provides Council with an opportunity to consider progress against the priorities under the ‘*Sustainable Communities and Transport*’ theme, with a specific emphasis on housing development and regeneration.
- 1.4. The portfolio holder is Councillor Martin Whelton. The Sustainable Communities Overview and Scrutiny Panel continues to exercise its statutory function in relation to housing, including housing need, affordable housing and private sector housing and their input is included in this report.
- 1.5. The Business Plan can be viewed at www.merton.gov.uk/businessplan .

2 DETAILS

- 2.1. The Sustainable Communities Overview and Scrutiny Panel continues to exercise its statutory function in relation to housing development and regeneration.
- 2.2. During the past year the Sustainable Communities Scrutiny Panel has considered a wide range of reports relating to housing development and regeneration, including
 - reports in relation to the decision early in 2017 for the council to set up a housing company, Merantun Developments;
 - reports in relation to Clarion’s regeneration proposals of Eastfields, High Path and Ravensbury;
 - reports on the regeneration of Morden town centre with the council and Transport for London;
 - updates on the Housing Scrutiny Task Group action points

- 2.3. To meet the need for new homes, Merton Council is undertaking several sizeable regeneration projects that are outlined below. The Sustainable Communities Scrutiny Panel has played an important role in giving strategic direction on these projects to date. Details on the Panel's focus can be found under each relevant heading.

Regeneration of Eastfields, High Path and Ravensbury Estates (Clarion)

- 2.4. Clarion Housing Group (previously known as Circle Housing Merton Priory) first engaged with residents on the three estates in 2013 and in 2014, the council resolved to explore whether the regeneration of the three estates was the best way of delivering Decent Homes via the creation of an Estates Local Plan.
- 2.5. The Estates Local Plan contains planning policies and land designations for each of the three estates and can be used to determine planning applications on the estates. It also contains overarching policies that set the overall vision and strategy: that the council supports the regeneration, that communities should be kept together; that existing residents should be offered to return to the regenerated estate and that all three estates should be regenerated together so that any surplus at High Path can help fund Ravensbury and Eastfields.
- 2.6. The regeneration of these three estates will deliver c2,400 homes over 10-15 years, approximately half of which will be replacement homes for existing residents.
- 2.7. Between 2014 and early 2017 the council's Estates Local Plan was drawn together and subject to extensive public consultation over a number of years. In July 2017 an independent planning inspector chaired a public hearing to examine the Plan. The council received the inspector's report in December 2017. A report to this meeting of full council recommends the adoption of Merton's Estates Local Plan in order to guide Clarion Housing Group's planning applications.
- 2.8. Clarion Housing Group will deliver the regeneration on the three estates and have been closely involved with existing residents for many years. In 2015 Clarion made existing residents on the estates a Residents Offer: that they will receive a like-for-like home in the new estate at no extra cost. Some landlords and homeowners have since sold their properties to Clarion, who is working with the council to use potentially vacant homes as temporary accommodation for homeless households while the regeneration takes place
- 2.9. It is possible that in the future Clarion will need to ask the council to exercise its compulsory purchase powers as a last resort if it can't acquire all the properties by the ongoing negotiations. A report to this meeting of full council recommends this principle and that Clarion would indemnify the council against all costs associated with any potential action.
- 2.10. Clarion have submitted Outline Planning Applications to the council, one for each of the three estates, and council officers are working towards presenting these to Merton's Planning Applications Committee in March 2018. Should these be approved, these would be followed by detailed planning applications for phases of each of the three estates.
- 2.11. Phase 1 of High Path and Ravensbury already have planning permission and it is expected that these homes will be built in the next 18 months, so that existing residents can move into them and phase 2 can be started.
- 2.12. Building on from the appearance of Circle Housing Merton Priory at the Sustainable Communities Overview and Scrutiny Panel last year, Clarion Housing Group has now appeared before the Panel to discuss repairs, safety and regeneration. To ensure that this session was used effectively, members sent questions to Clarion in advance with its answers being published in the agenda before the meeting. Panel

members then met prior to the meeting to plan cross party how to effectively use the time with Clarion at the Panel. Member questions focused on Clarion's experience of estate regeneration on the scale proposed in Merton, the lack of affordable property uplift in High Path, how the regeneration will embed improving health outcomes, how it will reflect High Path being the site of Lord Nelson's former home and how residents are being consulted and kept informed.

MoreMorden

- 2.13. The regeneration of Morden has been a long held ambition for the council, supported through Merton's Core Planning Strategy. Since 2014 Transport for London, the other major landowner in Morden, has also realised Morden's potential and is now working with the council towards delivery of this ambition. Masterplanning undertaken to date shows that the central Morden sites can delivery c.1,500 – 2,000 new homes.
- 2.14. In 2014 Merton's Sites and Policies Plan allocated specific sites for new development, mainly around Morden station. The council also worked with Transport for London in funding a new Development Brief for the Morden Station site to set out clearly what could be built on this complex large central area.
- 2.15. In 2015 Morden was successfully allocated as one of the Mayor of London's Housing Zones, allowing developers to seek loan funding from the GLA to unlock Morden's development potential. The council successfully bid for Mayor of London funding to continue exploring Morden's regeneration, reducing costs to Merton council taxpayers and to kick-start change by investing in Morden Court parade on London Road. This reinstated the Art Deco façade, including balconies and lighting and working with businesses to redo the shopfronts. The parade is now complete and has recently been shortlisted for the RIBA Journal McEwan Award 2018 <https://www.ribaj.com/south-east>
- 2.16. In November 2017 the Sustainable Communities Overview and Scrutiny Panel undertook pre-decision scrutiny of the approach and plans for the redevelopment of Morden Town Centre to be delivered in partnership with Transport for London (TfL). The Panel received a presentation provided jointly by futureMerton and TfL detailing the need for the regeneration, key intended outputs, how the priorities of both organisations are aligned, how the organisations will work under core principles of co-operation, the elements needed for successful delivery and work already underway to put these elements in place.
- 2.17. As a result of their discussions, members recommended that the Panel notes the scale, impact and opportunities of the planned Modern Regeneration Project. It recommends to Cabinet that Merton Council should maintain sufficient control of the project. Panel members believe that merely retaining planning authority status, without an active share in the Joint Venture itself, would be unlikely to provide sufficient effective control. In January 2018, having considered the resolution by the Sustainable Communities Scrutiny Panel Merton's Cabinet resolved that the council continue to work closely with Transport for London towards agreeing a joint venture and seeking a development partner.
- 2.18. The Sustainable Communities Overview and Scrutiny Panel has benefitted from a detailed presentation on the future redevelopment of Modern town centre from members of the futureMerton team and the Property Group at Transport for London. As a result, the Panel resolved unanimously that the Council should retain sufficient control of the regeneration project. Explicitly, Panel members recommended to Cabinet that merely retaining planning authority status, without an active share in the Joint Venture itself, would be unlikely to provide sufficient effective control.

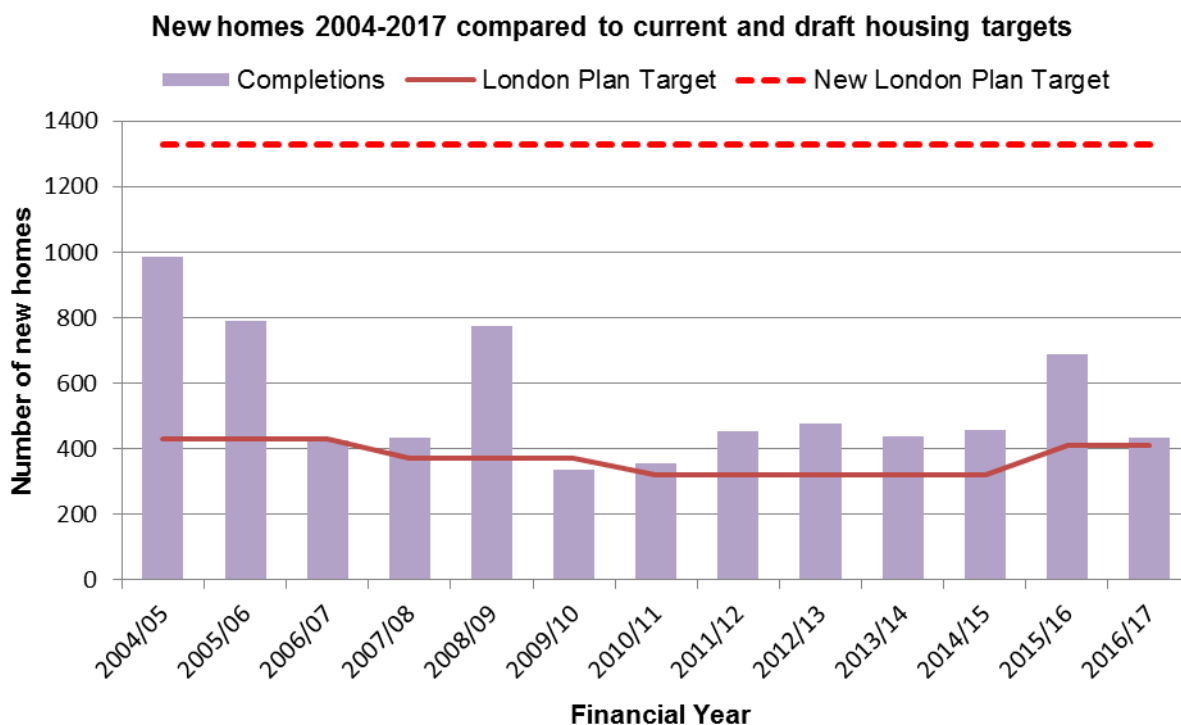
- 2.19. The Sustainable Communities Overview and Scrutiny Panel maintains its interest in and oversight of the programme of town centre regeneration across Merton and will receive a further update on this at its last meeting in the municipal year.

Planning for new homes

- 2.20. Over this municipal year, the Sustainable Communities Overview and Scrutiny Panel has purposely spent a considerable amount of its available time looking at housing within the borough and plans for regeneration.
- 2.21. Notably in September 2017, the Panel dedicated an entire meeting to looking at the issue of housing. This included an update presentation from officers on the Local Authority Property Company and a further review of progress against the recommendations of the Housing Supply Task Group. This task group was completed in September 2015 since which time the Panel has been monitoring progress. However, most of the session was dedicated to looking at accommodation for care leavers. The resulting detailed reference focused on initiatives such as Houses of Multiple Occupation, the lead tenant model, Shared Lives and Housing First. This reference was accepted in full by Cabinet. Officers from the Children, Schools and Families Department have recently thanked Panel members for their interest that has supported the development of a House of Multiple Occupation for care leavers as a pilot. The aim is to extend this type of provision in the future as a way of providing affordable accommodation and support to care leavers as they work towards fully independent accommodation in the future.
- 2.22. As Merton has fewer large sites in single ownership than other boroughs, it is important that the council works with landowners and communities to identify potential sites for redevelopment.
- 2.23. Merton's Sites and Policies Plan 2014 identified c40 development sites, ranging from capacity for 602 new homes and a football stadium at Wimbledon Stadium to redevelopment of a derelict site in Pitcairn / Crusoe Road, Colliers Wood. Almost all of the c40 sites allocated for development in 2014 now either have planning permission or are underway.
- 2.24. To plan for new homes and the essential infrastructure Merton needs, the council has started a new Local Plan with the first consultation stage finishing in January 2018. Respondents suggested more than 50 sites and lots of potential new policies to help guide development in Merton. A consultation draft Local Plan will be presented to councillors in autumn 2018.
- 2.25. The Mayor of London has also produced a new draft London Plan, which is published for consultation until 02 March 2018. The Mayor is prioritising the delivery of new homes, with targets for many outer London boroughs, including Merton, rising by more than 200%. The draft London Plan also puts forward Wimbledon as an Opportunity Area (with Colliers Wood and South Wimbledon), seeks intensification around the tram, tube and rail stations and has policies prioritising small sites.
- 2.26. Like other outer London boroughs, Merton's is likely to be seeking a housing delivery target that is challenging but genuinely deliverable.
- 2.27. The new Draft London Plan (2017) proposes a target of 1,328 new homes per year that is triple Merton's current target of 411 homes per year, the greatest proportionate increase in London. If Merton were not to achieve this target, the council would be vulnerable at planning appeals to accept mediocre or poor design or other compromises; the council would not be allowed to raise planning

application fees to resource the Development Management team; the council would not receive New Homes Bonus (Merton's share being given to other councils and the council may be restricted in the funding bids it could make).

2.28. The graph below shows the delivery of homes over a 12 year period that covers several economic and housing market cycles. The London Plan was first created in 2004 and since then both the London Plan and Merton's Local Plan have been positive, pro-growth in encouraging the development of new homes. Despite Merton's pro-growth approach to new homes, even in the strongest economic circumstances, the most homes completed in a single financial year was 987.



Importantly, under prior approval the council has no legal right to require any of the homes to be affordable. Therefore the higher the number of homes built through “prior approval”, the lower the proportion of affordable homes built that year.

2.29. Appendix A to this report summarises Merton's housing development over the past 10-15 years. It demonstrates Merton's strong delivery and also the increasingly limited scope that Merton (and other councils) have to negotiate affordable homes through the planning system.

2.30. Merton has a borough-wide target of 40% of new homes being affordable. However, the council has no legal right to seek any proportion of affordable homes for homes converted from offices and other business uses to residential (known as “prior approval”). In addition, for homes built on small sites (sites with 10 homes or less), government has made it clear via a ministerial statement that it does not support council's seeking affordable homes on these sites either.

2.31. In 2015/16, a total of 688 new homes were built in Merton. Of these:

- 318 were built under “prior approval” (so no affordable housing could be sought)
- 346 were built via planning permission being granted. Of these, 115 new homes were built on small sites (so no affordable housing could be sought).

- Affordable housing could only be sought on the delivery of approximately 231 of the new homes (i.e. those on developments of +10 homes). 90 affordable homes were built in 2015-16.

2.32. If we could measure our affordable housing target against only the sites where the council was allowed to negotiate our planning policy for 40% affordable homes, in 2015-16 the council negotiated 39% affordable homes. However councils are measured against all developments – whether or not affordable homes can be sought – which leads to a target for 2015-16 of 13% of homes as affordable.

2.33. We have great ambitions for growth and placemaking for Merton, and will continue to work with the Mayor and other Outer London boroughs on a housing target in the new London Plan that is suitably ambitious and deliverable. As part of the Local Plan 2020, the council will also investigate innovative ways of securing more affordable homes from developments in Merton.

3 ALTERNATIVE OPTIONS

3.1. None for the purposes of this report.

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. None for the purposes of this report.

5 TIMETABLE

5.1. None for the purposes of this report.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1. None for the purposes of this report.

7 LEGAL AND STATUTORY IMPLICATIONS

7.1. None for the purposes of this report.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1. None for the purposes of this report.

9 CRIME AND DISORDER IMPLICATIONS

9.1. None for the purposes of this report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. None for the purposes of this report.

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

Appendix A: Report on Sustainable Communities (focus on housing)

Housing development - headlines

The council monitors the delivery of its planning policies every financial year and publishes a report each December, setting out the previous year's results.

The Authority Monitoring Report is published online:

https://www2.merton.gov.uk/environment/planning/planningpolicy/localplan/annual_monitoring_report.htm

- 434 new homes were built during 2016-17, 23 above Merton's target of 411 new homes per year (London Plan 2016).
- Several large schemes have been completed in this monitoring period. These are
 - 118-120 Christchurch Road, Colliers Wood (54 Homes);
 - Brook House, Cricket Green, Mitcham (46 Homes); and,
 - Orida Building, Burlington Road, New Malden (45 Homes).
- Government requires all local planning authorities to demonstrate each year that they have planned for enough development sites to deliver their housing target for the next five years. This is known as the "five year housing supply" or the housing trajectory. Government also requires councils to demonstrate that they have enough sites to deliver 5% more homes each year than their target (known as the "5% buffer") in order to ensure choice and competition on the new developments' permissions and on the property market in general.
- Merton can successful demonstrate that there are enough sites that are deliverable for housing in Merton to deliver its current London Plan target of 411 new homes per year plus the 5% buffer.

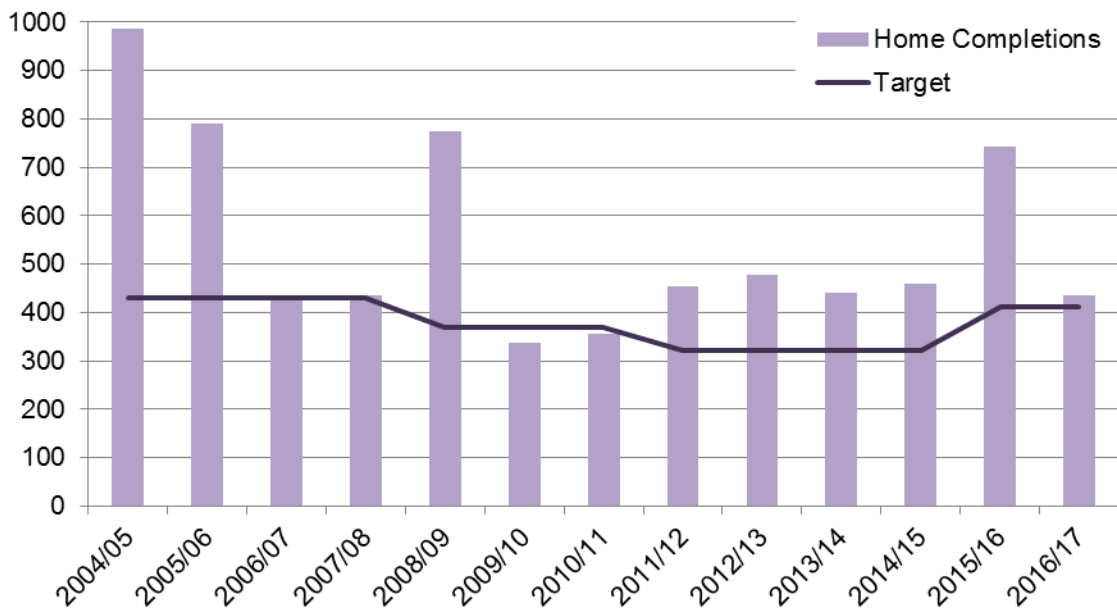
Housing delivery – what we know

- Due to the way in which Merton has urbanised over the last c150 years, Merton is a borough of small sites. This is demonstrated year on year by the sizes of schemes that seek planning permission for new homes. 92% of developments are for less than 10 homes.
- The table below shows the breakdown of schemes of each unit range and the net gain.

Completed developments 2016-17 by size

Financial Year 2016-17	Number of developments	Net gain
-10 to 0 homes	7	-10
0 to 10 homes	130	270
10 to 50 homes	4	122
50+ homes	1	54

New homes built in Merton 2004 - 2017

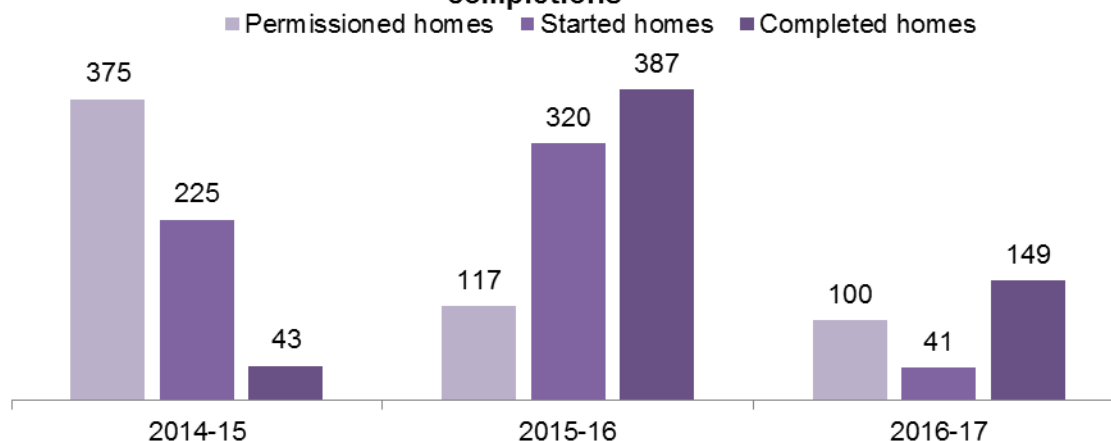


Prior approval – building homes without the need for planning permission.

In May 2013 government introduced a new approach for getting permission to build new homes, known as prior approval. Provided the developer meets certain requirements (such as the site is not contaminated, or at risk of flooding or is of a certain size) sites that are currently offices, small shops, warehouses, business space (light industrial) can all be converted to residential use without the need for planning permission.

This approach has delivered new residential properties across London. However, “prior approval” means that neither council or London Plan planning policies can apply to the development so the council cannot require homes to be of a minimum size, or have adequate daylight / sunlight, bin stores, gardens or playspace, public realm or make contributions towards the surrounding area or public realm - all issues that improve the quality of the homes for its new occupiers and go some way to integrating new developments within existing communities.

"Prior approval" Office to homes permissions, starts and completions



Affordable homes built during 2010 – 2017

Financial Year	Total homes built	Affordable Home built	Affordable as % of total built	Target	Target	Social Rent	%	Intermedate	%
2010/11	357	112	31%	179	50%	45	40%	67	60%
2011/12	453	162	36%	181	40%	n/a	n/a	n/a	n/a
2012/13	478	141	29%	191	40%	71	50%	70	50%
2013/14	440	163	37%	176	40%	75	46%	74	45%
2014/15	459	186	41%	184	40%	143	77%	43	23%
2015/16	688	90	13%	271	40%	65	72%	25	28%
2016/17	434	74	17%	174	40%	17	45%	46	55%
Total	3299	928		1356		416		325	

Importantly, under prior approval the council has no legal right to require any of the homes to be affordable. Therefore the higher the number of homes built through “prior approval”, the lower the proportion of affordable homes built that year.

In 2015/16, a total of 688 new homes were built in Merton. Of these:

- 318 were built under “prior approval” (so no affordable housing could be sought)
- 346 were built via planning permission being granted. Of these, 115 new homes were built on small sites (so no affordable housing could be sought).
- Affordable housing could only be sought on the delivery of approximately 231 of the new homes (i.e. those on developments of +10 homes). 90 affordable homes were built in 2015-16.

If we could measure our affordable housing target against only the sites where the council was allowed to negotiate our planning policy for 40% affordable homes, in 2015-16 the council would have built 39% affordable homes.

- In 2016-17:
 - 149 new homes were the result of Prior Approvals from office to residential use;
 - 9 new homes were the result of Prior Approvals from storage to residential use; and
 - 7 new homes were the result of Prior Approvals from retail to residential use.

- On 31st October 2017 there were 202 individuals and 5 groups on Merton's Self-build and Custom House Build Register. Every council has a Self-Build and Custom Housebuilding register where individuals or groups of people can register their interest in self-build and custom housebuilding in that borough and the council must consider this and seek to find sites. Merton's Self Build and Custom Housebuilding register can be found here:

<https://www2.merton.gov.uk/environment/planning/self-build-register.htm>

- 51 sites have been added to Merton's Brownfield Land Register. These include sites with valid planning permission that have not commenced, sites where planning permission has lapsed, and allocations in Merton's Sites and Policies Plan (2014). The Brownfield Land Register can be found at and via

<https://maps.london.gov.uk/brownfield-site-register>

- During the monitoring year 123 schemes have been completed resulting in 434 new homes. 131 schemes were started during the monitoring year, 80 of which were started but not completed. Moreover 248 schemes that will provide 843 new homes have been approved during 2016/17. Of the schemes approved this financial year 135 are still live but not commenced and will provide 524 homes.

- The housing pipeline currently includes the Morden Housing Zone part of Morden town centre regeneration. Around 1,800 new homes will be built in the area in addition to the public realm improvements and the TfL's plan for a new bus station in Morden. Colliers Wood Tower completed in May 2017 and these additional units will be included in the 2017/18 financial year.

- Permissions for phase one of High Path Regeneration has come forward (134 homes), the Summerstown (Volante) site (93 homes), the former Thames Water Merton Works (74 homes), and Haig Housing Ex-Service Community (68 homes). Furthermore, other schemes including Pollards Hill Estate MOAT homes are on early planning discussions with residents and the council.

New London Plan

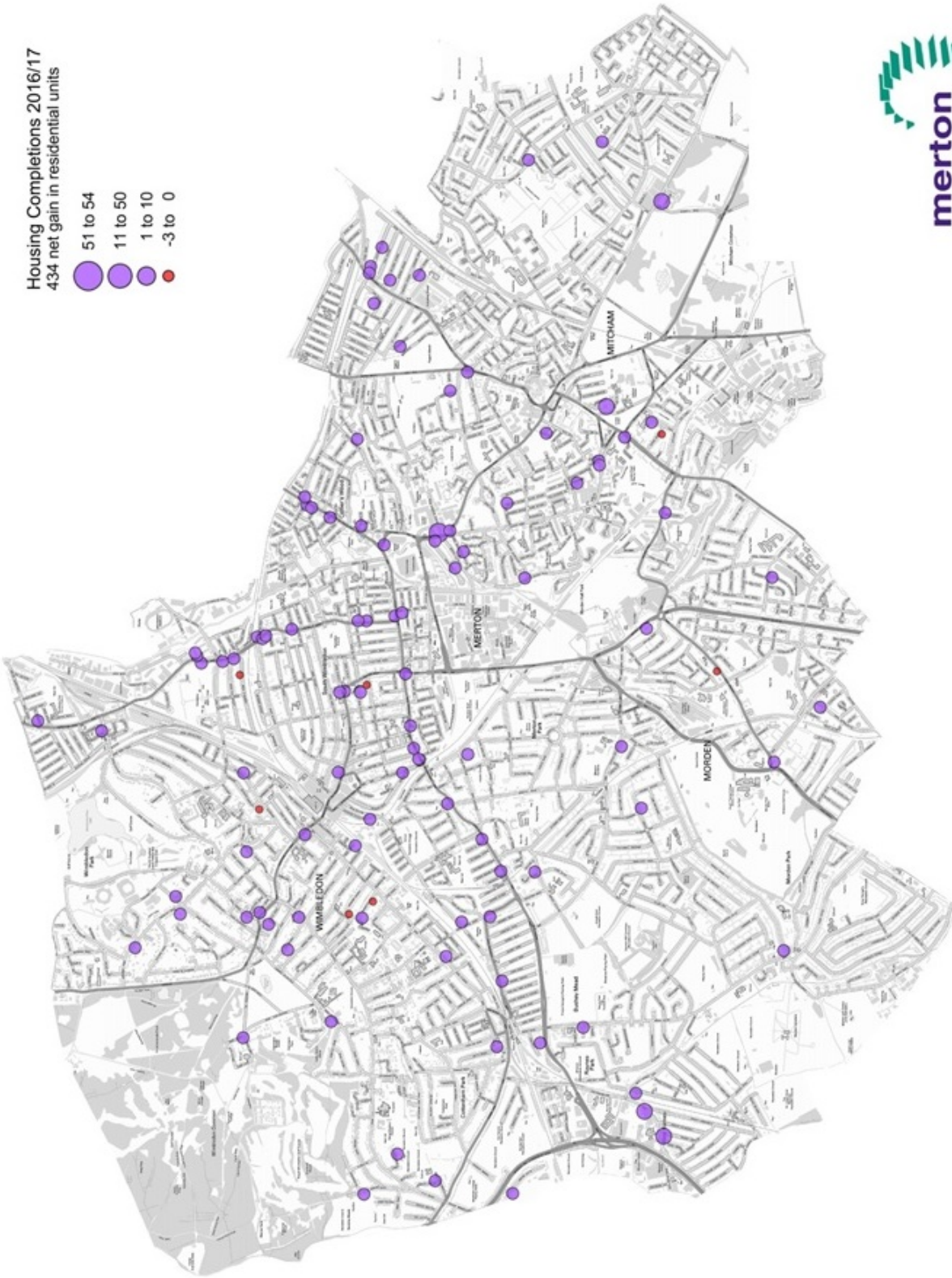
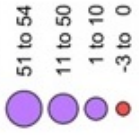
Comparison of completions with the current and new housing targets

Financial Year	Homes built that year	London Plan Target for that year	New Draft London Plan Target
2004/05	987	430	1,328
2005/06	791	430	1,328
2006/07	427	430	1,328
2007/08	435	370	1,328
2008/09	774	370	1,328
2009/10	338	370	1,328
2010/11	357	320	1,328
2011/12	453	320	1,328
2012/13	478	320	1,328
2013/14	440	320	1,328
2014/15	459	320	1,328
2015/16	688	411	1,328
2016/17	434	411	1,328

New homes 2004-2017 compared to current and draft housing targets



Housing Completions 2016/17
434 net gain in residential units



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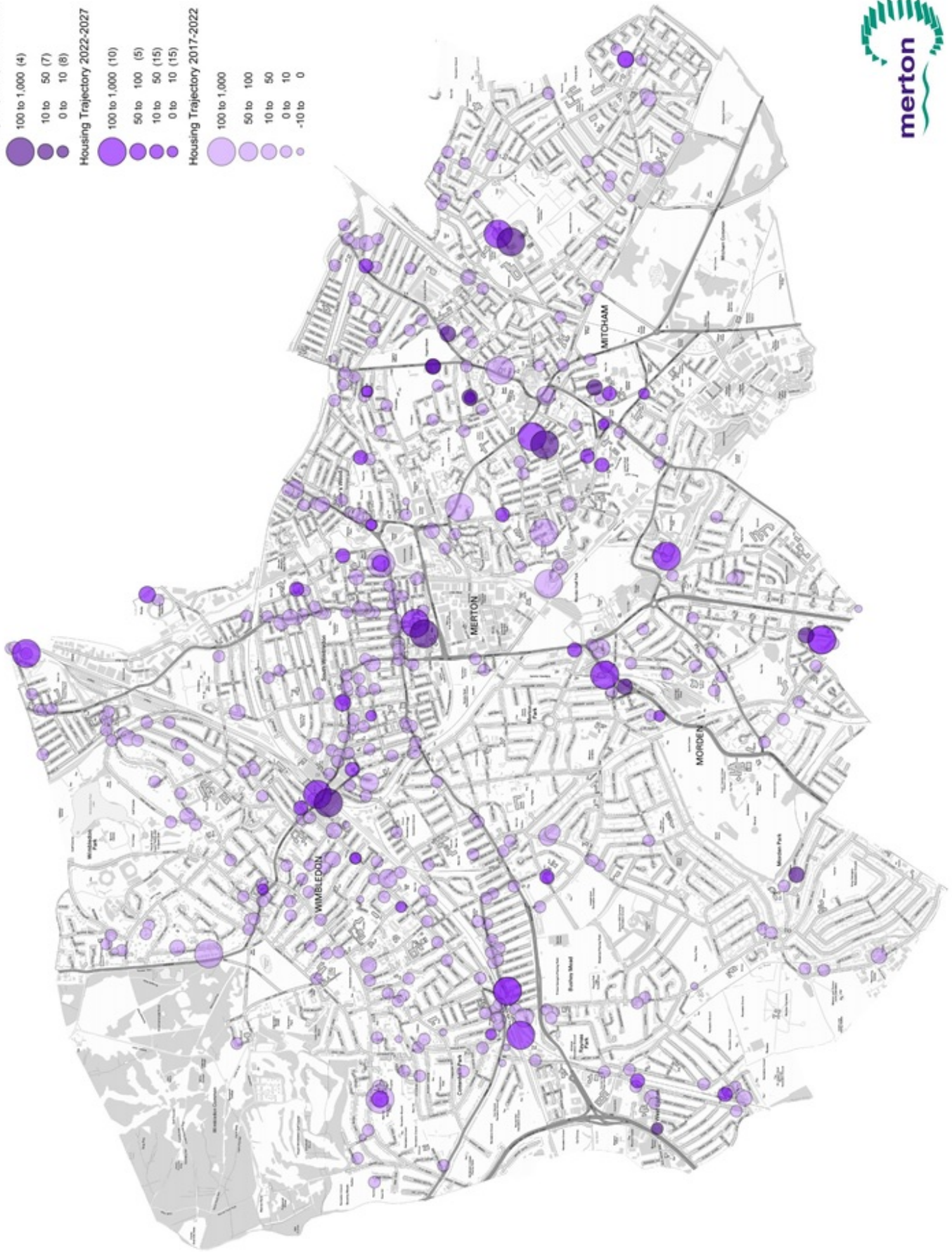
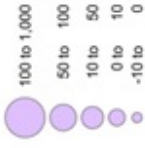
Housing Trajectory 2027-2032



Housing Trajectory 2022-2027



Housing Trajectory 2017-2022



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Raynes Park Community Forum Thursday 14 September 2017 Chair's Report

The meeting was held in Raynes Park Library Hall, and chaired by Councillor Brian Lewis-Lavender, with Chris Edge from the Raynes Park Association (RPA). Approximately 30 residents attended, as well as Merton Councillors, and officers from the council and its partners. Chris Edge opened the meeting, welcoming everyone and introducing Councillor Lewis-Lavender as the Chair.

Open Forum

Nell Allen reported that following the submission of the No Wheelies Please petition to the Council the response has not adequately addressed the proposals that had been and as a result she planned to escalate this to the Overview and Scrutiny Commission.

Nell had a meeting with Veolia where they were in favour of her suggestions that:

1. All Merton's future bins and recycling boxes should be one colour (brown)
2. All bins should be without a Merton Council logo
3. Stickers should be provided that residents can place on each bin to establish content.

A clear majority of those present agreed that these suggestions will now be put to the Council in a motion in conjunction with the Wimbledon Community Forum.

Councillor Suzanne Grocott provided an update following a recent Street stall to talk to residents. A number of street lights were out and need fixing; cycling on the pavement under the Arch remains an issue; a filter on the traffic lights on Grand Drive into Bushey Road could be suggested and the phasing of the lights could be adjusted. Councillor Grocott has raised these issues with the Council. A resident suggested a roundabout at the Grand Drive junction would be helpful. Another resident commented that a resolution to the cycling on pavement issue would be to improve cycling safety on the road.

A resident raised concerns about a recent spate of burglaries in the area, especially on the Apostles. The local Safer Neighbourhood Team had provided some crime prevention advice including making use of the Alley-gates scheme and joining Neighbourhood Watch. It was agreed to invite the SNT to a future meeting.

Flooding in Raynes Park area

Carl Leadbeater from Thames Water attended the forum to provide an update on the issues raised at the last meeting and the flooding on Abbot Avenue in July. Following the last meeting Thames Water has begun a catchment study to understand the hydraulic issues that are causing the problems.

In response to questions from residents Carl said that blocked gullies maybe a factor but until the study was complete they could not be certain. Recent price increases in water bills have been in-line with inflation and many customers found they could reduce their bills by installing a water meter. Water pressure is maintained at 1 bar as that is the requirement for most domestic appliances whilst higher pressure

increases the risk of leaks. If pressures are not at this level, please report to Thames Water.

Thames Water agreed to come back to a future Raynes Park Community Forum meetings to provide further updates.

Stephen Hammond MP

Wimbledon Police Station closure – Stephen will be taking this up with the Borough Commander at a meeting as well as writing to the Mayor of London. The Consultation Institute said this had been the worst consultation of 2017. Stephen said that the decision should be reconsidered on operational grounds, including the impact on shift patterns; the close access to the night time economy; and joint use by British Transport Police.

Crossrail 2 – discussions on the funding package is on-going. The timing of when money from TfL is available is the critical element at the moment.

South Western Railway – residents said the new franchisee has so far not been an improvement with a number of strikes scheduled as well. Stephen responded that it was unfortunate the new franchise started at the same time as the major works at Waterloo but there remains an ongoing issue with a shortage of drivers. They should soon be providing longer trains and improved frequency, especially at weekends.

Boundary Commission Review – the revised proposals in October included a complete Wimbledon constituency and Stephen thanked all those who had responded to the previous consultation. After the current consultation concludes the Commission will finalise their proposals and report to Parliament in autumn 2018.

Raynes Park Station – Stephen would be meeting with Network Rail along with the Raynes Park Association in mid-February.

Jerusalem – In answer to a question Stephen said the UK Government's position is clear. We recognise and believe that Tel Aviv should remain Israel's capital. Donald Trump's suggestion/ recognition of Jerusalem as the capital was surprising and likely to impede any peace negotiations. The UK Government did not agree with the President's comments.

Feedback

Christmas Fair

Raynes Park Christmas Fair took place on Friday 1 December and Nick Coke provided an update. This was the best attended Christmas event to date with more than 800 estimated to have come along; as well as more stalls and activities. Nick wanted to thank the 15 local businesses who had supported the event and the many volunteers who were crucial in managing such a large crowd. Nick asked residents for their feedback and comments included dry weather helping increase the crowd; a lack of signage on the south side of the Arch. Nick explained that Merton Council pay for the tree and its installation but local volunteers decorate it. In Wimbledon their tree is paid for by Wimbledon BID.

Town centre

Tony Edwards wanted to draw resident's attention to the consultation on the draft London Plan. This could have an impact on the height of new developments and density around stations. Details can be found at <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan>

Volunteers have weeded planting areas and used Tesco funding to improve them. Astro turf has been laid where the bins have been removed and additional seating might be installed in the summer. Tony agree to check on the access around the Astro turf.

Negotiations with Network Rail are ongoing over access to the embankment but no progress to date.

If the parking space outside Man's Chinese Restaurant was removed there would be room for an island to improve road safety but further discussions were needed on this.

Reviewing the CPZs was due and it should be possible to make the timings more flexible. Tony said there would be a need for public meetings to discuss the options.

Crossrail 2

Chris Curtis from Network Rail provided an update on Crossrail 2. This slides from his presentation can be found at

<https://www.merton.gov.uk/council-and-local-democracy/community-forums/raynes-park-community-forum>

Network Rail will be responsible for the sections of the route that are above ground, including south of Wimbledon. Work is already underway to increase capacity in the area, with the upgrade of Waterloo meaning longer trains from December 2017; a new wider concourse from December 2018 and new 10 coach trains from 2019/20. Even after this work there will still be a need to increase capacity as London and South East continue to grow. The benefits of Crossrail 2 will extend as far as Portsmouth and Southampton.

The issue of level crossings is a significant challenge. With the increased frequency of trains, the current crossings will not be adequate, so work continues to find an appropriate solution, the first priority will be to not take any homes. Building bridges could resolve congestion caused by closing level crossings.

The new trains will also require changes at Raynes Park station with longer, straighter platforms and all stations on the route will be step free. Whilst these works could be delivered in the early stages of construction it would not be viable to introduce step free access before Crossrail 2.

The funding arrangements currently require 50% of the construction costs to be met during the construction phase. Routes have been reviewed but it should be noted that the route south of Wimbledon accounts for 5% of the cost of the project but 30-40% of the benefit.

Chris agreed with residents that Crossrail 2 could offer an opportunity to provide wider improvements to public realm in Raynes Park and said that one of the lessons from Crossrail was the importance of working with local authorities and communities.

The next consultation should take place in 2018, the Hybrid Bill completed by 2023 and then a ten-year construction period would take place.

Merton Clinical Commissioning Group (CCG)

Hannah Pearson from Merton CCG updated the forum on future commissioning intentions. The slides from her presentation can be found at:

<https://www.merton.gov.uk/council-and-local-democracy/community-forums/raynes-park-community-forum>

In response to questions from residents Hannah said Mental Health policy is a high priority for the CCG and there had been a number of recent improvements to local mental health services including:

- Improving Access to Psychological Therapies (**IAPT**) service – provides support for anxiety, depression and other conditions
- Merton Rapid Intervention service – a multi-disciplinary team that includes Mental Health professionals and aims to prevent hospital admissions
- Crisis Cafés – informal, drop-in support service.

Feedback from LBM Raynes Park Champion

Neil Milligan was unable to attend the meeting but said there was nothing significant to report. Following concerns raised he is looking in the advert at 1 Durham Road.

The Chair thanked residents for attending and closed the meeting.

Date of next meeting: 8 March 2018 7.15pm, in the Library Hall.

Wimbledon Community Forum 5 December 2017 Chair's Report

The meeting was held at Wimbledon Methodist Church, and chaired by Councillor James Holmes. Approximately 25 residents attended, as well as six other Merton Councillors. The Chair welcomed everyone to the meeting, introducing the councillors present at the meeting.

Wimbledon Policing update

Sargeant Mark Rowan and PC Peter Beesley provided residents with an overview of policing and crime issues in the area, starting by addressing the imminent closure of Wimbledon Police Station.

Wimbledon, Wandsworth, Kingston and Richmond are to be merged into one single Borough Command Unit, with a very experienced command unit taking over. The merger is likely to take place in May 2018 and as part of this, Wimbledon Police Station will be sold in around 2019. The move from Wimbledon Station to Mitcham's police station will commence around January 2018 with Emergency Response Teams being located at Mitcham and Earlsfield. Options for satellite bases are being considered and discussed through consultation, for example, cafes, community centres, churches, drop-in clinics and local government buildings. The best way to report crimes moving forward will be by phone or online.

Sargeant Rowan sympathised with concerns about the closure of the police station; however, he pointed out that a positive outcome of the changes is that the number of dedicated ward officers is to be increased to two per ward, plus a police community support officer. Response time targets will also stay the same (15 minutes for a 999 call; 60 minutes for a 101; and under 24-hours for a lower grade call).

The Met Police is also looking at how to better use technology for policing. Officers are to trial using tablets from January 2018, enabling them to log and report crimes immediately. 80% of workload will be completed on these tablets. Sargeant Rowan undertook to feedback concerns about information security if the tablets are being used whilst officers are out in public.

As part of the changes in policing, six new principles have been brought in. These aim to decrease the amount of time officers spend investigating crime, instead increasing their time and presence on the streets, thereby preventing crimes from happening in the first place. The principles include no longer investigating crimes that are below a value of £50 and looking through no more than 20 minutes' worth of CCTV footage. Caveats will be put in place however, for example, if a pattern emerges or repeat offences are occurring, ward officers would look into it.

With regards to moped-enabled crime, Sargeant Rowan advised that residents could take certain actions to help avoid such crimes, for example keeping items locked and out of sight, joining their local Neighbourhood Watch, and installing outdoor security lights and CCTV. Operations are being run by the police to look at parking bays, as cars in these bays high targets of moped-enabled crime.

A Policing Plan is being run to decrease crime in Wimbledon Town Centre during the Christmas period.

Theft of bicycles is still an issue. Owners were advised to always lock up their bicycles, mark them and make a note of their frame numbers.

Responding to questions from residents, Sargeant Rowan said:

- A Judicial Review of the changes to policing would not affect the May Borough Command Unit merger date.
- A lot of police work revolves around working with social services to deal with people with mental health issues.
- After the closure of specific stations, there will be a greater number of officers posted at the police stations that remain open.
- There are two phases to the closure of Wimbledon Police Station. The front office will close first, moving to Mitcham; the back office facilities in Wimbledon will vacate from 2019.
- Whilst reporting a crime in person can provide a more thorough response because of the face-to-face interaction with an officer, online reporting should also provide a thorough response. Online reports of crime should trigger a call back; however, sometimes insufficient information is provided; therefore a crime might be screened out.

Soapbox

Regeneration of the High Path Estate

Residents discussed the proposed regeneration of the High Path Estate. Many felt that they have not been consulted properly on it, listened to or been given sufficient information about its impact. They felt that action is needed to ensure a more thorough and longer consultation. A motion was therefore proposed and agreed upon, which Councillor James Holmes will write and submit to Merton Council and to Clarion Housing. The motion will state:

1. Residents demand a longer and wider public consultation, over a period of weeks. The consultation should not just be online, but should have a physical presence too, in the form of exhibitions and a public meeting;
2. Until this extended consultation has taken place, any planning application for the High Path Estate must be delayed;
3. The site is inappropriate for a secondary school to be situated on.

Councillor Holmes said that if residents wanted to take additional action over the plans, they could write to their local councillors.

No Wheelie Bins campaign

Nell Allen provided an update campaign. A petition with more than 1100 signatures was submitted to the council and rejected, but further signatures are still being collected and Nell is appealing as she feels the petition was not given due, nor impartial, consideration.

Nell had a meeting with Veolia where they were in favour of her suggestions that:

1. All Merton's future bins and recycling boxes should be one colour (brown)
2. All bins should be without a Merton Council logo

3. Stickers should be provided that residents can place on each bin to establish content.

These suggestions will now be put to the council in a motion, by Councillor Holmes.

Merton CCG commissioning intentions

Abbas Mirza, Engagement Manager at the Merton Clinical Commissioning Group (CCG) gave a presentation on the CCG's plans for health services delivery. The presentation can be found at

https://www.merton.gov.uk/assets/Documents/Commissioning_CIEngagement%20V3.pdf.

Any feedback or questions about the plans can be sent to Debbie Baronti at debbie.baronti@swlondon.nhs.uk.

South Wimbledon Enhancement Plan update

Local resident, Andrew Boyce, gave a presentation on work that is being carried out to deliver an Enhancement Plan for South Wimbledon. The presentation can be found at:

<https://www.merton.gov.uk/assets/Documents/SWEP%20Presentation.pdf>.

Asked how further work might be funded, beyond crowd-funding, Andrew said that there are options being considered such as applying for a CIL fund, which the council administers, and corporate funding.

Close of meeting

Councillor Holmes thanked residents for attending and closed the meeting.

Date of future meetings:

Thursday 1 March 2018 at Wimbledon Arts Space

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COUNCIL MEETING – WEDNESDAY 7 FEBRUARY 2018

NOTICE OF MOTION

In light of the very considerable concern expressed by residents about the Mayor of London's decision to close Wimbledon police station and sell the land, this Council resolves to save this local police station from closure by seeking to buy the site itself from City Hall and then seeking to lease it back to the Mayor's Office for Policing and Crime (MOPAC), in line with the proposal made by the London Borough of Hillingdon. Council therefore further resolves that Cabinet should make an adjustment to its budget proposals for 2018-22 by making provision in the Medium Term Financial Strategy for both the capital acquisition of the police station and associated revenue implications of sharing the running costs equally with MOPAC.

Cllr David Dean

Cllr Abdul Latif

Cllr David Simpson

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Committee: Council

Date: 7th February 2018

Wards: Abbey, Figges Marsh & Ravensbury

Subject: Adoption of Merton's Estates Local Plan as part of Merton's Local Plan

Lead officer: Director for Environment and Regeneration, Chris Lee

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

Contact officers: Future Merton strategic policy manager, Tara Butler

Principal Spatial Planner, Valerie Mowah

Recommendations:

- A. That Council adopts Merton's Estates Local Plan and associated Sustainability Appraisal, as part of Merton's statutory Local Plan and subsequent updating of Merton's statutory Policies Map to include the Estates Local Plan area, to which Estates Local Plan policies apply.
 - B. That authority be delegated to the the Director of Environment and Regeneration to deal with all the necessary adoption documents and other consequential matters in accordance with the appropriate Regulations.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report recommends the adoption of Merton's Estates Local Plan as part of Merton's statutory Local Plan. This follows the Plan's successful examination by an independent planning inspector and the publication of the Inspector's final report.
- 1.2. If adopted, the Estates Local Plan will be one of the key documents guiding planning decisions in the borough, alongside Merton's adopted Core Planning Strategy 2011 and the South London Waste Plan 2012, and Sites and Policies Plan and Policies Map 2014 concerning the regeneration of Eastfields (Mitcham), High Path (South Wimbledon) and Ravensbury (Mitcham/ Morden) estates.
- 1.3. The Plan, associated sustainability appraisal and Inspector's report are published on the council's website and as appendices to this report.
- 1.4. A separate report to this meeting makes recommendations to councillors on delivering regeneration across the three estates. The adoption of the Estates Local Plan can be considered independently of this.

2 DETAILS

- 2.1. The core role of the Estates Local Plan is to guide development in the relevant areas, both for applicants bringing forward proposals and for members sitting on the Planning Applications Committee (PAC) when they

consider those proposals. Without adopting such a document, it will be harder for developers (in this case Clarion) to have confidence that the Committee will support their proposals and they may therefore be less willing to commit to the investment needed. The Local Plan also helps the PAC to ensure that proposals meet the Council's broader regeneration and community objectives.

Plan preparation and inspector's report.

- 2.2. In July 2014 Council resolved to start an Estates Local Plan and the first council consultation was started in November 2014. The plan has been informed by feedback from more than nine months of public consultation, local and national research and the latest data from the Census 2011 and prepared in line with statutory regulations.
- 2.3. In November 2016 Cabinet and Council approved the Plan for submission to the Secretary of State.
- 2.4. In March 2017, the Plan was submitted to the Secretary of State, who appointed an independent inspector to examine the plans. The inspector held a three day public hearing across two weeks in July 2017 where residents, landowners, and others who participated in making the plan participated in the public hearings
- 2.5. During the public hearings, the inspector recommended 30 modifications to the Plan. These changes were either recommended to the inspector by the council or helped to make the council's original policy position clearer.
- 2.6. The inspector asked the council to consult on these modifications for six weeks so that anyone who did not attend the public hearings would be aware of the changes he was recommending and would have the opportunity to write to him and tell him what they thought. The council published the 30 changes on Merton's website and consulted on these between 26th September and 07 November 2017, writing to everyone who had participated during the 3 years of plan preparation to let them know.
- 2.7. Having considered the 9 consultation responses received, in **December 2017**, the inspector issued his report, which states that the Plan is sound and can be adopted, subject to incorporating the modifications that were included for public consultation. The Inspector's report made further amendments to a few of these modifications that were consulted on; these are clearly identified in the Inspector's report.

Contents of the Plan

- 2.8. Part 1 outlines the background to the Plan. It sets out its relationship to other plans and policies, the key drivers for the Plan, the case for regeneration, the overall design principles and the council's vision for each of these new neighbourhoods. It also defines the geographic area where the Plan applies, known as the Policies Map

- 2.9. Part 2 sets out the overarching policies for the Plan. The council's Vision for the three estates (OEP1), the Strategy through which the vision will be achieved (OEP2) and the Urban Design Principles which will be used in the process (OEP3). They will be used both as a guide to the high level aspirations of the Council and, along with the more detailed policies in part 3, used to assess planning applications.
- 2.10. Part 3, the main part of the Plan, looks at each of the three estate neighbourhood in turn. It proposes a set of detailed policies to guide development. This is based on a detailed site analysis of the current neighbourhoods and a study of the historical context (Appendix 3 of the Plan) of the three estates.
- 2.11. Part 4 sets out detailed design requirements for planning applications to enable the delivery of site specific policies and ensure design consistency across each estate. The Plan ends by outlining how it will be delivered and implemented.
- 2.12. The Sustainability Appraisal / Strategic Environmental Assessment published alongside the Estates Local Plan demonstrates how the Plan has been informed by social, environmental and economic criteria as it has been created. This ensures that the final plan will facilitate sustainable development. Health impacts and equalities impacts have also been considered in the creation of the plan; the Health Impact Assessment and the Equalities Impact Assessment are available on Merton Council's website via www.merton.gov.uk/estatesplan and available on request to future.merton@merton.gov.uk or 020 8545 3837

Delegated authority

- 2.13. If the council resolves to adopt Merton's Estates Local Plan, it will be redesigned and printed to ensure that it is clear and easy to read and navigate. There are also a number of statutory adoption documents and other procedures that the council will need to undertake, such as notifying the people who participated in making the Plan of its adoption.
- 2.14. It is recommended that these statutory matters be delegated to the Director of Environment and Regeneration.

3 ALTERNATIVE OPTIONS

- 3.1. The main alternative option is not to adopt Merton's *Estates Local Plan* as part of Merton's Local Plan. This is not recommended for the following reasons:
- 3.2. The Government has made proactive support for development that creates new homes a priority, and has substantially restructured the planning system to do so. Merton's Estates Local Plan has been found sound by an independent inspector and prepared using recent consultation feedback, up-to-date evidence and is in conformity with the London Plan and national policy. In accordance with the National Planning Policy Framework 2012, the draft document can still be used to influence planning applications

- 3.3. LBM officers have sought legal advice from counsel on the most robust and efficient strategic planning framework process to guide the estates regeneration process. LBM Officers have been advised by counsel that preparation and adoption of a statutory Local Plan will provide the most appropriate planning process to ensure robust consultation with residents, adjoining landowners and anyone else who might be affected. To not adopt Merton's Estates Local Plan would result in the absence of an essential planning policy element to guide the regeneration of the three estates and assist in land assembly to facilitate regeneration delivery.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. Merton's Estates Local Plan was started in November 2014 and since then has been through five stages of public consultation (six weeks each):
- 4.2. September - November 2014 - **Stage 1 Issues and Options** Merton Council asked residents, businesses and anyone else who was interested to have their say on proposals for Ravensbury (Morden), High Path (South Wimbledon) and Eastfields (Mitcham) estates
- 4.3. February-March 2016 - **Stage 2 Draft Estates Local Plan** The consultation on the council's draft plan for the estates of Eastfields, High Path and Ravensbury took place.
- 4.4. December 2016 - February 2017 – **Stage 3 Pre- Submission publication** to give those who still wish to change the Plan the opportunity to send their comments to the independent Planning Inspector for him to consider.
- 4.5. March 2017 - **Estates Local Plan Submission** - to give those who still wish to change the Plan the opportunity to send their comments to the independent Planning Inspector for him to consider.
- 4.6. September - November 2017 - **Public consultation after the Hearings** to give those who did not attend the public hearings in July 2017 an opportunity to tell the inspector what they think of the 30 Main Modifications to the Plan that he recommended at the hearings.
- 4.7. All of the consultation responses have been considered and the plan has been amended accordingly at each stage. The plan is accompanied by a Statement of Consultation, setting out what people and organisations told us about the plans, and what actions have taken place as a result of their comments. All of the responses received are available to view on Merton's website via:
<http://www2.merton.gov.uk/environment/planning/planningpolicy/localplan/estatesplan.htm>
- 4.8. During the course of the plan's preparation, officers have proactively engaged with community groups, residents, other interested parties, and councillors representing Figges Marsh, Abbey and Ravensbury wards where the three estates are situated.

5 TIMETABLE

- 5.1. Merton's Estates Local Plan will be considered and recommended for adoption at the following meetings: Borough Plan Advisory Committee (11th January 2018); Cabinet (15th January 2018); Council (7th February 2018). If council resolve to adopt the Estates Local Plan and Map on 7th February 2018, it will then be used to determine planning applications for the regeneration of the three estates.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. To minimise the impact of this regeneration programme on council taxpayers across Merton, the council have negotiated with Clarion Housing Group to indemnify the Council for costs associated with delivering the regeneration programme and related matters including the costs of the Inquiry for the Estates Local Plan.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. Merton's Estates Local Plan has been prepared in accordance with the Town and Country Planning Act 1990 (as amended), the Town and Country Planning (Local Development)(England) Regulations 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012. The Estates Local Plan is also in conformity with the National Planning Policy Framework 2012, the London Plan 2016 and other associated guidance.
- 7.2. If the council were to resolve to adopt the Plan and Map on 7th February 2018, it would become part of Merton's Local Plan, together with Merton's Core Planning Strategy 2011, Sites and Policies Plan and Policies Map 2014, and the South London Waste Plan 2012. Following adoption, there would be a six week period for people to challenge the Plan through judicial review.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. An Equalities Impact Assessment has been prepared in conjunction with Merton's *Estates Local Plan*.
- 8.2. The Plan has also been informed by a ongoing Strategic Environmental Assessment and Sustainability Appraisal, prepared in parallel with each stage of the plan and used to ensure that the Plan delivers social, economic and environmental benefits equally. Some of the objectives that the Plan has been appraised against relate to improving community cohesion.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. The Metropolitan Police have been engaged in all stages of the preparation of Merton's *Estates Local Plan*, and have made representations on several issues.

- 9.2. The Sustainability Appraisal, prepared in parallel with each stage of the plan to ensure that the plan delivers social, economic and environmental benefits assesses the plan against objectives to reduce crime and the fear of crime.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. Unlike some authorities embarking on comprehensive estate regeneration, Merton Council does not own the housing stock, and little of the land surrounding the estates. The Estates Local Plan is therefore its key lever in steering and controlling the regeneration, supported by legal responsibilities placed on Clarion through its agreements with the Council.
- 10.2. There is a risk that should the Estates Local Plan not be adopted, planning decisions concerning regeneration of the three estates will be challenged where decision-makers are using a development plan that does not set out the council's growth expectations, rooted in policies regarding site layout and access, open space, connectivity and services.
- 10.3. Additionally, the council's ability to successfully bid for funding associated with the regeneration of the three estates, for new local infrastructure to be delivered through the planning system, may be called into question if its local development plan used to determine planning applications does not include specific policies and a strategy setting out and guiding regeneration of the three estates

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

- Appendix A: Inspector's final report (December 2017) – Merton's Estates Local Plan
- Appendix B: Merton's Estates Local Plan – adoption version (available at the meeting and on Merton Council's website via <https://www2.merton.gov.uk/planningpolicy/localplan/estatesplan> and on request by contacting 020 8545 3837)
- Appendix C - The sustainability appraisal of Merton's Estates Local Plan (available on Merton Council's website via <https://www2.merton.gov.uk/planningpolicy/localplan/estatesplan> and on request by contacting 020 8545 3837)



Report to the Council of the London Borough of Merton

by Nicholas Taylor

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 18 December 2018

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Merton Estates Local Plan

The Plan was submitted for examination on 30th March 2017

The examination hearings were held between 4th and 6th July 2017

File Ref: PINS/T5720/429/7

Abbreviations used in this report

CHG	Clarion Housing Group
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
MM	Main Modification
ELP	Merton Estates Local Plan
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SE	Sport England
SPG	Supplementary Planning Guidance
SPP	Merton Sites and Policies Plan

Non-Technical Summary

This report concludes that the London Borough of Merton Estates Local Plan (ELP) provides an appropriate basis for the planning of the specific area covered by the plan, provided that a number of main modifications (MMs) are made to it. Merton Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

All the MMs were proposed by the Council, amended in some cases by me, and were subject to public consultation over a six-week period. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Introduction of three new over-arching policies, setting out the vision, strategy and urban design principles for the plan;
- Inclusion within the relevant policies for each estate for re-provision of affordable housing;
- Amendments to various policies, and introduction of a new appendix, to ensure clear consistency with and cross-referencing to other parts of the development plan, including the London Plan, and with national planning policy and guidance;
- Amendments to various policies to ensure internal consistency within the plan, whilst recognising the distinctiveness of the three estates and providing the appropriate balance between certainty and flexibility;
- Deletion of 'Further guidance' and incorporation of its content where appropriate within each policy or its Justification;
- Deletion, or inclusion in a more appropriate way, of references to locations and issues outside the plan boundary; and
- Clarification that part 4 of the plan sets out information to support submission of applications for planning permission.

Introduction

1. This report contains my assessment of the ELP in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (NPPF) (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The London Borough of Merton Pre-Submission Estates Local Plan, submitted in March 2017, is the basis for my examination. It is the same document as was published for consultation between December 2016 and February 2017. It should be noted that, since then, the Council has published several "rolling" versions of the plan, incorporating its own proposed, successive additional modifications. Where these are not incorporated within, or superseded by, MMs, I consider that they do not affect the soundness of the plan and I have

not commented upon them in this report. Any such additional modifications are a matter for the Council on adoption of the ELP.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act, the Council requested that I should recommend any MMs necessary to rectify matters that make the plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1, MM2, MM3** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in the light of those I have made limited amendments to the detailed wording of some of the main modifications. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have referred to these amendments in the report.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, although the plan itself contains numerous maps and diagrams, the only proposed change to the formal policies map is the definition of the boundaries of the three separate and distinct areas covered by the plan within the Borough. Consequently, the MMs do not have any direct implications for this change to the policies map.

Assessment of Duty to Co-operate

6. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation. The boundaries of the three areas covered by the ELP are drawn tightly round three separate and distinctive housing estates in different parts of the Borough: Eastfields, High Path and Ravensbury.
7. Each estate predominantly comprises former local authority housing which has been transferred to the Clarion Housing Group (CHG), a registered housing provider, through a Stock Transfer Agreement which carried with it certain obligations. The Council has collaborated with and consulted residents, CHG, statutory consultees and other stakeholders on strategic and other matters concerning the future of the estates and on the preparation of the ELP.
8. Overall, taking account of the type and content of the plan and its limited geographical coverage, I am satisfied that where necessary the Council has

engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

Assessment of Soundness

Main Issues

9. The ELP is intended to guide the regeneration, in whole or in part, of the three estates, with the aim of creating well designed, high quality neighbourhoods. As submitted, it is structured around sets of policies for each estate, covering similar topics and following a common format. Additional sections of the plan cover common themes, such as key drivers, vision, design requirements and delivery, implementation and monitoring, together with supporting material in three appendices.
10. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified two main, cross-cutting issues upon which the soundness of the Plan depends. Broadly, these relate to issues concerning the overall plan and those concerning the policies specifically relating to each of the three estates. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

Issue 1 – Whether the plan, in respect of its vision, strategy, urban design focus and certain matters common to all three estates, has been positively prepared, is justified, effective and consistent with national and local policy and guidance?

Relationship with the wider development plan

11. Regulations 8 (4) and (5) require that the plan should be consistent with other parts of the development plan. The ELP's subject matter – three geographically separate estates, islands, as it were, within the borough, but inextricably linked in terms of their regeneration – poses challenges with regard to the purpose, structure and clarity of the plan. The Council sees it as largely a design-led document, intended to set out a distinctive vision to guide place-making in each estate, whilst providing an appropriate degree of flexibility to developers. However, as a statutory local plan, it is more than a series of masterplans or design briefs and seeks to provide clear policies governing the regeneration process.
12. As submitted, the ELP is unsound in that it fails to clearly articulate its relationship with the wider development plan in all respects, including where reliance is to remain with policies in other plans. This is more complex here because not only the Mayor's London Plan but also the Council's borough-wide Core Planning Strategy and its Sites and Policies Plan (SPP) will also continue, until replaced, to wash over the ELP plan area. Whilst it would be unrealistic to expect full cross-referencing in every ELP policy, a number of changes throughout the plan are necessary to address this issue where clarity of interpretation is particularly important. Specifically, the problem is addressed by **MM1**, which expands the contextual information in the Key Drivers section, and by **MM30**, which introduces a new Appendix 4, containing a table of cross-references between each ELP policy and the other significant parts of the development plan.

Vision

13. The ELP aims to set out a holistic vision of the creation of new, sustainable, liveable neighbourhoods, with a high standard of housing and design. This is translated into more distinctive visions for each of the estates. However, there is a disconnect between the visions and the suites of policies for each estate, which deal separately with discreet and relatively detailed matters such as townscape, movement and access, land use and environment. The inclusion of numerous maps, diagrams and visualisations of examples of potential future forms of development dilutes the clarity of the visions and complicates the status of various elements of the plan, to the extent that the effectiveness, and therefore soundness, of the ELP is undermined. This is remedied by **MM2**, which brings together the material expressing the visions, clarifies its status and ensures internal consistency within the plan, in a new over-arching Policy OEP1 Vision. I have made a minor change to the wording of the MM as published for consultation, by adding clearer reference to protection and enhancement of heritage in the vision for Ravensbury.

Strategy

14. There are references in various parts of the document to the policy, economic, social and practical rationale behind the regeneration of the three estates. The context is that, although each estate is physically very different, CHG is the predominant landowner and, to date, developer, driving regeneration in partnership with the council, local communities and others. Although the economic basis for regeneration of the three estates is closely integrated, it is expected that development will proceed in phases and that there will be a need to keep this under review and provide for flexibility during the 10 – 15 year life of the overall programme and the plan. This fundamental underlying rationale and approach is not sufficiently clearly reflected in policy. **MM3** addresses this shortcoming by introducing a new Policy OEP 2 Strategy.
15. I have considered whether the quantum, density and mix of housing are sufficiently clear, whilst providing for appropriate flexibility and remaining consistent with the remainder of the development plan. The areas covered by the ELP are small in relation to the Borough but can be considered large sites, presenting opportunities to address regeneration in a variety of ways. The basic aim of the plan is to create high quality neighbourhoods, avoiding, in the council's words, the mistakes of the past. New Policy OEP 2 makes clear that complete regeneration (which in this context means substantial demolition and redevelopment) of Eastfields and High Path estates and partial regeneration of Ravensbury estate is proposed. The overall number of dwellings required to be provided in each estate can and should be determined in accordance with the development plan as a whole, without the need for specific targets, ranges or minima/maxima in the ELP. Policies¹ for each estate, as amended, confirm that the London Plan density framework is to be applied flexibly.
16. Policy OEP 2 explicitly states that affordable housing will be provided on a phase by phase basis, having regard to prevailing need, viability and policy. However, **MM8**, **MM16** and **MM24** amend Policies EP E4, EP H4 and EP R4

¹ EP E4, EP H4 and EP R4

respectively, to, among other things, qualify this to make clear that existing numbers of affordable homes will be re-provided. These changes are necessary to provide an appropriate degree of certainty regarding minimum levels of affordable housing and, to the local communities in particular, reassurance on this important matter, whilst continuing to ensure that a review mechanism will address changes in need and viability over time. I have slightly changed the wording of **MM16** from the consultation version in order to achieve consistency between the three policies but, in so doing, I have retained the term "affordable homes" as it is more straightforward and consistent with London-wide and national policy and guidance than "habitable rooms or floorspace". For the same reasons, I have also changed **MM3** from the consultation version to clarify the wording regarding phasing and review of affordable housing provision.

Urban design

17. Much of the thrust of the ELP, spread among numerous policies for each estate, is concerned with securing good urban design. The submitted plan brings together a number of important urban design principles in the introductory section and a further section, Part 04, towards the back of the document sets out Design Requirements for Planning Applications. This fragmented and overlapping coverage gives rise to potential for contradiction and uncertainty as to what constitutes policy and its relationship with the remainder of the development plan. The effectiveness of the plan is undermined as a result. Together, two MMs are necessary to rectify these shortcomings. **MM4** inserts a new over-arching Policy OEP 3 Urban Design. Amongst other things, the policy more clearly ensures that a comprehensive approach to equalities, disability, inclusive design and accessible environments, in accordance with paragraphs 57, 58, 61 and 69 of the NPPF, together with the need to design against crime and for community safety, is given due emphasis. I have added brief references, to better reflect the importance of heritage, to the consultation version of the MM.
18. Furthermore, **MM29** clarifies that Part 04 is essentially setting out information required to support planning application submissions, complementing the council's validation checklist and addressing inconsistencies with ELP and other development plan policies. Important clarification is also added regarding the potential impact of development on the Wimbledon Common and Richmond Park Special Areas of Conservation.

Further guidance

19. Throughout the submission ELP, almost all policies are followed by "Further guidance". As written, the effectiveness of the policies is undermined by uncertainty as to whether this further guidance constitutes policy or is part of the Justification of the policies. This problem is addressed within **numerous MMs**, described under Issue 2 (below), by in most cases recasting the content of the further guidance as part of the policies' Justification.

Plan boundaries

20. The plan boundaries are very tightly drawn around the three estates. However, there are numerous instances throughout the plan where policies seek to require action or compliance concerning locations or issues outwith the plan areas. Such an approach causes uncertainty, not least for applicants and communities, as to which policies apply and creates or risks conflict between the ELP and the remainder of the development plan. Moreover, those with an interest in land or development outside the plan areas may not be fully aware of the ELP's implications. **A number of MMs** address the problem by deleting the relevant reference or amending it to make clear that it is providing contextual information which may have implications for development within the plan areas.

Overall

21. To conclude, with the relevant MMs as set out above, the plan is sound with respect to its vision, strategy, urban design focus and certain other cross-cutting matters.

Issue 2 – Whether the policies for the three individual estates have been positively prepared, are justified, effective and consistent with national and local policy and guidance?

Townscape - Policies EP E1, EP H1 and EP R1

22. These policies refer to Eastfields, High Path and Ravensbury respectively. In the first and last cases, the policies' effectiveness and consistency is undermined by confusing duplication and lack of clarity within the policy, particularly in the light of the introduction of new Policy OEP 1 Vision. **MM5** and **MM21** address this shortcoming, together with the further guidance and plan boundary issues referred to in paragraphs 19 and 20 above, which are also addressed by **MM13** in the case of policy EP H1. MM21 differs slightly from the consultation version in order to better reflect the importance of Ravensbury's heritage setting.

Street network and Movement and access – Policies EP E2, EP E3, EP H2, EP H3, EP R2 and EP R3

23. Although the subject matter of these policies is closely related, it is not sufficiently clear that the street network policies are concerned essentially with urban form but not vehicular movement and access. Moreover, further issues of clarity and consistency, whilst providing appropriate flexibility, undermine the policies' effectiveness to varying degrees. In the case of EP R2 and EP R3 in particular, concerning the Ravensbury estate, there is insufficient emphasis on the need to deter crime and promote community safety, having regard to Planning Practice Guidance (PPG). There are a number of instances across all six policies where requirements are placed on developers with regard to locations and issues outside the plan boundaries. These problems and the further guidance issue, referred to previously, are remedied by **MM6, MM7, MM14, MM15, MM22** and **MM23**.

Open Space and Landscape – Policies EP E5, EP E7, EP H5, EP H7, EP R5 and EP R7

24. The subject matter of these two sets of policies is also related but, as submitted, their content does not sufficiently clearly distinguish between open space and landscape matters, or provide appropriate degrees of flexibility in all aspects, consistent with the NPPF, PPG and other parts of the development plan. This results in overlap and lack of clarity, particularly with regard to trees and domestic gardens. The three open space policies are not fully consistent with the London Plan and the Mayor's Supplementary Planning Guidance (SPG) for Play and Informal Recreation. Nor do they fully address the implications of development for the provision of indoor and outdoor sports facilities, having regard to Sport England's (SE) Planning for Sport Aims and Objectives. **MM9, MM17** and **MM25** address these shortcomings by deleting content related to trees and gardens, whilst inserting appropriate references to the London Plan, Mayor's SPG and SE guidance.
25. **MM11, MM19** and **MM27** amend policies EP E7, EP H7 and EP R7 respectively, to insert content related to trees and gardens, deleted from the policies referred to above. In doing so, with a small change to MM19 from the consultation version, the wording regarding trees is made more concise, so as not to be overly detailed and prescriptive and to be internally consistent and consistent with Policy DM 02 of the SPP. The requirement for appropriate provision of private garden and/or amenity space to all new dwellings (houses and flats), with regard to relevant standards and the character of the development, is consistent with Policy DM D2 of the SPP.

Environmental Protection – Policies EP E6, EP H6 and EP R6

26. These policies cover a variety of matters and suffer from a number of shortcomings. The treatment of flood risk is inconsistent with the evidence base for each estate, the London Plan and national policy and guidance, particularly in the application of sequential and exception tests to development proposals.
27. Furthermore, across the three policies, the coverage of sustainable energy requirements is neither effective nor consistent with the remainder of the development plan or national policy and guidance.
28. Amendment of the policies is also necessary to ensure that the approach to development construction working method statements and construction logistics plans, together with site waste management plans, is appropriate and proportionate to the scale and nature of proposals and anticipated impacts, whilst being consistent with the London Plan and SPP Policy DM D2.
29. In the case of Policy EP H6, amendment is also required to remove references to policy concerning trees which overlap and conflict with other ELP policies to which I have previously referred. All of the above shortcomings are addressed by **MM10, MM18** and **MM26**.

Building heights – Policies EP E8, EP H8 and EP R8

30. Amendment of Policies EP H8 and EP R8 is necessary in order to ensure clarity and remove internal inconsistencies, whilst allowing appropriate flexibility. These shortcomings, together with further guidance and plan boundary issues

across all three policies, are remedied by **MM12**, **MM20** and **MM28**. I have changed the wording of MM20 from the consultation version in order to better express the general approach to building heights in more sensitive parts of High Path.

Overall

31. In conclusion, with the relevant MMs as set out above, the policies for the three individual estates are sound.

Public Sector Equality Duty

32. In examining the ELP, I have had regard to equality principles in compliance with s.149 of the Equality Act 2010. One tangible outcome of this is **MM4**, which concerns the new over-arching Policy OEP 3 Urban Design and which is described in more detail in paragraph 17, above.

Assessment of Legal Compliance

33. My examination of the legal compliance of the Plan is summarised below.
34. The ELP has been prepared in accordance with the Council's Local Development Scheme. Consultation on the ELP and the MMs was carried out in compliance with the Council's Statement of Community Involvement. Sustainability Appraisal has been carried out and is adequate.
35. The Habitats Regulations Assessment, December – February 2016 identifies European Sites at Wimbledon Common and Richmond Park as having the potential (due to proximity) to be affected by development within the plan areas. It concludes that the ELP's policies, both in themselves and in combination with other plans, strategies and programmes, will not have an adverse effect on either of these sites, provided that any individual proposals which are likely to have a significant effect are subject to appropriate assessment. This requirement, which is consistent with other parts of the development plan, is specifically addressed by **MM29**.
36. The ELP, taken as a whole, includes policies designed to secure that the development and use of land in the plan areas contribute to the mitigation of, and adaptation to, climate change. This is particularly evident in Policies EP E6, EP H6 and EP R6, which concern environmental protection, including, among other matters, flood risk, sustainable drainage and sustainable energy. Accordingly, the ELP satisfies this statutory objective.
37. Subject to the recommended MMs, the ELP is in general conformity with the spatial development strategy (The London Plan). Since the close of consultation on the MMs, the Mayor of London has published a draft new London Plan for consultation. As this consultation has only recently begun, this emerging plan has not had a significant bearing on my report.
38. Overall, therefore, subject to the recommended MMs, the ELP complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Overall Conclusion and Recommendation

39. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
40. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that, with the recommended main modifications set out in the Appendix, the Merton Estates Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Nicholas Taylor

Inspector

This report is accompanied by an Appendix containing the Main Modifications.

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APPENDIX - MAIN MODIFICATIONS TO MERTON'S ESTATES LOCAL PLAN

The modifications below are expressed in the conventional form of underlining indicating text which will be added or moved within the final version of the document and ~~striketrough~~ to indicate where original text will be deleted. The page and paragraph numbers relate to the 'submission' version of the plan (document SD.1), including where text is relocated or new paragraphs inserted. Re-numbering of paragraphs has not been undertaken in this version.

Mod ref July 2017	Policy / Paragrap h (SD.1)	Page	Amendment proposed by the council
MM1 Page 65		Page 20	<p>New paragraph to insert after 2.26]</p> <p><u>[New paragraph] In the wider planning context there are a number of documents that make up the statutory Development Plan for the borough. These are as follows:</u></p> <ul style="list-style-type: none"> • <u>The Mayor's London Plan 2016</u> • <u>Merton's Core Planning Strategy 2011</u> • <u>The South London Waste Plan 2012</u> • <u>Sites and Policies Plan 2014</u> • <u>Policies map 2014</u> <p><u>The above five documents make up the Statutory Development Plan for the borough. These contain the planning policies that guide development in Merton. Merton's Estates Local Plan, once adopted, will sit alongside these documents and form part of Merton's Local Plan. Development proposals must meet the requirements of the whole statutory development plan. Please also refer to Appendix 4 for further details.</u></p>

Mod ref July 2017	Policy / Paragrap h (SD.1)	Page	Amendment proposed by the council
MM2	Part 02: Background (renamed) and new policy added	28 - 38	<p><u>Part 02: Overarching Policies</u></p> <p><u>Policy</u></p> <p><u>OEP 1 Vision</u></p> <p><u>Overarching Plan Vision</u></p> <p><u>Development proposals for Eastfields (Mitcham), High Path (South Wimbledon) and Ravensbury (Mitcham / Morden) must create sustainable, well designed, safe neighbourhoods with good quality new homes that maintain and enhance a healthy local community, improve living standards and create safe environments.</u></p> <p><u>Estates Vision</u></p> <p><u>Having regard to the overarching vision and also the particular characteristics of each estate the vision for each estate is as follows:</u></p> <p><u>A Eastfields – Contemporary Compact Neighbourhood</u></p> <p><u>A new neighbourhood which demonstrates innovative design, reimagining suburban development by maintaining a distinctive character through the creation of a contemporary architectural style encompassing a variety of types, sizes and heights for new homes overlooking traditional streets and the improvement of links to the surrounding area.</u></p> <p><u>B. High Path – New London Vernacular</u></p> <p><u>The creation of a new neighbourhood with traditional streets and improved links to its surroundings, that supports the existing local economy while drawing on the surrounding area’s diverse heritage and strong sense of community. Buildings will be of a high quality internally and externally, have a consistency in design with a strongly urban-form and character, optimising the most efficient use of land that makes the most of the excellent public transport services, and has access to quality amenity space.</u></p>

Mod ref July 2017	Policy / Paragrap h (SD.1)	Page	Amendment proposed by the council
Page 67			<p><u>C. Ravensbury – Suburban Parkland Setting</u></p> <p><u>The creation of a new neighbourhood that relates well to the wider parkland and which protects and enhances local heritage, landscape quality and biodiversity. Characterised by buildings arranged as traditional streets and spaces that improve links to the surrounding area, allow for the landscape to penetrate the site whilst simultaneously improving flood mitigation and increasing the number of homes whilst retaining the character of its suburban parkland setting.</u></p> <p><u>Justification</u></p> <p><u>Visions have been produced for the Plan and individual estates. Their aim is to provide a high level guide to the general way in which the council expects to see the estates developed. This is based on the prevailing local context of each estate, the historical analysis and site analysis contained in the appendices as well as an analysis of good practice in urban design, architecture and regeneration.</u></p> <p><u>It is considered important that there is a strong guiding theme for the regeneration of each estate given the long period of regeneration. The long period of building the original High Path estate shows what can happen when there is no high level design guidance and strategy. This has led to completely different styles of planning, design and architecture that have created a fragmented and incoherent environment. It is also important that the visions allow for flexibility of architectural expression and it is expected that differing architectural styles can and should be employed within each estate over the period of regeneration.</u></p> <p><u>Proposals for the estates will be expected to show how they have had regard to the visions and what their interpretation of this means in terms of their proposals. This is most appropriate to show in outline applications for the whole estate. However, this will still need to be shown in the detailed applications that follow.</u></p> <p><u>The diagram on page 29 shows how the visions relate to the planning and wider policy context. The images on pages 32, 34 and 36 show good examples for each estate of recent and planned contemporary development that is considered of high quality and appropriate in form, style and scale for the estates. This is not exhaustive, but should serve as a good guide for applicants and architects. These images demonstrate the scope for variety within each Vision.</u></p>

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Page 68			<p><u>The diagrams on pages 33, 35 and 37 that follow are composites of the individual diagrams accompanying the site specific policies found in Part 03. These constitute the ‘Vision Diagram’ for each estate. Keys to the content of the diagrams accompany the individual policy diagrams in Part 03.</u></p> <p><u>The images and diagrams referred to above constitute part of the justification for policy OEP 1.</u></p> <p>Page 30,</p> <p>Eastfields: Contemporary Compact Neighbourhood –Inspiration</p> <p>*The above images are exemplar examples of existing and proposed residential developments in the UK which have informed the Council’s design aspirations for each estate. <u>These should be used as a guide and inspiration for what the Council expects to see built, in terms of quality, form, style appearance and scale but are not intended to be a definitive template to be slavishly copied.</u></p> <p>Page 32</p> <p>High Path: New London Vernacular – Inspiration</p> <p>*The above images are exemplar examples of existing and proposed residential developments in the UK which have informed the Council’s design aspirations for each estate. <u>These should be used as a guide and inspiration for what the Council expects to see built, in terms of quality, form, style appearance and scale but are not intended to be a definitive template to be slavishly copied.</u></p> <p>Page 34</p> <p>Ravensbury: Suburban Parkland Setting – Inspiration</p> <p>*The above images are exemplar examples of existing and proposed residential developments in the UK which have informed the Council’s design aspirations for each estate. <u>These should be used as a guide and inspiration for what the Council expects to see built, in terms of quality, form, style appearance and scale but are not intended to be a definitive template to be slavishly copied.</u></p>

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MM3	Part 02: Background (renamed) and new policy added	28 – 38	<p><u>Policy</u></p> <p><u>OEP 2 Strategy</u></p> <p><u>Over a 10-15 year period, the creation of sustainable well designed safe neighbourhoods with good quality new homes for Eastfields (Mitcham), High Path (South Wimbledon) and Ravensbury (Mitcham / Morden) will be achieved by ensuring that development proposals:</u></p> <p><u>a) Are in compliance with the Statutory Development Plan, of which the Estates Local Plan forms a part;</u></p> <p><u>b) Are consistent with a single linked regeneration programme for Eastfields, High Path and Ravensbury;</u></p> <p><u>c) For Eastfields and High Path, set out regeneration of the whole estate and partial regeneration of the Ravensbury estate;</u></p> <p><u>d) Will be expected to include phasing plans indicating the proposed timing of major building phases</u></p> <p><u>e) Provide affordable housing on a phase by phase basis, having regard to prevailing need, viability and national and local policy and guidance.</u></p> <p><u>Planning obligations (also known as Section 106 agreements) and Community Infrastructure Levy (CIL) will be used by the council to mitigate the impact of development and to ensure the delivery of key infrastructure.</u></p> <p><u>Justification</u></p> <p><u>The Estates Local Plan is part of the Statutory Development Plan which consists of the London Plan, Merton’s Core Planning Strategy, Merton’s Sites and Policies Plan, Merton’s Sites and Policies Map and the South London Waste Plan. Collectively these documents help to deliver Merton’s planning objectives which are:</u></p> <ul style="list-style-type: none"> <u>To make Merton a municipal leader in improving the environment, taking the lead in tackling climate</u>

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Page 70			<p><u>change, reducing pollution, developing a low carbon economy, consuming fewer resources and using them more effectively.</u></p> <ul style="list-style-type: none"> • <u>To promote social cohesion and tackle deprivation by reducing inequalities.</u> • <u>To provide new homes and infrastructure within Merton’s town centres and residential areas through physical regeneration and the effective use of space.</u> • <u>To make Merton more prosperous with strong and diverse long-term economic growth.</u> • <u>To make Merton a healthier and better place for people to live, work in or visit.</u> • <u>To make Merton an exemplary borough in mitigating and adapting to climate change and to make it a more attractive and green space.</u> • <u>To make Merton a well connected place where walking cycling and public transport are the modes of choice when planning all journeys.</u> • <u>To promote a high quality urban and suburban environment in Merton where development is well designed and contributes to the function and character of the borough.</u> <p>[Paragraph 2.21 relocated]</p> <p>2.21 <u>The Estates Local Plan primarily guides how new homes will be delivered via a coordinated strategy considering the social economic and environmental opportunities an impact of growth and provides the framework for sustainable development of these areas. The regeneration of all three estates as part of a single comprehensive programme has been presented to the council as the basis of being able to viably deliver regeneration and it is on this basis that the council is considering the deliverability of the Estates Local Plan.</u></p> <p><u>The proposed regeneration of the whole of High Path and Eastfields estate and the partial regeneration of Ravensbury Estate is based on a suite of evidence provided by Clarion Housing group which included:</u></p>

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Page 71			<ul style="list-style-type: none"> • <u>The Case for Regeneration</u> • <u>Housing Needs Study</u> • <u>Socio-economic analysis</u> • <u>Stock Condition Analysis</u> • <u>Urban Design studies</u> • <u>Visual Impact studies</u> <p><u>A key expectation of any regeneration proposal that comes forward will be a commitment to keeping the existing community together in each neighbourhood and for existing residents to have a guaranteed right to return to a new home in their regeneration neighbourhood.</u></p> <p><u>The Estates Local Plan is a 10-15 year plan and the priority is to keep communities together and rehouse existing residents. The quantum and mix of affordable housing to be provided within each phase of development, together with a mechanism, such as a Section 106 agreement, to ensure that viability is kept under review, will be determined in the light of the development plan and any other national, London-wide and local policy and guidance.</u></p> <p><u>The SA/SEA has identified phasing and implementation as critical elements in minimising the disruption to existing residents as far as possible.</u></p>
MM4	Part 02: Background (renamed) and new policy added	28 - 38	<p><u>Policy</u></p> <p><u>OEP3 - Urban Design</u></p> <p><u>a) Development proposals will be expected to adhere to all of the principles listed below to ensure that they achieve the highest standards of urban design, accessibility and inclusive design:</u></p>

Mod ref July 2017	Policy / Paragrap h (SD.1)	Page	Amendment proposed by the council
Page 72			<p><u>(i) Perimeter blocks:</u> Buildings should be arranged so that the fronts face outwards, towards the street;</p> <p><u>(ii) Active frontages:</u> Building entrances and windows onto the street should be maximised;</p> <p><u>(iii) Building lines:</u> Boundaries should clearly define the fronts of buildings, create spaces and define routes</p> <p><u>(iv) Landscaping:</u> High quality usable public and communal space and landscaping should be provided and opportunities taken to provide effective management of flood risk from all sources whilst ensuring no increase in flood risk elsewhere;</p> <p><u>(v) Defensible space:</u> The transition from public to private space should be understandable and clearly defined;</p> <p><u>(vi) Community safety</u> Provide well-defined routes, spaces and entrances that promote convenient and safe movement in accordance with the principles of good urban design and Secured by Design;</p> <p><u>(vii) Promoting biodiversity:</u> Promoting the variety of plants, animals and other living things found in an area;</p> <p><u>(viii) Inclusive and active design:</u> Development proposals should encompass the needs of everyone and provide opportunities for healthy and active lifestyle choices and facilitate access by people with a range of disabilities</p> <p><u>(ix) Promoting sustainable development:</u> Promoting sustainable development: that maximises its environmental performance across a range of sustainability criteria to adapt to the effects of climate change over the lifetime of development;</p> <p><u>(x) Density:</u> Using high quality design to determine an appropriate density for an area;</p> <p><u>(xi) Permeable, legible and accessible layouts:</u> Arrangement of streets and buildings that offer a convenient choice of routes that are easy to understand.</p> <p><u>(xii) Parking provision:</u> Vehicular parking that is provided on-street as a first choice, well managed and</p>

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Page 73			<p><u>integrated into the rest of the street;</u></p> <p><u>(xiii) Local context (heritage, buildings, materials, interpretation, art):</u> Using the local context, including heritage and good quality design, to inform the design and appearance of new development.</p> <p><u>b) Design Review must be embedded into the development process for the regeneration of the estates. Masterplans and proposals for all phases of development on each estate must be reviewed at least once by the Council’s Design Review Panel.</u></p> <p><u>Justification</u></p> <p><u>This policy outlines a set of broad design principles. Applications must demonstrate adherence to these principles in order to be in accordance with, in particular, paras. 57, 58, 61 and 69 of the NPPF, Policy 7.2 of the London Plan and Policy DM D1 of the Merton Sites and Policies Plan. As such, all development proposals will be expected to adhere to these principles in order to achieve the highest standards of urban design, accessibility and inclusive design.</u></p> <p><u>The Equality Act 2010 describes a disability as a physical or mental impairment which has a substantial and long-term adverse effect on one’s ability to carry out normal day-to-day activities. All development proposals will be expected to have consideration for people with disabilities as defined by the Equality Act. This includes physical and mental conditions – for example, dementia. Full definitions of the terms used for the principles can be found in the Glossary.</u></p> <p><u>Perimeter blocks</u></p> <p><u>New development will be expected to be built using the principle of perimeter blocks. This is where the public entrances to buildings face the streets and the more private elements are less visible and accessible to the rear. Perimeter blocks are a flexible approach to development and need not create a uniform layout. This approach creates a strong and easy to understand layout. Importantly, it also creates a clear arrangement of public and private space that builds in natural surveillance and security.</u></p> <p><u>Active frontages</u></p>

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Page 74			<p><u>New development must be designed to have buildings with entrances and windows facing the street (active frontages) and should avoid blank walls or gable ends. This provides long term flexibility of buildings, creating activity and vibrancy in commercial areas and supporting a level of activity on quieter streets to create a good level of natural surveillance to deter criminal activity. This is particularly relevant to ground floor frontages, where maximising windows and doors is particularly important. In commercial frontages, views into shops and businesses, whether open or closed is also important.</u></p> <p><u>Building lines</u></p> <p><u>New development must connect easily with the surrounding area and be easy to get around, not present barriers. Traditional streets with buildings lining each side of the street, will contribute to defining spaces and the creation of clearly defined routes. Irregular building lines undermine this and should therefore be avoided.</u></p> <p><u>Landscaping</u></p> <p><u>All private, communal and public amenity space must be of a high quality of design, attractive, usable, fit for purpose and meet all policy requirements, including addressing issues of appropriate facilities, replacement space or identified shortfall. High quality designed amenity space will have good levels of privacy or public surveillance depending on their purpose and generally have an open aspect, good sun/ daylighting, be of a single regular shape and have easy and convenient access for all potential users. Landscaping also provides opportunities for sustainable urban drainage and other initiatives to address flood risk from all sources (fluvial, surface water and groundwater) and opportunities should be taken to provide effective management of flood risk from all sources whilst ensuring no increase in flood risk elsewhere;</u></p> <p><u>Defensible space</u></p> <p><u>Defensible space is the area or feature that separates the street and the buildings accessed from it. This space functions as a clearly understandable transition, or buffer zone, from public street to the private building, ensuring a good level of natural surveillance between street and building, as well as a degree of privacy. It is important in creating successful perimeter blocks and buildings with entrances and windows facing the street (active frontages) and no blank walls or gable ends. New development will be required to ensure all buildings fronting onto streets have successfully designed defensible space that is appropriate to</u></p>

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Page 75			<p><u>the uses in the buildings.</u></p> <p><u>Promoting biodiversity</u></p> <p><u>Development proposals should incorporate and promote biodiversity, through open space, street trees, green chains, SuDs and a variety of other means, including those more directly related to mitigating the effects of climate change. Biodiversity also adds visual attractiveness and local distinctiveness, and can also provide recreational facilities.</u></p> <p><u>Community safety</u></p> <p><u>Community safety considerations are an integral part of good urban design. The way buildings and spaces are designed and arranged affects how residents and the wider community perceive and navigate the urban environment. Secured by Design principles should be used to enhance community safety and help design out crime. Clear and well-defined routes, spaces and entrances should be provided; poorly defined space, poor sight lines and a lack of natural surveillance should be avoided. This allows for convenient movement without compromising security. Community safety considerations must be included at the earliest design stages to help prevent the need for costly, unsightly and less effective retrofitting of the development post construction. Design and Access Statements will be required at both outline and detailed planning stages which show how crime prevention measures have been considered as an integral part of the design of the proposal.</u></p> <p><u>Promoting inclusive and active design</u></p> <p><u>The design of new development and streets must promote Inclusive and Active Design. This approach will ensure that the development includes local facilities that are easily accessible and create good quality, well maintained and safe places with convenient and direct routes throughout the development. Development proposals should demonstrate how the principles in the GLA's Accessible London: Achieving an Inclusive Environment SPG has been incorporated into the development proposals. The public realm should be designed to facilitate low vehicle speeds and reduced vehicle dominance. Active Design provides opportunities for everyone to be naturally active as part of their daily life, and so improves health and wellbeing.</u></p>

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Page 76			<p><u>Promoting sustainable development</u></p> <p><u>New development should be designed to minimise emissions arising throughout their lifetime by making efficient use of land, resources, materials and energy. Such principles can include use of energy efficient building materials, appropriate design and construction methods and use of low-carbon technologies and renewable energy generation. New development should be sustainable in terms of supporting local social and economic development to support community development, for example by making use of sustainable travel modes the first choice, encouraging community based car sharing schemes and facilitating improved health and wellbeing, such as enabling local food growing in accordance with the Merton Food Charter.</u></p> <p><u>Permeable, legible and accessible layouts</u></p> <p><u>New development should connect easily with surrounding neighbourhoods and not be seen as a separate place or result in restricted access. New neighbourhoods must be easy and convenient to get around, and be accessible for all users. Streets must be safe and look like they lead somewhere, be clearly and visibly connected to other streets. Well connected street layouts should encourage walking and cycling as well as allowing for convenient and clear vehicular access.</u></p> <p><u>Density</u></p> <p><u>The London Plan Density Matrix should be used flexibly with other relevant criteria to determine an appropriate density for each estate that ensures high quality design. Development that is too dense or poorly designed may result in cramped internal layouts, overlooking or daylight issues, or a high number of single (or nearly single) aspect dwellings. Development that is not dense enough will not use land efficiently and effectively or provide sufficient good quality homes.</u></p> <p><u>Parking provision</u></p> <p><u>On street provision is the preferred option for vehicle parking. It is essential that on-street vehicle and cycle parking is well-designed, well managed and integrated into the rest of the street. On-street parking creates activity, vitality and ensures a good level of natural surveillance. Only when on-street provision cannot accommodate all parking needs should other methods of parking be used. All methods of parking provision should be of a high quality design that is attractive, convenient and safe for people, bikes and vehicles. The</u></p>

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Page 77			<p><u>council applies the parking standards set out in the Mayor’s London Plan and reference should also be made to the London Housing SPG and subsequent updates.</u></p> <p><u>Local context (heritage, buildings, materials, interpretation, art)</u></p> <p><u>The design, layout and appearance of new development should take inspiration and ideas from the positive elements of the local built, natural and historic context. Development proposals should include an analysis of what local characteristics are relevant and why, and which are less so. Opportunity must be taken to strengthen local character by drawing on its positive characteristics.</u></p> <p><u>Design Review</u></p> <p><u>Design Review is a well-established method of improving the quality of design in the built environment. It is recognised in the National Planning Policy Framework (NPPF) (para.62, page 15). Design Review is an independent and impartial evaluation process in which a panel of experts on the built environment assess the design of a proposal. Proposals relating to the whole or phases of the three estates must be reviewed at least once, ideally at pre-application stage, by Merton Council’s Design Review Panel www.merton.gov.uk/designreviewpanel Depending on the significance of the proposal, applicants may want to consider other design reviews such as Urban Design London or the Mayor of London to help guide and improve their schemes.</u></p>
MM5	EP E1 Townscap e and associated diagrams	Page 62	<p>a) <u>Proposals should demonstrate a well-defined building line fronting the combined East-West street. Buildings should address the street, providing continuity and enclosure along the route, but broken at intervals by streets into the estate, so as not to appear as a fortress-like wall between the street and the estate beyond.</u></p> <p>b) <u>This frontage should not present a fortress-like wall between the street and the estate beyond. Therefore this frontage should be broken at intervals by streets into the estate.</u></p> <p>c) b) <u>Proposals should create a <u>principal</u> focal point in the estate. The most suitable location for this is at the intersection of the north-south and east-west streets.</u></p> <p>d) c) <u>The massing and layout of proposals should enable visual connectivity from within the estate to the</u></p>

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Page 78			<p>attractive surroundings of the playground and cemetery.</p> <p>Further guidance <u>Justification</u></p> <p>[Paragraphs 3.37 and 3.38 relocated]</p> <p>3.39 Townscape features should be used as a design framework in which to deliver the vision for Eastfields, of a Contemporary Compact Neighbourhood. Within this framework proposals should demonstrate innovative design and architecture to re-imagine suburban development close to both green spaces and with good access to public transport. Proposals will be expected to respond well to, and integrate well with, green and open spaces and a suburban setting. How to increase the number and quality of new homes whilst responding positively to this overall character will be a key requirement against which design quality is assessed.</p> <p>3.40 The existing estate is very uniform and fortress-like in its appearance. It is visually distinct from the surrounding housing but other than this, the uniformity of the buildings makes it difficult to understand and navigate around the estate. The internal open space is completely hidden from the outside. The continuous frontage of the estate and the prominent garage doors present a forbidding and unwelcoming visual prospect. This and the recessed front doors present a visually hostile frontage to the streets. Combined with the large areas of parking these elements break down any sense of there being streets at all, merely spaces that are used to access houses and park cars in.</p> <p>3.41 Redevelopment should enable the creation of a neighbourhood that is easier to get around and understand; is open, inviting and visually attractive, without necessarily encouraging large numbers of people simply to wander around. A strong active frontage will help the neighbourhood to become more outward looking and better integrated into the wider area. Streets which intersect with the frontage will enable the creation of a well-connected neighbourhood.</p> <p>3.42 A suitably located <u>principal</u> focal point will aid the integration of the neighbourhood in its location reducing the insularity of the estate whilst proving a key orientation focus which will help people in getting around the neighbourhood. A <u>principal</u> focal point at the intersection enables future development potential to the north of the estate to be brought forward in an integrated manner. Landmarks are useful in providing reference points for orientation and emphasize the street hierarchy. <u>Other focal points may be provided where</u></p>

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			<p><u>they achieve the aims set out in this policy.</u></p> <p>3.37 <u>Landmark buildings should be located around the focal point at the intersection of the north-south and east-west streets.</u></p> <p>3.38 <u>Landmark buildings could be differentiated by appearance and to a degree by height; however they should be designed to ensure that they are sensitive to the general character of the rest of the development.</u></p> <p>3.43 Views through to open areas, such as the playground and cemetery, will better integrate the estate into the wider context.</p>
MM Page 79	EP E2 Street network	Page 64	<p>Further guidance <u>Justification</u></p> <p>[Paragraphs 3.44 and 3.45 relocated]</p> <p>3.46 This policy section is about the creation of clearly defined and understood streets. It does not define vehicular movement. This is addressed by policy EP E3.</p> <p>3.47 The new street network should make the estate feel more open and connected to the surroundings. It will also improve integration of the new street network with the surrounding streets. However, it is acknowledged that the surrounding road network and location of open space limits the degree to which this can be done.</p> <p>3.48 The existing street network is a fragmented mix of streets created at different times. This is a major factor in making the estate feel fortress-like and impenetrable as well as difficult to navigate around the network of streets.</p> <p>3.44 <u>Within the estate, there should be a clear, and easy to navigate network of streets, to enable free movement around, into and out of the estate. These should be a mix of traditional streets and mews type</u></p>

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MM Page 80			<p><u>streets.</u></p> <p>3.45 <u>The new east-west street should have the character of a traditional street, with carriageway flanked by footways either side. As it passes to the north of the estate, it should not be designed to feel as part of the estate, rather just as another local street.</u></p> <p>3.49 Combining the three streets of Acacia Road, Mulholland Close and Clay Avenue to form a new street will aid navigation and ensure visibility of the route between the residential areas either side of the estate.</p> <p>3.50 Converting the existing footpath running south from Grove Road to Acacia Road to a new street will create improved links to the existing street network in this area. It will improve pedestrian and cycle links between the estate and across the existing railway footbridge to the north and provide clear visual links to the surrounding greenspace.</p>
	EP E3 Movement and Access Page 66	Page 66	<p>a) <u>Vehicular access arrangements should not divide the estate into two, as is the current arrangement.</u> Proposals for the estate must investigate the feasibility of Acacia Road, Mulholland Avenue and Clay Avenue being combined into a single street with full vehicular access at both ends.</p> <p>b) Pedestrian and cycle access from the north should be improved by <u>Proposals should make provision for upgrading the existing footway / access running south from Grove Road towards Mulholland Close so as to improve pedestrian and cycle access from the north.</u> Proposals should explore the potential to widen this link into a proper street with carriageway and footways either side should also be explored.</p> <p>c) Internal north-south streets should penetrate to the site boundary with the cemetery in a number of places on the southern boundary.</p> <p>Further guidance <u>Justification</u></p> <p>[Paragraphs 3.51 amended and relocated. Paragraphs 3.53 and 3.56 amended]</p> <p>3.52 This policy section is about establishing the main vehicular movement strategy. This is different from the creation of streets, which may or may not support through vehicular movement. Proposals for vehicular</p>

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Page 81			<p>movement must be supported by appropriate traffic modelling and be in general compliance with relevant transport policies, whilst also aiming to achieve good vehicular permeability and convenience for residents.</p> <p>3.53 Vehicular and cycle parking on the estate will be provided in accordance with the London Plan (2016) parking standards taking into account specific local conditions and requirements. This should be supported by a Parking Management Strategy.</p> <p>3.54 The Eastfields estate sits on the outskirts of Mitcham and is considered to be relatively isolated from the surrounding neighbourhood. Situated away from the main road network the most important traffic routes are Grove Road and Tamworth Lane, which are designated local distributor roads</p> <p>3.55 Mitcham Eastfields Railway Station is located about 5 to 10 minutes' walk away and provides links to Central London and Sutton. Access by bus is provided by the route 152 and 463 services. The nearest sizable retail and service offer is at Mitcham town centre, which is located about 1km to the west. The Laburnum Road Home Zone and St Marks Road provides a convenient walking and cycling route to the centre.</p> <p>3.56 <u>For vehicular movement, the estate essentially operates as two large cul-de sacs, accessed from either the east or west due to Mulholland Close and Clay Avenue both being blocked as through roads. Vehicles on one side of the estate are required to travel via Grove Road in order to get from one side of the estate to the other and the residential area beyond. In order for vehicles to get from a property on one side of the estate to the other, they are required to make a long and inconvenient journey via Tamworth Lane, Grove Road and Woodstock Way, joining the queuing traffic at the level crossing. Proposals must investigate the feasibility of opening up Clay Avenue, Mulholland Avenue and Acacia Road to full vehicular access, using urban design and traffic calming measures to deter speeding or rat running. This is inconvenient, inefficient and adds to congestion on this already busy road and the level crossing.</u></p> <p>3.57 Pedestrian/cycle access exists east-west across the north side of the estate, but the route is far from obvious, being made from three different roads all on slightly different positions and with a visual 'block' of tree planting and scrub vegetation in the middle. Pedestrian/cycle access also exists from the north via a footpath from Grove Road. However, this is narrow and poorly overlooked and curves away from the estate at its south end. The estate layout prevents any access across it, or views to the cemetery to the south, where</p>

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Page 82			<p>there are also no links into it.</p> <p>3.58 Despite the naturally isolated location, there are possibilities for improving movement and access, better linking the area to the surroundings. In particular, combining Acacia Road, Mulholland Avenue and Clay Avenue into a single street with full vehicular access at both ends should help to address the localised congestion at the level crossing, aid navigation and ease of movement around the area and estate generally. It is not intended to propose any through routes through the estate itself.</p> <p>3.51 Consideration should be given to allowing through traffic on the east-west combined Acacia Road, Mulholland Avenue and Clay Avenue street <u>In order to improve bus reliability and accessibility for the estate, proposals should investigate the potential implications of routing one or more bus services away from the level crossing and along this street, based on appropriate impact assessment and consultation.</u></p> <p>3.59 Improvements to pedestrian and cycle access from the north could create a clear, open and well surveyed street to link up with the railway footbridge to the north and into the estate and cemetery to the south.</p>
MM8	EP E4 Land use	68	<p>a) The land use for the estate will remain predominantly residential with open space <u>associated landscaping</u> provision and <u>with provision of no fewer than the existing number of affordable homes</u>, non-residential uses and designated open space to meet relevant planning policies.</p> <p>b) Densities should not be solely focused around figures, but must be assessed as a product of a range of relevant design, planning, social, environmental and management factors. Exceeding the current indicated <u>London Plan</u> density ranges may be considered appropriate where proposals will create developments of exceptional urban design quality.</p> <p>Further guidance <u>Justification</u></p> <p>[Paragraph 3.60 relocated and paragraph 3.62 amended]</p> <p>3.61 Eastfields is located in an area with a low Public Transport Accessibility Level and a suburban character.</p>

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Page 83			<p>3.62 Development proposals should accord with the London Plan density matrix and any other emerging or updated relevant policy requirements. <u>Eastfields estate has a ‘Suburban’ setting according to the London Plan density matrix criteria. The key characteristics of a Suburban setting as set out in the London Plan are areas with predominantly lower density development such as detached and semi-detached housing, predominantly residential, small building footprints and typically buildings of 2-3 storeys. The centre of the estate is 1,200m walking distance from Mitcham Clock Tower, therefore being more than 800m from the nearest District Centre.</u> As outlined in the London Plan, the density matrix should be used flexibly and in conjunction with other development plan policy requirements.</p> <p>3.63 Proposals should also consider transport capacity, employment connectivity, the location and characteristics of the site and social infrastructure when determining an appropriate density. Development proposals should contribute to the delivery of a sustainable neighbourhood by building more and better quality homes and demonstrate how the density responds to the local context particularly in terms of design. Proposals should demonstrate graphically how density is sympathetic to the surrounding townscape and distributed in appropriate locations in a mix of buildings to deliver a variety of well-designed new homes and public spaces.</p> <p>3.64 Development proposals will be expected to contribute to optimising the latest borough and London housing supply requirements in order to meet local and strategic need. Development proposals should contribute to the provision of a greater choice and mix of housing types sizes and tenures, including affordable housing provision to meet the needs of all sectors of the community, in accordance with relevant National, local and London Plan policies. Development proposals will be expected to provide replacement homes and should include a mix of 1, 2, 3 and 3+ bed units, in a variety of house types to meet residents’ individual needs.</p> <p>3.65 In accordance with Sites and Policies Local Plan Policy DM E4 (Local Employment Opportunities) major development proposals will be expected to provide opportunities for local residents and businesses to apply for employment and other opportunities during the construction of developments and in the resultant end-use. Merton’s Local Plan identifies a local deficiency in convenience retail provision to the east side of the estate. Any proposals for retail provision will need to accord with Merton’s Local Plan policies including CS7 (Centres) and DM R2 (Development of town centre type uses outside town centres).</p> <p>3.60 Where there is considered to be demand for, or the desire to, locate non-residential uses on the estate</p>

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			<p><u>such as business space or local retail facilities, these should be located at the principal focal point where the north-south and east-west streets intersect (see map on following page). This will make them most easily accessible to everyone, including those outside the estate, and support local legibility and orientation.</u></p>
MM9	EP E5 Open Space	Page 70	<p>a) There must be equivalent or better re-provision of the area of designated open space at the boundary with the cemetery in terms of quantity and quality to a suitable location within the estate, with high quality landscaping and recreational uses. <u>Development proposals must provide public open space to address the identified deficiency in access to Local Open Spaces in accordance with the London Plan policy 7.18 'Protecting Open Space and addressing Deficiency'.</u></p> <p>b) Suitably designed play space(s) for all age groups must to be provided in accordance with <u>have regard to</u> the Mayor of London's 'Play and Informal Recreation' supplementary planning guidance document (2012).</p> <p>c) <u>Development proposals must be supported by an analysis of the current and future need for the provision of indoor and outdoor sports facilities in order to support the population arising from the proposals. Any proposals should have regard to Sport England's Planning for Sport Aims and Objectives to protect or relocate existing facilities, enhance the quality, accessibility and management of existing facilities and provide new facilities to meet demand.</u></p> <p>c) As there are groups of large mature trees in the existing main open space, any new open space must incorporate these trees into it as key landscape feature.</p> <p>d) All new houses must have gardens that meet or exceed current space standards.</p> <p>Further guidance <u>Justification</u></p> <p>[Paragraphs 3.66, 3.69 and 3.72 amended. Paragraph 3.70 and 3.74 deleted]</p> <p>3.66 The number of open spaces and their individual size is not prescribed. Open space can be provided in the form of a single space or a number of smaller spaces. However one of the key positive characteristics of the existing estate is the large central space, and it is anticipated there should be at least one large public open space in the new development <u>Designated open space re-provided on site as required under Policy EP</u></p>

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Page 85			<p><u>E5 (Open Space) (a) is anticipated to be re-provided as one large open space. It could also be provided as a series of connected, smaller open spaces.</u></p> <p>3.67 The open space reconfiguration and landscape connectivity opportunities should be tied in with the requirements for Sustainable Drainage Systems (SuDS) and a reduced rate of surface run-off and storage, and the conveyance of surface water run-off.</p> <p>3.68 The streets meeting the southern boundary with the cemetery could be in the form of pocket parks that can be utilised for a range of uses including allotments and food growing.</p> <p>3.69 The estate is within easy access to a variety of parks and play facilities including Long Bolstead Recreation Ground, a BMX track and the Acacia Centre with its adventure play area. It is not in an area deficient in access to public open space. However Following a review in 2015 of the public open spaces surrounding the Eastfield's Local Plan sites, updated Greenspace Information for Greater London (GiGL) calculations show that a relatively small area (0.2 hectares) at the south western corner of the site is deficient in access to Local Open Spaces (see map in appendix 2 of this document). The Street Network (EP.E2) and Movement and Access (EP. E3) policies will however ensure that the site will be more permeable and will create shorter routes for residents to nearby parks and open spaces and will therefore address this matter. <u>Any proposed development of the site should consider addressing this deficiency through the design of street and routes through the site in accordance with Policies EP E2 (The Street Network) and EP E3 (Movement and Access). There is potential to alleviate this deficiency by creating shorter routes to nearby parks and open spaces with the use of these policies.</u></p> <p>3.70 Subject to meeting appropriate minimum standards concerning the provision of outdoor amenity space and play space, there is not requirement to provide additional public open space within the development.</p> <p>3.74 The relatively narrow strip of designated open space adjacent to the cemetery is of poor quality. The regeneration of this site provides an opportunity for the on-site re-provision of this open space to a better quality and in a more suitable location.</p> <p>3.72 Where the provision of a large public open space is justified, the design of the space should be flexible enough in terms of scale, layout and design so that it can play host to a variety of activities such as food growing, playgrounds, sports courts, informal and flexible space which can support occasional use for a broad</p>

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Page 86			<p>range of community events. Development proposals must be in accordance with <u>have regard to</u> para.74 of the NPPF and Sport England’s Land Use Policy Statement ‘Planning for Sport Aims and Objectives’.</p> <p>[New paragraph] <u>Development proposals should demonstrate the impact that they will have on the use of existing indoor and outdoor local sports facilities. The scope and methodology of the research will be prescribed by Sport England and the local planning authority, during pre-application discussions. Any identified shortfall should be mitigated where appropriate through either a condition attached to a planning decision, a section 106 agreement or the Community Infrastructure Levy (CIL) as identified at the planning decision making stage. In accordance with the NPPF and the London Plan, Merton Council is committed to delivering a new playing pitch study in support of the planned borough-wide Local Plan.</u></p> <p>3.73 There are potential opportunities for off-site play space enhancements that might address the need for certain age groups while there will also be a need for some on-site play space. Any proposal should clearly demonstrate how the play space needs of all age groups will be provided for with reference to the guidance in the Mayor of London’s ‘Play and Informal Recreation’ supplementary planning guidance document (2012).</p> <p>3.74 The provision of gardens that meet space standards increases their functionality, potential for tree planting and the promotion of biodiversity. Front gardens or defensible space that allows for some planting, is also encouraged.</p>
MM10	EP E6 Environme ntal Protection	72	<p>a) <u>In accordance with the London Plan policies 5.12 Flood Risk Management and 5.13 Sustainable Drainage and the supporting Design and Construction Supplementary Planning Guidance (SPG April 2014), the proposed development must aim to reduce post-development runoff rates as close to greenfield rates as reasonably possible practicable.</u></p> <p>b) Development proposals must demonstrate how surface water runoff is being managed as high up the London Plan Policy <u>5.13 Sustainable Drainage</u> hierarchy as possible.</p> <p>c) Sustainable Drainage Systems (SuDS) must be part of any major development proposals. Drainage and SuDS should be designed and implemented in ways that deliver other policy objectives for each of the following <u>multi-functional</u> benefits:</p>

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Page 87			<ul style="list-style-type: none"> • Blends in and enhances amenity, recreation and the public realm • Enhances biodiversity • Improves water quality and efficiency • Manages flood risk <p>d) The development must be made safe from flooding, without increasing flood risk elsewhere for the lifetime of the development <u>taking the latest climate change allowances into account</u>. Potential overland <u>surface water</u> flow paths should be determined and appropriate solutions proposed to minimise the impact of the development, for example by configuring road and building layouts to preserve existing <u>surface water</u> flow paths and improve flood routing, whilst ensuring that flows are not diverted towards other properties elsewhere.</p> <p>e) Proposals should seek to link existing and proposed open space in a unified landscape layout; this should include minor green corridors that will encourage species to move from the cemetery into or through the development</p> <p>f) Energy strategies should clearly demonstrate that development delivers energy efficiency improvements at each level of the Mayors Energy Hierarchy when compared to the existing buildings on the estate. Outlining how improvements have been achieved according to the hierarchy of; improved building fabric, increasing the efficiency of supply and renewable energy generation, and how this compares to existing development on the sites.</p> <p>g) e) When preparing development proposals in accordance with Policy 5.3: <u>Sustainable design and construction</u> of the London Plan, proposals should include suitable comparisons between existing and proposed developments <u>at each stage of the energy hierarchy</u> in order to fully demonstrate the expected improvements. All new developments proposals should consider the following sustainable design and construction principles: avoidance of internal overheating; efficient use of natural resources (including water); minimising pollution; minimising waste; protection of biodiversity and green infrastructure and sustainable procurement of materials.</p>

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Page 88			<p>h) Technological improvements in battery storage have started to provide a potential energy storage solution suitable for use in connection to domestic solar PV systems. The use of on-site storage offers a potential technological solution that would increase on-site renewable energy consumption, reduce utility costs and provide in-situ demand-side management. Battery storage can therefore be considered to sit within the 'be lean' or middle level of the energy hierarchy. Domestic PV installations should therefore not be considered without exploring the potential for on-site energy storage. Carbon savings from the incorporation of appropriately sized battery storage can be calculated by assuming that distribution losses from battery connected solar PV systems are zero.</p> <p>f) <u>All domestic solar PV installations should be considered in conjunction with on-site battery storage.</u></p> <p>i) g) Applicants must demonstrate how their plans contribute to improving air quality and provide evidence to demonstrate that passive ventilation strategies employed to prevent overheating will not inadvertently expose residents to poor air quality or unacceptable levels of external noise.</p> <p>j) h) New development must ensure the preservation, protection and enhancement of protected species and habitats within the site and on adjacent land such as Streatham Park Cemetery, and should demonstrate that the proposals would result in net biodiversity gains</p> <p>k) i) <u>Development proposals must be accompanied by a working method statement and construction logistics plan framework that are 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.</u></p> <p>l) j) <u>Development proposals should demonstrate, by means of the submission of a site waste management plan, how they will apply the waste hierarchy where waste is minimised, re-used and recycled, and residual waste is disposed of sustainably in the right location using the most appropriate means.</u></p> <p><u>Further guidance-Justification</u></p> <p>[Paragraphs 3.77, 3.84, 3.86, 3.87 and 3.88 amended]</p> <p>3.75 As set out in earlier policies on townscape, movement and access, the creation and layout of a more traditional street network for Eastfields will allow links through and views to the spaces within and beyond the</p>

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Page 89			<p>estate, such as between the school playing fields and the cemetery. Regeneration should take the opportunity to retain the existing mature trees where possible and use landscaping and vegetation along the new streets and paths to better link the surrounding green spaces, create an attractive environment and aid biodiversity.</p> <p>3.76 The land is relatively flat, however a culverted ditch (adopted by Thames Water as a surface water sewer) passes between the estate and Long Bolstead Recreation Ground. Deculverting could provide opportunities to create distinctive landscaping and improved biodiversity, as well as managing surface water flooding that occurs here – a legacy from a long silted up pond. Any deculverting of this asset will require Thames Water approval. A linear SuDS feature may also provide significant benefits, i.e. if it is not possible to deculvert the sewer.</p> <p>3.77 Eastfields is not modelled as at risk of fluvial flooding but is at risk of surface water flooding. As already set out in national policy, the London Plan and Merton’s adopted development plan, development proposals will need to include appropriate flood mitigation measures to ensure the development is safe and does not increase the risk of flooding both from the development to the surrounding area and vice versa. Any development coming forward will be subject to a Sequential Test, Exception Test and must provide a site specific Flood Risk Assessment to deal with all sources of flooding, which must have regard to Merton’s Strategic Flood Risk Assessment and Local Flood Risk Management Strategy. Eastfields is not shown to be subject to river flooding, but is shown to be at risk of surface water flooding. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk and following the sequential approach. This includes careful consideration of where buildings should be located within the site.</p> <p>3.78 As surface water flood risk and drainage have been identified as a key issue for Eastfields, development proposals must demonstrate they have achieved greenfield run-off rates as reasonably possible, using Sustainable Drainage Systems (SuDS) and considering surface water management as high up the London Plan (policy 5.13) drainage hierarchy as reasonably possible.</p> <p>3.79 SuDS can include a wide range of measures such as rain gardens, green roofs, balancing ponds, filter strips, green verges and swales. It is important that development proposals demonstrate how SuDS measures are not only considered as drainage solutions but as features to improve the townscape, amenity and public realm of the new Eastfields estate, to enhance biodiversity, to provide recreation and to improve</p>

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Page 90			<p>water quality and efficiency.</p> <p>3.80 Developers are advised that guidance tools, such as the SuDS management train approach will assist with this process and with demonstrating that all of these positive attributes have been considered together. This approach will help create an attractive estate with the overall benefit of cost efficiencies.</p> <p>3.84 The Mayor of London’s Sustainable Drainage Action Plan (draft) and Sustainable Design and Construction supplementary planning guidance and the government’s National Standards for Sustainable Drainage set out the requirements for the design, construction operation and maintenance of SuDS.</p> <p>3.82 Central to the case for regeneration is the need to improve the environmental performance of the new dwellings on the estate compared with the existing homes. However, the measurement of local sustainability policies (CS15) and regional policy targets (London Plan Chapter 5) for new build developments are based on improvement that are also measured through Part L of the Building Regulations. While this information is useful to help measure performance, it does not make it easy to compare the energy performance of existing buildings with new buildings.</p> <p>3.83 Energy performance data on existing buildings will be held for many sites in the form of Energy Performance Certificates which measures the predicted energy consumption per m2 in a development. By providing the energy performance data from Energy Performance Certificates, building energy performance can be compared between existing and future development using a metric that is suitable and easily comparable, thus helping to clearly demonstrate the potential for environmental improvements</p> <p>3.84 The principals <u>principles</u> of sustainable design and construction are designed to be holistic and are more wide ranging than energy performance alone. Development proposals should demonstrate wherever possible <u>environmental improvements</u> using the comparison of quantifiable measures, where possible, and qualitative appraisals, where appropriate. In this way the environmental improvements that will be delivered through regeneration should <u>can be easily</u> compared with the performance of existing buildings in an easily compared manner.</p> <p>3.85 Passive ventilation strategies cannot be considered in isolation of potentially negative external environmental factors such as air quality or noise. Energy strategies that rely on passive ventilation should clearly demonstrate that occupants will not be adversely affected by air and noise pollution during periods of</p>

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Page 91			<p>warmer weather.</p> <p>[Paragraph split to improve ease of reading]</p> <p>3.86 Technological improvements in the field of energy storage have resulted in the improved feasibility of deploying battery storage in connection with domestic solar PV systems. and the <u>The need to develop polices to support Innovative Energy Technologies innovative approaches</u> is outlined in London Plan Policy 5.8: <u>Innovative energy technologies</u>. Battery storage can be utilised as a method of increasing on-site renewable energy consumption, <u>providing and provide</u> in-situ energy demand management to reduce pressure on the national grid during peak time, and increasing the efficiency of energy supply. In this way battery storage can be considered to be a 'be clean' measure within the Mayors <u>energy hierarchy</u>; <u>outlined in London Plan policy 5.2: Minimising carbon dioxide emissions</u>. <u>The Standard Assessment Procedure (SAP) standard approach from for calculating the energy output from solar PV assumes a 20% reduction in PV output from distribution losses that 20% of the energy produced is lost through transmission across the national electricity grid. Therefore, at present, there is no method of capturing these benefits of on-site energy storage within the Standard Assessment Procedure (SAP) or recognising the benefits of energy storage through the planning process. In order to recognise the benefits of on-site energy storage to residents and the grid operator the incorporation of appropriately sized solar PV systems should calculate solar output using the following equation, assuming the distribution losses are zero. Energy strategies that utilise appropriately sized solar photovoltaics in tandem with on-site battery storage may account for the associated carbon benefits by recouping the 20% of solar photovoltaic output traditionally discounted under SAP as 'distribution loss'. This additional carbon saving may be calculated using the below equation and then discounted from any carbon emissions shortfall for the wider development as a whole.</u></p> $\text{(kWh/year)} = \text{kWp} \times S \times ZPV \times 0.2$ <p><u>(Carbon savings from battery storage)</u></p> <p>Output of System (kWh/year) = kWp x S x ZPV</p> <p>kWp – Kilowatt Peak (Size of PV System)</p>

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Page 92			<p>S – Annual Solar Radiation kWh/m2 (See SAP)</p> <p>ZPV – Overshading Factor (See SAP)</p> <p>3.87 Consultation responses have raised concerns about the potential for disruption and disturbance caused by building works taking place in phases over a long period of time. <u>Proposals must comply with Policy DM.D2 (xiii) ensuring that traffic and construction activity do not adversely impact or cause inconvenience in the day to day lives of those living and working nearby and do not harm road safety or significantly increase traffic congestion .</u></p> <p>3.88 As with other planning applications, the council will require the submission of a working method statement and a construction logistics plan framework and a site waste management plan prior to development proposal commencement. <u>These must be appropriate and proportionate to the scale and nature of the development proposal, whether outline or detailed, the sensitivity of the context and the types and severity of the anticipated impacts.</u> Working method statements must ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and comply with London Plan (2016) policies 6.3 and 6.14, Merton’s Core Strategy Policy CS20 and policy DM T2 of Merton’s Sites and Policies Plan (2014). Construction logistics plans frameworks must demonstrate how environmental impacts of the development on the local environment, including the surrounding highway network and the amenities of the surrounding occupiers will be minimised. These must also accord with guidance published by the Mayor of London / TfL and London Plan (2016) policies including 7.14 and 7.15. These are particularly important over such a long-term programme to ensure that each new phase of development minimises the impact on residents living within and beside the estates. <u>In accordance with policy DM.D2(xii), construction waste must be minimised on site by managing each type of construction waste as high up the waste hierarchy as practically possible.</u></p>
MM11	EP E7 Landscap e	Page 78	<p>a) Street tree planting must be a key feature of a landscape strategy which links into proposed open space with significant trees, the recreation ground and the adjacent cemetery.</p> <p>b) Landscaping layouts must, where practicable, form green links between open spaces and the public realm, whilst framing visual links from the estate to the adjacent cemetery and recreation ground,.</p> <p>g) c) The estate currently has a group of established mature trees in the central green space. These trees</p>

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Page 93			<p><u>must be retained and be used to inform the design of landscaping, for example to provide cues for the locations of focal points</u></p> <p>e) d) There must be street tree planting on the combined east-west street of Acacia Road, Mulholland Close and Clay Avenue, including the retention of established trees as well as the planting of new trees. <u>Tree planting should create a landscape buffer between new development and any traffic flow on this route. [SENTENCE MOVED FROM E7 d)]</u></p> <p>d) Additions to existing tree planning must reinforce the linear nature of the east-west street. In addition, tree planting should create a landscape buffer between new development and any traffic flow on the route.</p> <p>e) Tree species must be specified to mitigate against pollution and noise. Planting layout and species need to be considered to ensure an attractive street scene whilst taking care not to restrict light or cause overshadowing to adjacent buildings.</p> <p><u>f) Proposals must ensure appropriate provision of private gardens or amenity space to all new dwellings (houses and flats), having regard to relevant standards and the character of the development</u></p> <p>f) Landscaping proposals must address the perimeter of the estate in a unified manner. Unattractive scrub particularly on Mulholland Close should be removed to improve the setting of established trees and visual links to the surrounding area. Mature trees around the estate should be retained and the boundary treatment enhanced.</p> <p>g) The estate currently has a group of established mature trees in the central green space. These trees must be retained and be used to inform the design of landscaping, for example to provide cues for the locations of focal points</p> <p><u>Further guidance Justification</u></p> <p>[Paragraph 3.89 relocated. Paragraph 3.93 amended]</p> <p>3.90 The estate is a highly urban form in a low density suburban landscape setting. This setting is defined largely by the surrounding large open spaces of Streatham Park Cemetery, Long Bolstead Recreation Ground</p>

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Page 94			<p>and the playing fields and open space associated with St. Marks Academy and Lonesome Primary School to the north. This setting is also responsible for the site's isolation relative to surrounding residential development.</p> <p>3.94 At the estate level the urban form isolates the inner landscape, open space and trees from the surroundings, as does scrub vegetation around the site boundaries.</p> <p>3.92 There is much scope to improve views of, and the physical link between the surrounding landscape and the estate, without undermining the calm character it gains from its relative isolation. Linking the landscape to the surrounding area should enable the development to better integrate into the wider suburban area.</p> <p>3.89 <u>There is scope to strengthen green links to the cemetery by terminating north-south streets adjacent to the cemetery with pocket parks. Pocket parks will strengthen green corridors and enhance views of the adjacent landscape</u></p> <p>3.93 Planting arrangements help strengthen the navigation of routes and enhance views between the residential areas either side of the estate. A balance needs to be made between tree planting defining the space whilst not undermining views of the route past the estate. <u>Merton's Sites and Policies Plan Policy DM.O2 (b) to (f) sets out the council's policy on the retention, replacement and potential removal of trees and landscape features. The relevant standards for gardens and private amenity space are set out in Merton's Sites and Policies Plan DM.D2 and the Mayor of London's housing supplementary planning guidance. Gardens should be provided as a single, usable, regular shaped space.</u></p>
MM12	EP E8 Building heights	Page 80	<p><u>Further guidance Justification</u></p> <p>[Paragraphs 3.94, and 3.95 relocated]</p> <p>3.96 The existing estate has a consistently uniform height of three storey buildings with flat roofs, that gives the estate its distinctive character. This presents something of a fortress feel from the outside, but a strong sense of calm enclosure from the inside. This height and isolated location mean the estate is not a dominant form in the wider townscape</p>

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MM095 Page 95			<p>3.97 Development proposals will need to demonstrate careful consideration of proposed building heights in relation to internal open space and views into the estate from the wider area, across the cemetery and any other longer vantage points. A clear strategy on building heights will be needed to ensure the suburban character of the area is not unduly compromised.</p> <p>3.94 <u>Taller buildings may be appropriate in certain places and careful consideration should be given to ensure they are located so as to appear in harmony and complement the mature vegetation and physically define open spaces. Buildings should not have a negative impact on the surroundings on account of their height and should relate well to the surrounding context and public realm particularly at street level.</u></p> <p>3.95 <u>Taller buildings must be carefully placed so as not to create poor microclimates or large areas of shaded streets or spaces. Where taller buildings are proposed, they should also be used to reinforce the sense of space or the character of a street, rather than fragment it with excessively varied building heights.</u></p>
	EP H1 Townscap e	Page 104	<p>Further guidance <u>Justification</u></p> <p>[Paragraphs 3.130, 3.131 and 3.132 relocated]</p> <p>3.133 Orientation and getting around (legibility) within the estate is difficult mainly because of the siting of the current buildings. There is poor definition of streets and spaces and a lack of built or landscape enclosure to aid this, making it unclear where the private or public spaces are.</p> <p>3.134 The creation of clear and unobstructed views through the design of streets is important for people to find their way around (legibility) the estate and to physically and visually link the estate to the wider area.</p> <p>3.130 <u>Townscape features should be used as a design framework in which to deliver the vision for High Path of an interpretation of the New London Vernacular. Within this framework proposals should create a strongly urban re-imagining of this style with excellent access to public transport. Proposals will be expected to integrate well with the surrounding urban form in terms of layout, scale and massing, whilst making the best possible use of land. How successfully this is done will be a key requirement against which design quality is assessed.</u></p>

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			<p>3.131 <u>The new estate should ensure its built form has a clear definition of private and public space and a range of appropriate landmarks, views (vistas) and focal points to aid orientation around and within the estate.</u></p> <p>3.132 <u>The quality of Morden Road should be improved by enabling the creation of a consistent street width with parallel building lines, tree planting and appropriate building heights either side of the street.</u></p> <p>3.135 The Tramlink extension proposals are still at a feasibility stage. This engagement may also open up opportunities to improve the quality of Morden Road Therefore early engagement with TfL will be required to inform development proposals for this site</p>
MM Page 96	EP H2 Street network	Page 106	<p>a) Nelson Grove Road and Pincott Road provide an appropriate basis for the design of the new street network and must <u>should</u> form the basis of the main pedestrian and cycle routes into and out of <u>and through</u> the estate. <u>The extension of Nelson Grove Road from Abbey Road in the east to Morden Road in the west will help provide an east to west link, and should aim to have with clear views along substantial sections and, ideally, its whole length.</u></p> <p>b) The position of the historic street of High Path should be retained and the road should allow for improved accessibility from High Path to Nelson Gardens. The street should also respect the setting of St John's the Divine Church.</p> <p>c) Hayward Close, which complements the historic street pattern with its attractive tree-lined character must be retained.</p> <p>d) Increased accessibility for pedestrians and cyclists must be designed into the street network.</p> <p>e) The existing level of vehicular links along Merton High Street must be retained.</p> <p>f) e) <u>Provisions for future extensions of the north-south streets ending at High Path southwards towards to Merantun Way must be a possibility should be explored,</u> subject to TfL's support.</p>

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Page 97			<p>Further guidance <u>Justification</u></p> <p>[Paragraphs 3.137, 3.138, 3.139, 3.140 and 3.141 relocated]</p> <p>3.142 This policy section is about the creation of clearly defined and understood streets. It does not define vehicular movement. This is addressed by policy EP H3.</p> <p>3.143 Development of a new network of streets should ensure that the neighbourhood is easy to get around and understand, and be accessible for all users. This includes ensuring clear and seamless links between the estate and the surrounding neighbourhoods (which do not currently exist), and extends the grid-iron network of streets from the north, into the estate. The new street network supports the ‘New London Vernacular’ guiding characteristic for High Path Estate which is explained in more detail in Section 2 of the Plan.</p> <p>3.144 The creation of traditional streets north to south will help integrate and re-connect the estate to its surroundings. The creation of clear east to west link will help bring together all the different new character areas and offer a safe cycle and pedestrian priority link across the estate.</p> <p>3.137 <u>A new north-south street between Hayward Close and Pincott Road should be provided, linking Merton High Street and High Path to help link the estate with the surrounding road network.</u></p> <p>3.138 <u>A new north-south street between Pincott Road and Abbey Road, linking Merton High Street and Nelson Grove Road should be provided. These new streets will help connect the new neighbourhood effectively and efficiently with the existing grid pattern layout.</u></p> <p>3.139 <u>Layouts should be designed to future-proof pedestrian access from South Wimbledon tube station directly into the estate should TFL support a second entrance to the tube station in the future. This would be located to the rear of the station building to link Morden Road and Hayward Close. This would increase public transport accessibility and provide additional pedestrian routes into and out of the new neighbourhood.</u></p> <p>3.140 <u>Mews Street style development should be reserved for shorter streets – the existing Rodney Place is a good example.</u></p> <p>3.141 <u>Whilst Rodney Place is outside the estate boundary, linking it improving the link into the new street</u></p>

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			<p>pattern of the estate should be explored as this could help improve links within the area and make it easier to get around <u>considered in order to both protect its character and improve access from it to the surrounding streets.</u></p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">MM15</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 98</p>	<p>EP H3 Movement and access</p>	<p>Page 108</p>	<p>a) The main vehicle routes within the estate are currently Pincott Road and Nelson Grove Road, which are located centrally within the estate. Their character and layout must resemble a traditional street and serve the needs of all users, without the need to provide separate or segregated facilities for cyclists.</p> <p>b) Streets in the estate must connect in an open and easy to understand way that encourages movement by pedestrians and cycles. All streets must be safe, attractive and sociable places designed so as to manage vehicle speeds. Where streets are closed to vehicles at one end they must not restrict the possibility of vehicular movement in the future. <u>The existing number of vehicular links into the estate along Merton High Street must be retained.</u></p> <p>c) Proposals must include <u>make provision for</u> measures to reduce the physical barrier (severance) caused by Morden Road to east-west pedestrian and cycle movement to better link The Path and Milner Road with the estate.</p> <p>d) The pedestrian and cycle access from the south-east corner of the estate towards Abbey Mills and Merantun Way must be improved in quality. <u>The council's ambition is for better pedestrian facilities on the roundabout serving Abbey Mills, and reassessment of the siting of the existing pedestrian crossing by the River Wandle Bridge and its approach from Abbey Road.</u></p> <p>e) <u>Vehicular parking</u> must, in the first instance, be provided on-street and well integrated into the street design. Any additional parking required can be provided in parking courts or under landscaped podiums. <u>Proposals must be accompanied by a comprehensive parking management strategy.</u></p> <p>f) Discussions will be required with TfL to demonstrate how any proposals for a Tramlink extension can be incorporated as part of any development proposals. Proposals should demonstrate how any implications of a potential Tramlink extension to South Wimbledon could be accommodated.</p>

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Page 99			<p>Further guidance <u>Justification</u></p> <p>[Paragraphs 3.145, 3.146, 3.147, 3.148, 3.149, 3.150, 3.151, 3.152, 3.153, 3.154, 3.155, 3.156, 3.157, 3.158, 3.159 and 3.160 relocated. Paragraph 3.154 also amended]</p> <p><u>3.153</u> This policy section is about establishing the main vehicular movement strategy. This is different from the creation of streets, which may, or may not support through vehicular movement. Proposals for vehicular movement must be supported by appropriate traffic modelling and be in general compliance with relevant transport policies, whilst also aiming to achieve good vehicular permeability and convenience for residents.</p> <p><u>3.155</u> The estate is predominantly surrounded by busy main roads and junctions. As a result, vehicular access is controlled to deter rat-running through the estate. Access is from a one-way entry point into Pincott Road from Merton High Street to the north; access from Abbey Road to the east, an exit from High Path onto Morden Road to the west; and from Merantun Way to the south, where traffic movements are left and right into High Path, but restricted to left out only from High Path. The surrounding busy road network forms physical barriers to movement, especially for pedestrians and cyclists. This is particularly acute on Morden Road and Merantun Way and reinforces the need to better connect the estate to neighbouring areas.</p> <p><u>3.156</u> Similarly where Merantun Way crosses the River Wandle, this stops the estate from connecting with the wider surrounding area. Reviewing movement and crossing opportunities could help ease some of these connectivity issues.</p> <p><u>3.159</u> High Path runs along the southern boundary of the estate. The road is traffic calmed and the western section beyond Pincott Road is one way towards Morden Road where it also passes Merton Abbey Primary School and St John the Divine Church. The vehicular exit onto Morden Road is restricted to left turn only, this manoeuvre can be particularly acute for large vehicles due the limited amount of turning space available. There is also a cycle lane along the northern footway.</p> <p><u>3.158</u> Within the estate many of the pedestrian and cycle routes are poorly defined, which makes it difficult to distinguish between public and private areas. The building layout makes the estate feel unsafe and unwelcoming.</p> <p><u>3.157</u> Widespread congestion in the local area brings specific problems to the estate. This relates primarily to</p>

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Page 100			<p><u>Abbey Road being used as a cut through to avoid the heavily congested South Wimbledon junction on the north-west corner of the estate. Physical measures are widely applied across the area to manage traffic speeds. Regeneration of the estate provides an opportunity to tackle the wide range of traffic issues the area faces.</u></p> <p><u>3.145 The potential for Abbey Road to be continued directly southwards to make a new junction with Merantun Way to make a more easy to navigate road layout should be explored. This could simplify the layout and the amount of road space taken. This approach could also support the siting of new bus stop facilities in the area.</u></p> <p><u>3.147 Should the land between High Path and Merantun Way become available for redevelopment this could provide the opportunity for a more comprehensive redesign of Merantun Way to form a boulevard style street with, tree planting, footways and segregated cycle lanes, whilst still maintaining its important movement function. Proposals should take account of this opportunity.</u></p> <p><u>3.148 Proposals likely to have an impact on Merantun Way or the wider Strategic Road Network should be discussed at an early stage with Transport for London.</u></p> <p><u>3.149 As part of their Transport Assessment, applicants should, at the outline stage, look specifically at the impacts of increased population density on the needs of the bus network. This should include reviews of bus stop locations, routes and service frequencies.</u></p> <p><u>3.160 The one-way section of High Path currently experiences localised congestion – notably associated with the primary school – including conflict between vehicles and cyclists, as well as a restricted junction with Morden Road. There is potential to review how this street operates in order to resolve these issues and improve conditions for users, notably for cyclists. The crossing of Morden Road and potential future tram extension will need to be considered as part of this.</u></p> <p><u>3.161 Recent demand forecasting work by TfL suggests that current annual passenger demand will rise from 31m to around 56m by 2031 even without Crossrail 2, which would serve the nearby Wimbledon town centre. As part of accommodating this growth, TfL is planning a range of improvements to Tramlink, including network capacity and service frequency enhancements on the Wimbledon branch. To achieve this, TfL is currently exploring a new tram line extension to serve the South Wimbledon and/ or Colliers Wood area. Work</u></p>

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Page 101			<p><u>on this is continuing, and any proposals regarding regeneration of the estate will need to take account of these developing proposals.</u></p> <p><u>3.151 Proposals for expanding the tram network include the possibility of terminating a new branch line at South Wimbledon. The street layout should be designed so as to accommodate this. In doing so, it should also facilitate the creation of a boulevard style street and address existing severance issues caused by the existing conditions at Morden Road.</u></p> <p><u>3.162 Preparation of development proposals for the estate will require the applicant to engage with TfL to ensure future delivery of the necessary transport infrastructure, including for the tram should it affect the estate.</u></p> <p><u>3.163 Delivery of the Tramlink extension would increase access to public transport in an area identified in the London Plan for intensification and population growth.</u></p> <p><u>3.164 Located beside South Wimbledon underground Station, the estate is attractive to commuters to central London as well as parking from nearby businesses. This has led to parking on the estate by businesses and commuters causing parking problems for residents. This is possible because existing parking controls have been implemented in a piecemeal manner, resulting in a disjointed and ineffective regime overall.</u></p> <p><u>3.146 Well-designed on-street parking provision helps create activity, vitality and provides overlooking of the street (natural surveillance). Where provision of parking is on-street it is important that this is arranged and managed in a sensitive manner. Where parking is provided off-street at ground level, with garden podiums above, care needs to be taken to ensure a positive active street frontage and good internal design to the residential units that wrap around the parking.</u></p> <p><u>3.154 Vehicular and cycle parking on the estate will be provided in accordance with the London Plan (as amended) parking standards taking into account specific local conditions and requirements. This should be supported by a comprehensive Parking Management Strategy.</u></p> <p><u>3.150 With increased density of development, parking management will need to be improved for the whole estate with a coherent and comprehensive parking strategy submitted to the council which addresses the parking demands and pressures from residents, businesses and commuters in this high PTAL location. The</u></p>

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			<p><u>submitted Parking Management Strategy should that protect access and prevent indiscriminate parking. Provision of a Controlled Parking Zone (CPZ) should be actively considered as a means of achieving this.</u></p> <p>3.152 <u>Increased density combined with changing shopping trends will create an increased level of demand for servicing and deliveries, along with the everyday needs for refuse collection etc. Proposals should investigate a range of traditional and innovative methods of addressing and managing servicing needs to minimise vehicle movements and parking requirements. Proposals for the whole estate should include a Servicing and Delivery Strategy.</u></p>
MM16 Page 102	EP H4 Land Use	Page 112	<p>a) The primary land use for the site will be residential, to accord with the predominant land use of the existing site and surrounding area, <u>with the existing number of affordable homes re-provided</u>. Non-residential uses may be appropriate to support employment, community activities and street vibrancy.</p> <p>b) Densities should not be solely focused around figures, but must be assessed as a product of a range of relevant design, planning, social, environmental and management factors. Exceeding the current <u>London Plan</u> density ranges may be considered appropriate where proposals will create developments of exceptional urban design quality.</p> <p>c) All new buildings must maximise the number of entrances and windows facing onto the street (active frontages) and for residential uses must provide well defined semi-private space between the front of the building and the street (defensible space) e.g. for landscaping and the storage of bins etc.</p> <p><u>Further Guidance Justification</u></p> <p>[Paragraphs 3.165, 3.166 and 3.167 relocated. Paragraph 3.168 amended]</p> <p>3.168 High Path and most of the surrounding area streets are predominately residential. High Path is located within an area with a good level of Public Transport Accessibility (PTAL). Development proposals must make more efficient use of land by providing schemes which are higher than the current density and result in improving the urban design quality of the estate. Development proposals should accord with the London Plan density matrix and any other emerging or updated relevant policy requirements. As outlined in the London Plan, the density matrix should be used flexibly and in conjunction with <u>any other emerging or updated</u></p>

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Page 103			<p><u>relevant policy requirements. High Path estate has an ‘Urban’ setting according to the London Plan density matrix criteria. The key characteristics of an Urban setting as set out in the London Plan are areas with predominantly dense development such as terraced housing and mansion blocks, a mix of different uses, medium building footprints, buildings of 2-4 storeys and located within 800m walking distance of a District Centre or along a main arterial route. The centre of the estate is 970m walking distance from Colliers Wood Tube station (the focal point of the proposed new District Centre), but closer to the edge of the proposed District Centre and adjacent to two main arterial routes. It is also 840m from the edge of the Wimbledon Major Centre.</u></p> <p>3.169 Proposals should also consider transport capacity, employment connectivity, the location and characteristics of the site and social infrastructure when determining an appropriate density. Development proposals should contribute to the delivery of a sustainable neighbourhood by building more and better quality homes and demonstrate how the density responds to the local context, particularly in terms of design. Proposals should demonstrate graphically how density is sympathetic to the surrounding townscape and distributed in appropriate locations in a mix of buildings to deliver a variety of well-designed new homes and public spaces.</p> <p>3.170 Development proposals will be expected to contribute to optimising the latest borough and London housing supply requirements in order to meet local and strategic need. Development proposals should contribute to the provision of a greater choice and mix of housing types sizes and tenures, including affordable housing provision to meet the needs of all sectors of the community, in accordance with relevant National, Local and London Plan policies. Development proposals will be expected to provide replacement homes and should include a mix of 1, 2, 3 and 3+ bed units, in a variety of house types to meet resident’s individual needs.</p> <p>3.165 <u>Wherever practicable, different types of residential development (e.g. apartments, maisonettes and houses) should be arranged across the estate in a way that reinforces local character.</u></p> <p>3.166 <u>Different street types should support residential types that are suitable to them. Therefore smaller scale, shorter and narrower streets will be more suitable for town houses and mews development. Wider, longer streets, with more vehicular traffic, will be more suitable for flats and maisonettes.</u></p> <p>3.174 In accordance with policy DM E4 (Local Employment Opportunities) major developments proposals will</p>

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Page 104			<p>be expected to provide opportunities for local residents and businesses to apply for employment and other opportunities during the construction of developments and in the resultant end-use. Merton's Local Plan identifies a local deficiency in convenience retail provision to the east side of the estate. Any proposals for retail provision will need to accord with Merton's Local Plan policies including CS7 (Centres) and DM R2 (Development of town centre type uses outside town centres).</p> <p>3.172 The site is bounded by major roads on two sides, lined predominantly by shops, cafes, restaurant and similar uses. Subject to meeting the Local Plan policies, provision of such uses (e.g. retail shops, financial and professional services, café/ restaurants, replacement of public houses, offices, community, health, leisure and entertainment uses) may contribute to meeting the day to day needs of the local population. This would complement the area and provide services and facilities that may be needed. This also supports the principles of local context, sustainable development and active frontages.</p> <p>3.167 <u>The frontages to Morden Road and Merton High Street may be appropriate locations for the provision of a range of commercial and community uses to support the new development subject to meeting relevant Local Plan policies.</u></p> <p>3.173 Based on the Local Plan Sites and Policies Plan Policy DM R2, the council supports the replacement of the existing convenience shop (i.e. shop selling everyday essential items) in Pincott Road. Any proposed new local convenience shop which is located outside the designated town centre and parades boundary and is above 280m² will be subject to sequential test and impact assessment.</p>
MM17	EP H5 Open space	Page 116	<p>a) Development proposals must provide public open space to address the identified deficiency in access to Local Open Spaces in accordance with London Plan policy 7.18 'Protecting Open Space and addressing Deficiency'.</p> <p>b) Suitably designed play space(s) for all age groups must be provided in accordance with <u>having regard to</u> the Mayor of London's 'Play and Informal Recreation' supplementary planning guidance document (2012).</p> <p>c) All new houses must have gardens that meet or exceed current space standards.</p> <p>c) Development proposals must be supported by an analysis of the current and future need for the provision</p>

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Page 105			<p><u>of indoor and outdoor sports facilities in order to support the population arising from the proposals. Any proposals should have regard to Sport England’s Planning for Sport Aims and Objectives to protect or relocate existing facilities, enhance the quality, accessibility and management of existing facilities and provide new facilities to meet demand.</u></p> <p>Further guidance <u>Justification</u></p> <p>[Paragraph 3.174 deleted and paragraph 3.178 amended]</p> <p>3.174 The number of open spaces and their individual size is not prescribed. Open space may be provide in the form of a single space or a number of smaller spaces. However, proposals intending to provide multifunctional space should preferably provide one large area.</p> <p>3.175 Open space should be located in the most accessible points for all residents of the new neighbourhood. Open spaces should be situated in relation to size and function, for example larger spaces should be centrally located and smaller spaces evenly distributed across the neighbourhood, to ensure all residents have access to open space. Deciding the location of public open space should, where possible, take as its cue the existing mature vegetation on the site, and incorporate it into any new public spaces.</p> <p>3.176 The individual design of public open spaces, themes and vegetation used, should have some local relevance, and include public art in a range of forms and media.</p> <p>3.177 The estate is within easy access to a variety of public parks including Nelson Gardens, Wandle Park, Nursery Road Recreation Ground and Haydons Road Recreation Ground. However, following a review in 2015 of the public open spaces surrounding the Estates Local Plan sites, updated Greenspace Information for Greater London (GiGL) calculations show that a relatively small area (0.5ha) on the eastern part of the site, near Doel Close and Merton Place, is deficient in access to Local Open Spaces (please refer to GiGL’s revised June 2015 maps, which are attached in Appendix 2).</p> <p>3.178 Development proposals should demonstrate how proposed new public open space would address the identified deficiency in access to public open space. and that the appropriate minimum standards concerning the provision of outdoor amenity space and play space have been achieved. Any proposal should clearly demonstrate how the play space needs of all age groups will be addressed, having regard to the Mayor of</p>

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Page 106			<p><u>London's 'Play and Informal Recreation' Supplementary Planning Guidance document (2012).</u></p> <p>3.179 Where the provision of a large public open space is justified, the design of the space should be flexible enough in terms of scale, layout and design so that it is capable of accommodating a variety of activities such as food growing, playgrounds, sports courts, informal and flexible space which can support occasional use for a broad range of community events. Development proposals must be in accordance with para. 74 of the NPPF and Sport England's Land Use Policy Statement 'Planning for Sport Aims and Objectives'.</p> <p>3.180 Similarly, provision of a group of mid-sized spaces and pocket parks should create areas of local human scale and intimacy that have local relevance, good surveillance and are used largely by the local community.</p> <p>[New paragraph] <u>Development proposals should demonstrate the impact that they will have on the use of existing indoor and outdoor local sports facilities. The scope and methodology of the research will be prescribed by Sport England and the local planning authority, during pre-application discussions. Any identified shortfall should be mitigated where appropriate through either a condition attached to a planning decision, a section 106 agreement or the Community Infrastructure Levy (CIL) as identified at the planning decision making stage. In accordance with the NPPF and the London Plan, Merton Council is committed to delivering a new playing pitch study in support of the planned borough-wide Local Plan.</u></p>
MM18	EP H6 Environmental Protection	Page 118	<p>a) Retention of the existing mature tree groups and street trees, including the trees fronting Merton High Street east of the junction with Pincott Rd, should help to form the basis of new open spaces, a network of biodiversity enhancing green corridors across the estate, and assist with managing air and noise pollution, slowing rainfall runoff and mitigating the urban heat island effect.-]</p> <p>b) a) Applicants must demonstrate how their plans contribute to improving air quality and provide evidence to demonstrate that passive ventilation strategies employed to prevent overheating will not inadvertently expose residents to poor air quality or unacceptable levels of external noise during periods of warm weather.</p> <p>c) b) New street trees should be planted and maintained, particularly on Pincott Rd and Nelson Grove Road to form the basis of a green corridor network across the estate based on the existing avenue of Hayward</p>

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Page 107			<p>Close. All new or altered tree pits should be considered as part of sustainable urban drainage systems.</p> <p>d) c) In accordance with the London Plan policies 5.12 Flood Risk Management and 5.13 Sustainable Drainage and the supporting Design and Construction Supplementary Planning Guidance (SPG April 2014), the proposed development must aim to reduce post-development runoff rates as close to greenfield rates as reasonably possible <u>practicable</u>.</p> <p>e) d) Development proposals must demonstrate how surface water runoff is being managed as high up the London Plan Policy 5.13 Sustainable Drainage hierarchy as possible.</p> <p>g) e) The development must be made safe from flooding, without increasing flood risk elsewhere for the lifetime of the development <u>taking the latest climate change allowances into account</u>. Potential overland surface water flow paths should be determined and appropriate solutions proposed to minimise the impact of the development, for example by configuring road and building layouts to preserve existing <u>surface water flow</u> paths and improve flood routing, whilst ensuring that flows are not diverted towards other properties elsewhere.</p> <p>f) Sustainable Drainage Systems (SuDS) must be part of any major development proposals. Drainage and SuDS should be designed and implemented in ways that deliver other policy objectives, for each of the following <u>multi-functional</u> benefits:</p> <ul style="list-style-type: none"> • Blends in and enhances amenity, recreation and the public realm • Enhances biodiversity • Improves water quality and efficiency • Manages flood risk <p>h) g) The feasibility of <u>Combined Heat and Power</u> (CHP) and district heating must be investigated. As a minimum this should include:</p> <p>i) An assessment of the secondary heat sources within a 400 metre radius of the site boundary (e.g. river</p>

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Page 108			<p>water heat recover from the Wandle; heat extraction from the London Underground).</p> <p>(ii) Evidence to demonstrate ongoing engagement with key stakeholders associated with the potential secondary heat sources, such as Transport for London and the Environment Agency feasibility.</p> <p>(iii) Evidence that the CHP has been designed and built in line with the London Plan <u>policy 5.6: Decentralised energy in development proposals</u> and associated guidance (e.g. the Mayor's draft Air Quality SPG) which seeks high air quality standards and mitigates air quality impacts as well as reducing carbon emissions specifically in respect to:</p> <ul style="list-style-type: none"> • <u>Plant size and specification</u> • <u>Plant-room design</u> • <u>Future network connectivity</u> • <u>Air quality standards.</u> <p>(iv) Energy strategies should clearly demonstrate that development delivers energy efficiency improvements at each level of the Mayor's Energy Hierarchy when compared to the existing buildings on the estate. Outlining how improvements have been achieved according to the hierarchy of; improved building fabric, increasing the efficiency of supply and renewable energy generation, and how this compares to existing development on the sites.</p> <p>(v) When preparing development proposals in accordance with Policy 5.3: <u>Sustainable design and construction</u> of the London Plan, proposals should include suitable comparisons between existing and proposed developments at each stage of the energy hierarchy in order to fully demonstrate the expected improvements. All new developments proposals should consider the following sustainable design and construction principles: avoidance of internal overheating; efficient use of natural resources (including water); minimising pollution; minimising waste; protection of biodiversity and green infrastructure and sustainable procurement of materials.</p> <p>i) Technological improvements in battery storage have started to provide a potential energy storage solution</p>

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Page 109			<p>suitable for use in connection to domestic solar PV systems. The use of on-site storage offers a potential technological solution that would increase on-site renewable energy consumption, reduce utility costs and provide in-situ demand-side management. Battery storage can therefore be considered to sit within the 'be lean' or middle level of the energy hierarchy. Domestic PV installations should therefore not be considered without exploring the potential for on-site energy storage. Carbon savings from the incorporation of appropriately sized battery storage can be calculated by assuming that distribution losses from battery connected solar PV systems are zero.</p> <p><u>h) All domestic solar PV installations should be considered in conjunction with on-site battery storage.</u></p> <p><u>i) Development proposals must be accompanied by a working method statement and construction logistics plan framework that are 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.</u></p> <p><u>j) Development proposals should demonstrate, by means of the submission of a site waste management plan, how they will apply the waste hierarchy where waste is minimised, re-used and recycled, and residual waste is disposed of sustainably in the right location using the most appropriate means.</u></p> <p>Justification</p> <p>[Paragraph 3.194 relocated and amended. Paragraph 3.195 relocated]</p> <p>3.181 An open section of the Bunces ditch (which is a designated main river) exists to the south of Merantun Way. There is a possibility that this may have origins or an historic connection within the High Path estate and this should be fully investigated prior to the finalisation of any masterplan and development taking place.</p> <p>3.182 The early design stages for any development proposals for the estate provides opportunity to incorporate landscaping and permeable surfaces that enable and enhance biodiversity and reduce surface water run-off. Currently, whilst there is a lot of space between buildings, this is very poorly defined, and much of it is hard-standing. This leaves little opportunity for biodiversity or SuDs.</p> <p>3.183 There are, however, areas with groups of mature and semi-mature trees that can form the basis of green chains, SuDS and a sustainable 'green' network of spaces across the estate. They should help to link</p>

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Page 110			<p>the estate with Abbey Recreation Ground to the west and the River Wandle to the east. Trees can also help with air and noise pollution strategies.</p> <p>3.184 The close proximity of the River Wandle and its tributaries means that the western areas of the estate are within Flood Zone 2. Some areas of the estate are also shown to be at high risk of surface water flooding identified on Environment Agency flood maps, so it is important that its redevelopment does not increase flood risk and where possible, seeks to improve matters.</p> <p>3.185 As already set out in national policy, the London Plan and Merton’s adopted development plan:</p> <p>Development proposals will need to include appropriate flood mitigation measures to ensure the development is safe and does not increase the risk of flooding both from and to the development.</p> <p>Any development coming forward will be subject to a Sequential Test, Exception Test and site-specific Flood Risk Assessment to deal with all sources of flooding, which must have regard to Merton’s Strategic Flood Risk Assessment and Local Flood Risk Management Strategy.</p> <p>Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk and following the sequential approach. This includes careful consideration of where buildings should be located within the site.</p> <p>3.186 As different parts of High Path have been identified as at risk from surface water and river flood risk and there have been historic incidences of surface water flooding in the area, development proposals must demonstrate they have aimed to achieve as close to greenfield run-off rates as possible, using SuDS and considering surface water management as high up the London Plan (policy 5.13) drainage hierarchy as possible.</p> <p>3.187 SuDS can include a wide range of measures such as rain gardens, green roofs, balancing ponds, filter strips, green verges and swales. It is important that development proposals demonstrate how SuDS measures are not only considered as drainage solutions but as features to improve the townscape and public realm of the High Path estate, to enhance biodiversity, to provide recreation and to improve water quality and efficiency.</p>

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Page 111			<p>3.188 Developers are advised that tools such as the SuDS management train will assist with this process and with demonstrating that all of these issues have been considered. This approach will help create an attractive estate with the benefit of cost efficiencies.</p> <p>3.189 The Mayor of London’s Sustainable Drainage Action Plan (draft) and Sustainable Design and Construction supplementary planning guidance and the government’s National Standards for Sustainable Drainage set out the requirements for the design, construction operation and maintenance of SuDS.</p> <p>3.190 High Path is located beside main roads. Consideration of air quality issues is important in order to understand the long term air quality benefits that might arise from the growth of a district heating network with the High Path Estate as an energy centre nucleus.</p> <p>3.191 Local environmental conditions such as air quality, noise and overheating must be taken into consideration during the design process. <u>The scheme should be designed and built in accordance with relevant local guidance (including London Plan policies 5.6: Decentralised energy in development proposals and 7.14: Improving air quality, the London Heat Network Manual, Merton’s District Heating Feasibility – Phase 1: Heat Mapping and Energy Masterplanning study, and Merton’s draft Air Quality SPG).</u> Careful consideration should be taken in order to ensure that efforts to mitigate against these issues does not result in unforeseen negative impacts.</p> <p>3.192 Central to the case for regeneration is the need to improve the environmental performance of the new dwellings on the estate compared with the existing homes. However, the measurement of local sustainability policies (CS15) and regional policy targets (London Plan Chapter 5) for new build developments are based on improvement that are also measured through Part L of the Building Regulations. While this information is useful to help measure performance, it does not make it easy to compare the energy performance of existing buildings with new buildings.</p> <p>3.193 Energy performance data on existing buildings will be held for many sites in the form of Energy Performance Certificates which measures the predicted energy consumption per m² in a development. By providing the energy performance data from Energy Performance Certificates, building energy performance can be compared between existing and future development using a metric that is suitable and easily comparable, thus helping to clearly demonstrate the potential for environmental improvements.</p>

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Page 112			<p>3.194 The principles of sustainable design and construction are designed to be holistic and are more wide ranging than energy performance alone. Development proposals should demonstrate wherever possible environmental improvements using the comparison of quantifiable measures, where possible, and qualitative appraisals, where appropriate. In this way the environmental improvements that will be delivered through regeneration should <u>can be easily compared with the performance of existing buildings in an easily compared manner.</u></p> <p>3.195 Passive ventilation strategies cannot be considered in isolation of potentially negative external environmental factors such as air quality or noise. Energy strategies that rely on passive ventilation should clearly demonstrate that occupants will not be adversely affected by air and noise pollution during periods of warmer weather.</p> <p>3.196 Technological improvements in the field of energy storage have resulted in the improved feasibility of deploying battery storage in connection with domestic solar PV systems. and the The need to develop polices to support Innovative Energy Technologies <u>innovative approaches</u> is outlined in London Plan Policy 5.8: Innovative energy technologies. Battery storage can be utilised as a method of increasing on-site renewable energy consumption, <u>providing and provide</u> in-situ energy demand management to reduce pressure on the national grid during peak time, and increasing the efficiency of energy supply. In this way battery storage can be considered to be a 'be clean' measure within the Mayors energy hierarchy: <u>outlined in London Plan policy 5.2: Minimising carbon dioxide emissions. The Standard Assessment Procedure (SAP) standard approach for calculating the energy output from solar PV assumes a 20% reduction in PV output from distribution losses of the energy produced is lost through transmission across the national electricity grid. Therefore, at present, there is no method of capturing the benefits of on-site energy storage within the Standard Assessment Procedure (SAP) or recognising the benefits of energy storage through the planning process. In order to recognise the benefits of on-site energy storage to residents and the grid operator the incorporation of appropriately sized solar PV systems should calculate solar output using the following equation, assuming the distribution losses are zero. Energy strategies that utilise appropriately sized solar photovoltaics in tandem with on-site battery storage may account for the associated carbon benefits by recouping the 20% of solar photovoltaic output traditionally discounted under SAP as 'distribution loss'. This additional carbon saving may be calculated using the below equation and then discounted from any carbon emissions shortfall for the wider development as a whole.</u></p> <p><u>kWh/year = kWp x S x ZPV x 0.2</u></p>

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Page 113			<p><u>(Carbon savings from battery storage)</u></p> <p>Output of System (kWh/year) = kWp x S x ZPV</p> <p>kWp – Kilowatt Peak (Size of PV System)</p> <p>S – Annual Solar Radiation kWh/m2 (See SAP)</p> <p>ZPV – Overshading Factor (See SAP)</p> <p>3.197 Consultation responses from residents living within and near High Path have raised concerns about the potential for disruption and disturbance caused by building works taking place in phases over a long period of time. <u>Proposals must comply with Policy DM.D2 (xiii) ensuring that traffic and construction activity do not adversely impact or cause inconvenience in the day to day lives of those living and working nearby and do not harm road safety or significantly increase traffic congestion.</u> As with other planning applications, the council will require the submission of a working method statement, and a construction logistics plan framework and a site waste management plan prior to development proposal commencement. <u>These must be appropriate and proportionate to the scale and nature of the development proposal, whether outline or detailed, the sensitivity of the context and the types and severity of the anticipated impacts.</u> Working method statements must ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and comply with London Plan (2016) policies 6.3 and 6.14, Merton’s Core Strategy Policy CS20 and policy DM T2 of Merton’s Sites and Policies Plan (2014). Construction logistics plans frameworks must demonstrate how environmental impacts of the development on the local environment, including the surrounding highway network and the amenities of the surrounding occupiers will be minimised. These must also accord with guidance published by the Mayor of London / TfL and London Plan (2016) policies including 7.14 and 7.15. These are particularly important over such a long-term programme to ensure that each new phase of development minimises the impact on residents living within and beside the estates. <u>In accordance with policy DM D2 (xii), construction waste must be minimised on site by managing each type of construction waste as high up the waste hierarchy as practicable.</u></p>

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Page 114	EP H7 Landscape	Page 124	<p>Required</p> <p><u>a) Retention, where appropriate, of the existing mature tree groups and street trees indicated on the diagram for Policy H7 should form the basis of new open spaces, a network of biodiversity enhancing green corridors across the estate, and assist with managing air and noise pollution, slowing rainfall runoff and mitigating the urban heat island effect.</u></p> <p>Regarding the following specific tree groups:</p> <p>i) The existing mature tree group fronting Merton High Street east of the junction with Pincott Road must be retained. The isolated trees to the west of Pincott Road must be retained and augmented with new planting. this is in order to retain and enhance the trees as a key linear landscape asset and to mitigate against local traffic pollution.</p> <p>ii) The mature trees along Hayward Close must be retained and augmented with new tree planting along the whole length of the street. This is in order to strengthen the attractive 'avenue' character of this street.</p> <p>iii) The mature trees in the vicinity of the playground within the 'Priory Close' block must be retained.</p> <p>iv) The line of mature trees in the car park between the 'Ryder House' and 'Hudson Court' blocks must be retained.</p> <p>v) The mature trees in the playground to the north of the 'Marsh Court' block.</p> <p>vi) the mature trees to the west and south of the 'Merton Place' block, and to the north of the 'DeBurgh House' block must be retained.</p> <p>b) Landscaping must be a key feature in the provision of private space fronting houses and blocks of flats (defensible space). Frontages must be designed to incorporate, where feasible, soft landscaping, appropriate planting and permeable surfaces.</p> <p>c) Street trees must be located to enable the creation of well defined on-street parking spaces. This will soften</p>

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Page 115			<p>the visual impact of vehicles and enhance the appearance of the street.</p> <p><u>d) To optimise the look and feel of High Path, landscaping in the public open spaces and communal gardens must be well designed, consistently well maintained and fully accessible for people with a range of needs.</u></p> <p>d) Landscaping in the public open spaces and communal gardens must be of the highest quality, accessible and meet the needs of the residents by complying with the relevant policy requirements</p> <p><u>e) Tree species must be specified to mitigate against pollution and noise. Planting layout and species need to be considered to ensure an attractive street scene whilst taking care not to restrict light or cause overshadowing to adjacent buildings.</u></p> <p><u>f) Proposals must ensure appropriate provision of private gardens or amenity space to all new dwellings (houses and flats), having regard to relevant standards and the character of the development.</u></p> <p>Further guidance <u>Justification</u></p> <p>[Paragraphs 3.198 and 3.200 relocated and paragraphs 3.199, 3.201, 3.202 and 3.203 relocated and amended]</p> <p>3.203 <u>Retaining significant trees or groups of trees, as with historic streets, provides the basis from which to develop design proposals. It provides benefits in terms of promoting biodiversity, sustainable development, contributing to flood risk mitigation and helping to reduce air pollution. In relation to the specific tree groups identified in the diagram to this policy, together with other existing trees, regard should be had to up to date arboricultural surveys and assessments and Merton's Sites and Policies Plan Policy DM 02 (b) to (f).</u></p> <p>3.202 The retention of trees has clear benefits in promoting biodiversity, sustainable development and contributing to flood risk mitigation and help reduce air pollution.</p> <p>3.198 <u>The mature trees and vegetation on the south side of High Path should be retained with good management.</u></p> <p>3.199 <u>The case for retention or felling of trees – other than those groups specifically identified in this policy –</u></p>

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Page 116			<p>on the estate, will be based on the tree survey undertaken by the Council's arboricultural officer.</p> <p>3.200 <u>Proposals should ensure the provision of a good variety and quantity of street trees.</u></p> <p>3.204 Landscaping has the potential to improve the quality of a place, but this will only work if it is appropriate to the location and there is a clearly defined, funded and managed maintenance regime in place.</p> <p>3.204 <u>The design of streets should include the provision of soft landscaping that is appropriate, robust and efficient to maintain. Planting arrangements help strengthen the navigation of routes and enhance views between the residential areas either side of the estate. A balance needs to be made between tree planting defining the space whilst not undermining views of the route past the estate. Merton's Sites and Policies Plan Policy DM O2 (b) to (f) sets out the council's policy on the retention, replacement and potential removal of trees and landscape features.</u></p> <p><u>The relevant standards for gardens and private amenity space are set out in Merton's Sites and Policies Plan DM.D2 and the Mayor of London's housing supplementary planning guidance. Gardens should be provided as a single, usable, regular shaped space.</u></p>
MM20	EP H8 Building Heights	Page 126	<p>a) General building height: The existing estate suffers from a mix of discordant characters, due to the wide variety in heights, styles and siting of the buildings. Redevelopment of the estate must create a consistent character that fits in harmoniously with the surrounding development. A consistency in building heights is important in achieving this. The prevailing height across the estate must be lower than the <u>existing heights</u> along Morden Road and Merantun Way, but could be marginally <u>moderately</u> higher than the <u>existing heights</u> in the more sensitive areas of High Path, Abbey Road, Rodney Place and Merton High Street</p> <p>Building heights must be based on a comprehensive townscape appraisal and visual assessment which builds on the analysis included in this document. Any strategy for building heights must make a positive contribution to the existing townscape, character and local distinctiveness of the area.</p> <p>Taller buildings may be considered appropriate to facilitate intensified use of the site. Such buildings must be located appropriately and relate well to the surrounding context and public realm, particularly at street level.</p>

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Page 117			<p>b) Merton High Street Buildings fronting Merton High Street must be of a scale that relates well to the building heights on the north side. They must not result in a lop-sided feel to the street or create unacceptable shadowing or blocking of sunlight. They must contribute to ‘mending’ the high street and stitching the estate seamlessly back into the existing urban fabric.</p> <p>c) Morden Road: Land around the Tube station and Morden Road is part of the focus of activity and uses in the local area. The street is quite wide and taller buildings are beginning to be built along Morden Road. This is the most suitable location on the estate for the tallest buildings and cues must be taken from emerging buildings to guide what is appropriate. Along Morden Road a consistent height must be sought, which is complementary to creating a boulevard feel to the street. <u>The transition between new taller buildings on the Morden Road edge of the estate and new lower buildings further east into the estate and the effects on the visual environment should be properly managed and designed.</u></p> <p>d) Abbey Road: Buildings on the west side of Abbey Road must relate well to the existing housing on the east side and newer flats on the west side. Building heights should help create a consistent feel to the street, integrate well visually with the existing housing and not create a lopsided feel to the street. It is likely these will be lower in height than the buildings in the main part of the site.</p> <p>e) High Path: High Path currently lacks a sense of enclosure as the buildings along it do not address the street. New development should rectify this. There is scope to reinforce the narrow enclosure and intimate feel of this street particularly from Morden Road to Pincott Road. Building heights along High Path must reflect its historic character as a narrow historic street and ensure that it sensitively takes account of the setting of St John the Divine Church.</p> <p>f) Merantun Way Land outside the estate boundary fronting Merantun Way is suitable for taller buildings to promote the transformation of this road into a boulevard street. Appropriate heights here will depend on the dimensions of a redesigned street and the possibility of urbanised development on the south side of the road. Heights similar to those appropriate for Morden Road are likely to be appropriate here.</p> <p>g) Station Road, Abbey Road and Merantun Way: Where Station Road, Abbey Road and Merantun Way meet is a sensitive area as there are likely to be awkward shaped sites. The close proximity of Rodney Place and Merantun Way create a need to respect existing low-rise development as well as retaining the most of the potential for taller buildings fronting Merantun Way. Building heights in this area must particularly respect, and</p>

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Page 118			<p>be sensitive to, these constraints and opportunities.</p> <p>Further guidance <u>Justification</u></p> <p>[Paragraphs 3.205 and 3.206 relocated]</p> <p>3.207 The existing estate has a wide range of building styles and heights. A more even distribution of heights will reduce these negative characteristics and help new development fit in comfortably with its surroundings. It will also create neighbourhood streets that are easy to understand. In order to fit well with the surroundings, it is important to ensure building heights on the edge of the estate relate appropriately to those adjacent to it.</p> <p>3.205 <u>Taller buildings must be carefully placed so as not to create poor microclimates or large areas of shaded streets or spaces. Where taller buildings are proposed, they should also be used to reinforce the sense of space or the character of a street, rather than fragment it with excessively varied building heights. Building heights should be similar along the lengths of street and one either side in order to maintain a consistent character.</u></p> <p>3.206 <u>The potential widening of Morden Road to accommodate a tram extension should be taken into consideration, should this proposal go ahead, the resulting adjustment to street proportions may better accommodate taller buildings on the east side of Morden Road, however the transition to lower buildings further east into the estate and effects on the visual environment should be properly managed and designed.</u></p> <p>[Policy H8 f) relocated and amended as new paragraph]</p> <p>[New paragraph] <u>Building heights on the southern boundary of the estate, in the vicinity of High Path, should take account of the potential for taller buildings to be developed fronting Merantum Way, to promote the transformation of this road into a boulevard street. Appropriate heights at Merantun Way are likely to be taller than currently exists, depending on the dimensions of a redesigned street and the possibility of urbanised development on the south side of the road. Heights similar to those appropriate for Morden Road are likely to be appropriate here.</u></p>

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MM21	EP R1 Townscap e	Page 150	<p>a) Proposals will be expected to provide widening and landscape improvements into the Ravensbury Park entrance adjacent to Ravensbury Mill <u>to improve and enhance the entrance's setting and create clearer views into the park from Morden Road.</u></p> <p>b) The corner of the estate adjacent to Ravensbury Park will be expected to make an architectural statement which sensitively addresses the park entrance, river and mill buildings.</p> <p>c) Proposals will be expected to reinforce the corner of the estate opposite the Surrey Arms Public House as a space and a place. Proposals should have a sensitive relationship to the pub</p> <p>d) The setting around the entrance to Ravensbury Park must be improved and enhanced. The architecture and design of buildings should draw upon the surrounding good quality townscape such as Ravensbury Mill, The Surrey Arms and White Cottage</p> <p>e) d) Proposals must show how they utilise local history as a point of reference in the development of the scheme, for example drawing on the sites past associations with industrial water mills and the estate of Ravensbury Manor.</p> <p><u>Further guidance Justification</u></p> <p>[Paragraphs 3.239 and 3.240 relocated and amended. Paragraphs 3.238, 3.242 and 3.250 amended and paragraph 3.241 deleted.]</p> <p>3.238 In line with Policy OEP1, townscape and landscape features should be used as a design framework in which to deliver the vision for Ravensbury, of building as part of a Suburban Parkland Setting. Within this framework proposals should create development that sits comfortably within, and is highly respectful to, its unique landscape <u>and heritage setting</u>, whilst making efficient use of the land. Proposals will be expected to demonstrate how they form an integral part of the landscape setting and retain this character through building forms, layouts, streets, use of landscaping and choice of materials. Integrating better to the wider setting is also important. How well proposals respond to these requirements will be a key means by which design quality is assessed.</p>

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Page 120			<p>3.241 Proposals should investigate the scope to uncover and display the remains of Ravensbury Manor. The addition of interpretation panels could create a heritage focal point in the park.</p> <p>3.243 The townscape of the estate is somewhat secondary to the landscape. However, it does have the feel of a quiet and pleasant residential neighbourhood, as the housing on Morden Road prevents much of the traffic noise from penetrating within. The flats and housing to be retained are generally pleasant in appearance, though the larger block of flats suffers from a rather dead frontage due to a lack of entrances on the frontage.</p> <p>3.244 The Orlit houses fronting Morden Road provide a strong building edge to the estate, which helps define the character of Morden Road, and reinforces the curved shape of the road. This winding nature creates prominent points along the route defined by the corners and the buildings at them – such as the mill and pub. There is scope to improve the quality of these spaces, and better link the estate with its surroundings without compromising its quiet character.</p> <p>3.245 On Morden Road the entrance to Ravensbury Park is obscured from view and highlighting the park entrance will strengthen visual links into the park from the surrounding area.</p> <p>3.246 The architecture of the adjacent mill building provides inspiration for creative interpretation in the design of buildings at this prominent corner of the estate adjacent to Ravensbury Park. Cues should be used to inform the design of new homes whilst ensuring proposals integrate well into a high quality landscape setting.</p> <p>3.247 The Surrey Arms Public House and adjacent weather-boarded cottage are key elements in the surrounding townscape. Their location adjacent to Morden Hall Park entrance is a key focal point. Development proposals provide the opportunity to reinforce these key elements.</p> <p>3.248 Ravensbury Mill occupies a prominent location on the approach to the estate. Improving and enhancing the setting around the entrance to Ravensbury Park will help to highlight the Mill.</p> <p>3.249 Visibility into Morden Hall Park on Morden Road is poor due to the current boundary treatment. Regeneration of the estate provides an opportunity to work in conjunction with the National Trust to enable views from the estate into this high quality landscape. Replacing timber fences with railings and improvements to the park entrance could increase visibility and accessibility of the park whilst improving the</p>

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Page 121			<p>physical environment on Morden Road. Adding a new entrance opposite the Mill may also be a possibility.</p> <p>3.239 <u>Proposals should investigate the potential for working in conjunction with the National Trust concerning the replacement of boundary treatment around Morden Hall Park to improve views into the park from Morden Road.</u></p> <p>3.240 <u>Proposals should also investigate the potential for working in conjunction with the National Trust to strengthen the Wandle Trail and ensure there is a unified approach to surface finishes, boundary treatments and materials used along the Trail.</u></p> <p>3.250 <u>The remains of Ravensbury Manor are hidden from view amongst dense vegetation within Ravensbury Park. <u>Sensitively uncovering remnants of these ruins and providing interpretation would highlight the local history of the area and the park as part of the former estate of Ravensbury Manor and create a heritage focal point within the park. In this case, the advice of the Greater London Archaeological Advisory service should be sought.</u></u></p> <p>3.242 <u>Development proposals should consider alteration of the internal layouts of the ground floor flats to Ravensbury Court, to reorientate the front doors onto the pleasant open space in front of the block. Changes to the layout of the rear of these retained flats could also improve car parking and provide some private back gardens. At the time of the preparation of this plan, there are currently no proposals to refurbish Ravensbury Court that would require planning permission. Any future proposals to refurbish Ravensbury Court flats should be explored in partnership with residents. Subject to residents' views, these could consider providing doors to the living rooms of the ground floor flats to provide direct access from the open space on Ravensbury Grove. There is also scope to improve the space to the rear of the flats for the benefit of residents.</u></p>
MM22	EP R2 Street Network	Page 154	<p>a) The historic street of Ravensbury Grove must be retained as the main route into and out of the estate and the basis of an internal network of streets.</p> <p>b) Ravensbury Grove must be extended fully to the boundary of the Ravensbury Park providing clear views along its whole length into the park.</p> <p>c) Hengelo Gardens must be retained and enhanced, particularly with respect to arrangement of car parking,</p>

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Page 122			<p>general landscaping and the potential for flood attenuation measures.</p> <p>d) <u>New proposals must include a network of streets that which should provide clear connections from between Ravensbury Grove to and Morden Road and views towards Ravensbury Park, provided that active frontages and other appropriate measures to deter crime and promote community safety are incorporated.</u></p> <p>Further guidance Justification</p> <p>[Paragraphs 2.351 - 3.256 relocated. Paragraph 3.257 added to paragraph 3.261]</p> <p>3.254 This policy section is about the creation of clearly defined and understood streets. It does not define vehicular movement. This is addressed by policy EP R3.</p> <p>3.255 The estate is physically isolated from its surroundings in a number of ways, including its street layout. There is only one access for vehicles into the estate and a minor cul-de-sac serving properties fronting Morden Road. The streets are set out in the form of a traditional cul-de-sac layout.</p> <p>3.256 Despite the relative isolation of the estate and its physical constraints of the river and park, there is significant potential to improve links towards Morden town centre, by opening up the frontage onto Morden Road via new street and footpath connections.</p> <p>3.254 <u>The estate is bounded by Morden Road, which is a busy traffic route. Targeted traffic management measures along Morden Road at key points should be considered to improve pedestrian connectivity to the surrounding area, reduce severance caused by traffic and improve road safety.</u></p> <p>3.252 <u>The access lane and parking for the houses fronting Morden Road should preferably be removed and used for tree planting and a new cycle route. This approach could also accommodate flood attenuation measures, such as a swale or uncovering of the historic watercourse. Some parking may be retained but should be better integrated into the layout.</u></p> <p>3.253 <u>New street network proposals should be well designed to provide clear connections that will reduce the current detached make-up of the estate, whilst ensuring that the estate does not become a through route for vehicular traffic from Morden Road. Any new East-West streets should form clear connections from</u></p>

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			<u>Ravensbury Grove to Morden Road with active frontages onto public space. A new access from Morden Road with flexibility for vehicular movement may also be considered, subject to an assessment of potential impacts.</u>
MM23	EP R3 Movement and access	Page 156	<p>a) Proposals must improve pedestrian routes across the estate and to nearby parks, bus and tram stops. Routes should be linked into the proposed/existing street network along active frontages or existing walking routes, which should be well surveyed <u>and designed so as to deter crime and promote community safety.</u> Entrances into the park must be carefully designed and located to ensure accessibility into the park without undermining safety and biodiversity.</p> <p>b) The relocation of the crossing point from Morden Hall Park to the estate to a position which allows for a direct link to the park and a new pedestrian and cycle route along Morden Road will be expected to be investigated. Proposals should create a clear legible route from Morden Hall Park to the entrance of Ravensbury Park. <u>Subject to detailed investigation, appropriate provision should be made 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. As part of such a proposal, the potential for a segregated cycle route along Morden Road, together with relocation of the crossing of Morden Road to a safe and convenient location, should also be investigated.</u></p> <p>c) Improvements to cycle links along Morden Road will be expected to be investigated in order to create stronger links between Morden Hall Park and Ravensbury Park. Proposals should investigate the creation of a segregated cycle way along Morden Road which feeds into Ravensbury Park from Morden Hall Park. Additions to the cycle network should be integrated into wider cycle network.</p> <p>d) c) <u>The main route for vehicles into the estate is Whilst Ravensbury Grove should remain the main vehicular access into the estate, proposals should take account of the potential</u> There is also scope to retain the existing slip road access off Morden Road as a secondary entrance into the site, should this be required <u>further investigation reveal such a feature to be necessary and not harmful to road and community safety.</u> Any new East-West links from the estate onto Morden Road must be clear and designed as traditional streets, irrespective of whether they are for vehicular use.</p> <p>Further guidance <u>Justification</u></p>

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Page 124			<p>[Paragraph 3.258 relocated and paragraphs 3.260, 3.261 and 3.266 amended]</p> <p>3.259 This policy section is about establishing the main vehicular movement strategy. This is different from the creation of streets, which may, or may not support through vehicular movement. Proposals for vehicular movement must be supported by appropriate traffic modelling and be in general compliance with relevant transport policies, whilst also aiming to achieve good vehicular permeability and convenience for residents.</p> <p>3.260 <u>Vehicular and cycle parking on the estate will be provided in accordance with the London Plan (2016) parking standards taking into account specific local conditions and requirements. This should be supported by a Parking Management Strategy.</u></p> <p>3.261 Whilst the estate does have physical links to the surrounding area, they are generally poor and few in number. Morden Road is a busy road that creates severance between the two parks and the estate, as well as to the tram-stops to the north. <u>Proposals should consider introducing physical features at key focal points along Morden Road to better manage the speed and flow of traffic and to improve road safety.</u></p> <p>[New paragraph] <u>To the south, the River Wandle presents a barrier to the residential area around The Drive. Whilst there is currently a footbridge, it is not conveniently located for north-south movement and is poorly overlooked. To enhance pedestrian links the opportunity to build a new bridge to create a new direct north-south pedestrian link from Wandle Road to the Ravensbury Estate could be investigated, taking account of the need to deter crime and promote community safety, particularly within the estate itself.</u></p> <p>3.262 There are two tram-stops a short walk away that provide frequent services between Wimbledon and Croydon town centres. Bus routes also pass close to the estate providing access to Morden town centre, connections with other bus routes and the London Underground Network.</p> <p>3.263 There is significant potential to improve direct links towards Morden by opening up the frontage onto Morden Road through new street and footpath connections. Proposals should create an easy to understand street layout for the estate including improved links to the Wandle Trail and Ravensbury Park supported by way-finding signage.</p> <p>3.264 Links from within the estate towards Morden consist of either a back alley or detour to the north. The pedestrian routes between the parks and cycling facilities on Morden Road are also unclear. The paths</p>

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Page 125			<p>through Ravensbury Park are poorly overlooked with few escape points into the surrounding street network. It is therefore easy to get lost or disorientated in the area.</p> <p>3.265 There is potential to improve movement and access around the estate in a way that is relatively low-key whilst retaining the quiet feel of the estate. The crossing from Morden Hall Park to the estate is a key link in the Wandle Trail in connecting Morden Hall Park to Ravensbury Park. There is scope to improve this crossing through enhancements to footways and crossing points which ensure pedestrians and cyclists have sufficient space to move in a comfortable environment.</p> <p>3.266 The amount of traffic using Morden Road makes for an unfriendly environment for pedestrians and cyclists. Measures to better control traffic and improve pedestrian and cyclist safety could be achieved by a range of methods, including surface treatments, raised crossing points, cycle paths, width restriction or build outs and pedestrian refuges. The most appropriate measures should be investigated whilst ensuring the road blends into the area making it feel like a place rather than dominating the space. A new bridge across the river linking Ravensbury Grove to Wandle Road would improve pedestrian links to nearby tram stops and bus stops <u>but any such proposals must ensure community safety, particularly within the Ravensbury estate itself, is not compromised.</u></p> <p>3.258 <u>Developing cycle links further along Morden Road, for night time cycling when Morden Hall Park is less accessible, should be considered.</u></p>
MM24	EP R4 Land Use	Page 160	<p>a) The predominant land use for this estate is to be retained as residential with the re-provision of <u>the existing number of affordable homes and the existing community room.</u></p> <p>b) Densities outputs should not be solely focused around figures, but must be assessed as a product of a range of relevant design, planning, social, environmental and management factors. Exceeding the current <u>London Plan</u> density ranges may be considered appropriate where proposals will create developments of exceptional urban design quality.</p> <p>Further guidance <u>Justification</u></p>

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Page 126			<p>[Paragraph 3.267 deleted, paragraph 3.269 amended]</p> <p>3.267 Applicants may propose other land uses, though these must be appropriate to the site and comply with local planning policies. However, it is considered unlikely there will be any demand for other non-residential uses.</p> <p>3.268 The estate is essentially wholly residential, with the exception of a small community room. There are some local shops nearby to the east on Morden Road, the Surrey Arms Public House opposite and the currently vacant mill. Morden town centre is a 15 minute walk away.</p> <p>3.269 Ravensbury estate is located within an area with a low level of Public Transport Accessibility. Development proposals need to make more efficient use of land by providing schemes which are higher than the current density and result in improving the urban design quality of the estate. Development proposals must <u>should</u> accord with the London Plan density matrix and any other emerging or updated relevant policy requirements. <u>Ravensbury estate has a 'Suburban' setting according to the London Plan density matrix criteria. The key characteristics of a Suburban setting as set out in the London Plan are areas with predominantly lower density development such as detached and semi-detached housing, predominantly residential, small building footprints and typically buildings of 2-3 storeys. The centre of the estate is 1,400m walking distance (via Morden Road) from Morden Tube station, therefore being more than 800m from the nearest District Centre. As outlined in the London Plan, the density matrix should be used flexibly and in conjunction with other development plan policy requirements.</u></p> <p>3.270 Proposals should also consider transport capacity, employment connectivity, the location and characteristics of the site and social infrastructure when determining an appropriate density. Development proposals should contribute to the delivery of a sustainable neighbourhood by building more and better quality homes and demonstrate how the density responds to the local context particularly in terms of design. Proposals should demonstrate graphically how density is sympathetic to the surrounding townscape and distributed in appropriate locations in a mix of buildings to deliver a variety of well-designed new homes and public spaces.</p> <p>3.274 The Council will aim to optimise the latest London Plan requirements. Development proposals should contribute to the provision of a greater choice and mix of housing types sizes and tenures, including affordable housing provision to meet the needs of all sectors of the community, in accordance with relevant</p>

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			<p>National, Local and London Plan policies. Development proposals will be expected to provide replacement homes and should include a mix of 1, 2, 3 and 3+ bed units, in a variety of house types to meet residents individual needs.</p> <p>3.272 In accordance with policy DM E4 (Local Employment Opportunities) major development proposals will be expected to provide opportunities for local residents and businesses to apply for employment and other opportunities during the construction of developments and in the resultant end-use. Merton's Local Plan identifies a local deficiency in convenience retail provision to the east side of the estate. Any proposals for retail provision will need to accord with Merton's Local Plan policies including CS7 (Centres) and DM R2 (Development of town centre type uses outside town centres).</p>
MM25 Page 127	EP R5 Open Space	Page 162	<p>a) The area of designated open space at the boundary with Ravensbury Park must be reprovided in terms of quantity and quality to a suitable location within the estate, with high quality landscaping and recreational uses.</p> <p>b) Proposals must retain and enhance the existing communal gardens on Hengelo Gardens and Ravensbury Grove. New landscaping should connect to, and complement these existing spaces.</p> <p>c) a) Suitably designed play space(s) for all age groups must be provided in accordance with have regard to the Mayor of London's 'Play and Informal Recreation' supplementary planning guidance document (2012).</p> <p>d) All new houses and flats must have gardens or amenity space that meet or exceed current space standards.</p> <p><u>b) Development proposals must be supported by an analysis of the current and future need for the provision of indoor and outdoor sports facilities in order to support the population arising from the proposals. Any proposals should have regard to Sport England's Planning for Sport Aims and Objectives to protect or relocate existing facilities, enhance the quality, accessibility and management of existing facilities and provide new facilities to meet demand.</u></p> <p>Further guidance <u>Justification</u></p>

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Page 128			<p>[Paragraphs 3.273, 3.274 and 3.278 deleted, paragraph 3.277 amended]</p> <p>3.273 The number of open spaces and their individual size is not prescribed. Open space can be provided in the form of a single space or a number of smaller spaces. However, any new public open space should link into flood mitigation measures and the surrounding parkland landscape.</p> <p>3.274 The relatively small portion of designated open space adjacent to Ravensbury Park is of poor quality. The regeneration of this site provides an opportunity for the on-site re-provision of this open space to a better quality.</p> <p>3.275 The estate is surrounded by high quality public open space in the form of Ravensbury Park and Morden Hall Park. There are also pleasant linear open spaces with mature trees on Ravensbury Grove and Hengelo Gardens. As such, the estate is not in an area deficient in access to public open space. Subject to meeting appropriate minimum standards concerning the provision of outdoor amenity space and play space, there is no requirement to provide additional public open space within the development.</p> <p>3.276 The surrounding open spaces are all important elements of the estate's high quality landscape character and setting. This needs to be carefully maintained and enhanced as part of any new development.</p> <p>3.277 There are potential opportunities for off-site play space enhancements that might address the need for certain age groups while there will also be a need for some on-site play space. Any proposal should clearly demonstrate how the play space needs of all the age groups will be provided for with reference to the guidance in the Mayor of London's 'Play and Informal Recreation' supplementary planning guidance document (2012). Development proposals must be in accordance with should have regard to para.74 of the NPPF and Sport England's Land Use Policy Statement 'Planning for Sport Aims and Objectives'.</p> <p>3.278 The provision of gardens that meet space standards increases their functionality, potential for tree planting and the promotion of biodiversity. In keeping with the vision for the new neighbourhood as part of a suburban parkland setting, front gardens or defensible space that allows for some planting, is also encouraged.</p> <p>[New paragraph] Development proposals should demonstrate the impact that they will have on the use of existing indoor and outdoor local sports facilities. The scope and methodology of the research will be</p>

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			<p><u>prescribed by Sport England and the local planning authority, during pre-application discussions. Any identified shortfall should be mitigated where appropriate through either a condition attached to a planning decision, a section 106 agreement or the Community Infrastructure Levy (CIL) as identified at the planning decision making stage. In accordance with the NPPF and the London Plan, Merton Council is committed to delivering a new playing pitch study in support of the planned borough-wide Local Plan.</u></p>
<p>MM26</p> <p style="text-align: center;">Page 129</p>	<p>EP R6 Environme ntal protection</p>	<p>Page 164</p>	<p>a) As the estate is in close proximity to the River Wandle and modelled is shown as being at high risk of fluvial flooding, development proposals will need to <u>be designed by applying a sequential approach to flood risk and include appropriate flood mitigation measures for the site in accordance with national, regional and local planning policies, to ensure the development is safe and does not increase the risk of flooding elsewhere.</u></p> <p>b) <u>In accordance with the London Plan policies 5.12 Flood Risk Management and 5.13 Sustainable Drainage and the supporting Design and Construction Supplementary Planning Guidance (SPG April 2014), the proposed development must aim to reduce post-development runoff rates as close to greenfield rates as reasonably possible practicable.</u></p> <p>c) Development proposals must demonstrate how surface water runoff is being managed as high up the London Plan <u>policy 5.13 Sustainable Drainage</u> hierarchy as possible.</p> <p>d) Sustainable Drainage Systems (SuDS) must be part of any major development proposals. Drainage and SuDS should be designed and implemented in ways that deliver other policy objectives for each of the following <u>multi-functional</u> benefits:</p> <ul style="list-style-type: none"> • Blends in and enhances amenity, recreation and the public realm • Enhances biodiversity • Improves water quality and efficiency • Manages flood risk <p>e) The development must be made safe from flooding, without increasing flood risk elsewhere for the lifetime</p>

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Page 130			<p>of the development <u>taking the latest climate change allowances into account</u>. Potential overland <u>fluvial and surface water</u> flow paths should be determined and appropriate solutions proposed to minimise the impact of the development, for example by configuring road and building layouts to preserve existing <u>fluvial and surface water</u> flow paths and improve flood routing, whilst ensuring that flows are not diverted towards other properties elsewhere.</p> <p>g f) g f) Proposals should seek to create mini corridors which enhance biodiversity of the estate and create a link between the estate and the surrounding parkland and river corridor habitats.</p> <p>h g) h g) Development should not encroach on the river bank buffer zone, which should be managed for the enhancement of biodiversity along the river corridor and to allow maintenance access to the watercourse, where required.</p> <p>i-h) i-h) New development must ensure the preservation, protection and enhancement of protected species and habits within the adjacent Ravensbury Park and should demonstrate that the proposals would result in net biodiversity gains.</p> <p>j) j) Energy strategies should clearly demonstrate that development delivers energy efficiency improvements at each level of the Mayors Energy Hierarchy when compared to the existing buildings on the estate. Outlining how improvements have been achieved according to the hierarchy of; improved building fabric, increasing the efficiency of supply and renewable energy generation, and how this compares to existing development on the sites.</p> <p>k) i) k) i) When preparing development proposals in accordance with Policy 5.3: <u>Sustainable design and construction</u> of the London Plan, proposals should include suitable comparisons between existing and proposed developments at each stage of the energy hierarchy in order to fully demonstrate the expected improvements. All new developments proposals should consider the following sustainable design and construction principles: avoidance of internal overheating; efficient use of natural resources (including water); minimising pollution; minimising waste; protection of biodiversity and green infrastructure and sustainable procurement of materials.</p> <p>l) l) Technological improvements in battery storage have started to provide a potential energy storage solution suitable for use in connection to domestic solar PV systems. The use of on-site storage offers a potential</p>

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Page 131			<p>technological solution that would increase on-site renewable energy consumption, reduce utility costs and provide in-situ demand-side management. Battery storage can therefore be considered to sit within the 'be lean' or middle level of the energy hierarchy. Domestic PV installations should therefore not be considered without exploring the potential for on-site energy storage. Carbon savings from the incorporation of appropriately sized battery storage can be calculated by assuming that distribution losses from battery connected solar PV systems are zero.</p> <p><u>j) All domestic solar PV installations should be considered in conjunction with on-site battery storage.</u></p> <p>m) k) Applicants must demonstrate how their plans contribute to improving air quality and provide evidence to demonstrate that passive ventilation strategies employed to prevent overheating will not inadvertently expose residents to poor air quality or unacceptable levels of external noise.</p> <p>n) l) Development proposals must be accompanied by a working method statement and construction logistics plan framework that are 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.</p> <p>o) m) Development proposals should demonstrate, by means of the submission of a site waste management plan, how they will apply the waste hierarchy where waste is minimised, re-used and recycled, and residual waste is disposed of sustainably in the right location using the most appropriate means.</p> <p>Further guidance <u>Justification</u></p> <p>[Paragraphs 3.280, 3.281 and 3.282 relocated. Paragraphs 3.284, 3.279, 3.297, 3.299 and 3.300 amended]</p> <p>3.283 Being adjacent to the River Wandle, its tributaries and two large historic parks makes issues of enhancing the attractiveness of the river corridor and surrounds while managing flood risk, and improving biodiversity particularly relevant to any redevelopment of the estate. These features define the character of the estate and carry various designations and responsibilities that proposals must embrace, address successfully, and take as an opportunity to positively shape and improve the surrounding area.</p> <p>3.284 As already set out in national policy , the London Plan and Merton's adopted development plan,</p>

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Page 132			<ul style="list-style-type: none"> • Development proposals will need to include appropriate flood mitigation measures to ensure the development is safe and does not increase the risk of flooding both from and to the development. • Any development coming forward will be subject to a Sequential Test, Exception Test and site specific Flood Risk Assessment and Drainage Strategy to deal with all sources of flooding, which must have regard to Merton’s Strategic Flood Risk Assessment and Local Flood Risk Management Strategy. • Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk and following the sequential approach.. This includes careful consideration of where buildings should be located within the site. <p>3.285 As surface water flood risk and drainage have been identified as a key issue for Ravensbury, development proposals must demonstrate they have achieved greenfield run-off rates as reasonably possible, using Sustainable Drainage Systems (SuDS) and considering surface water management as high up the London Plan (policy 5.13) drainage hierarchy as reasonably possible.</p> <p>3.286 The interface between any proposed development and Ravensbury Park needs careful consideration, with particular reference to the habitats of the protected species within this area e.g. bats. This is a sensitive edge and a balance must be met between providing an active frontage onto the parkland whilst protecting the habitats of the park and surrounding vegetation.</p> <p>3.279 <u>The landscape character of the estate is reinforced by the back channel tributary of the River Wandle. There is scope, subject to feasibility study, including archaeological interest, to reinstate a historic river channel which runs alongside Morden Road, which could connect with the existing watercourses within Morden Hall Park.</u></p> <p>3.287 Reinstatement of a historic river channel running alongside Morden Road, would help to enhance the Wandle trail creating a stronger landscape link between Morden Hall Park and Ravensbury Park whilst improving the estates riverside setting, as well as contributing to flood mitigation measures.</p> <p>3.280 <u>Proposals should where possible enhance the outlook of the estate and improve the setting of the park whilst addressing biodiversity habitats.</u></p>

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Page 133			<p>3.281 <u>The landscape character of the estate is reinforced by the back channel tributary of the River Wandle, which runs along the southern boundary of the site. There is potential to enhance this, subject to Environment Agency (EA) flood defence consent, as this is a designated main river. Improvements should seek to improve surveillance and interface between the park, buildings and the water, as well as better management of habitats.</u></p> <p>3.282 <u>There is also potential to undertake in-channel and river bank enhancements to the main channel of the River Wandle to the south of the site within Ravensbury Park, providing this does not increase flood risk. Any such works will be subject to Environment Agency flood defence consent. This enhancement could involve the narrowing of the channel to increase the normal flow velocity, in order to help reduce siltation and stagnation in this stretch of the Wandle.</u></p> <p>3.288 Proposals are expected to be developed in consultation with relevant statutory and local interest groups such as the Environment Agency, the National Trust and the South East Rivers Trust (The Wandle Trust).</p> <p>3.289 Under the terms of the Water Resources Act 1991 and Thames Region Land Drainage Byelaws 1981, the Environment Agency requires flood defence consent for any works within 8m from the top of the bank of a main river and they therefore seek an 8m wide undeveloped buffer strip from the top of the river bank on main rivers. Merton seeks a similar 5m wide strip on either side of ordinary watercourses, where possible these distances should be exceeded.</p> <p>3.290 Of particular importance should be the enhancement of the river corridor and its environment, including dealing with flood risk and surface water drainage issues. Currently surface water drainage from Ravensbury discharges directly into the Thames Water sewer network, increasing the risk of the sewers being at or over capacity and surcharging during a flood event. The regeneration of this area presents an opportunity to manage this risk and to discharge to the River Wandle at a restricted rate.</p> <p>3.291 To improve surface water drainage and achieve as close to greenfield run-off rates as possible, there are a number of mitigation solutions which should be considered including an open network of swales, permeable paving surfaces, rain gardens, areas of landscaping, front and rear gardens.</p> <p>3.292 As set out in this policy, swales and other SuDS (such as rain gardens, green roofs, balancing ponds, filter strips and green verges) are designed holistically, as features to improve the attractiveness of the estate,</p>

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Page 134			<p>to enhance biodiversity, to provide recreation, to improve water quality as well as a drainage solution. Development proposals must demonstrate they have considered surface water management through sustainable urban drainage systems (SuDS) as high up the London Plan (policy 5.13) drainage hierarchy as possible.</p> <p>3.293 Developers are advised that tools such as the SuDS management train approach will assist with this process and with demonstrating that all of these issues have been considered. This approach will help create an attractive estate with the benefit of cost efficiencies.</p> <p>3.294 The Mayor of London’s Sustainable Drainage Action Plan (draft) and Sustainable Design and Construction supplementary planning guidance and the government’s National Standards for Sustainable Drainage set out the requirements for the design, construction operation and maintenance of SuDS.</p> <p>3.295 Central to the case for regeneration is the need to improve the environmental performance of the new dwellings on the estate compared with the existing homes. However, the measurement of local sustainability policies (CS15) and regional build developments are based on improvement that are also measured through Part L of the Building Regulations. While this information is useful to help measure performance, it does not make it easy to compare the energy performance of existing buildings with new buildings.</p> <p>3.296 Energy performance data on existing buildings will be held for many sites in the form of Energy Performance Certificates which measures the predicted energy consumption per m² in a development. By providing the energy performance data from Energy Performance Certificates, building energy performance can be compared between existing and future development using a metric that is suitable and easily comparable, thus helping to clearly demonstrate the potential for environmental improvements.</p> <p>3.297 The principles of sustainable design and construction are designed to be holistic and are more wide ranging than energy performance alone. Development proposals should demonstrate wherever possible <u>environmental improvements</u> using the comparison of quantifiable measures, <u>where possible, and qualitative appraisals, where appropriate</u>. In this way environmental improvements that will be delivered through regeneration should <u>can be easily</u> compared with the performance of existing buildings in an easily compared manner.</p> <p>3.298 Passive ventilation strategies cannot be considered in isolation of potentially negative external</p>

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Page 135			<p>environmental factors such as air quality or noise. Energy strategies that rely on passive ventilation should clearly demonstrate that occupants will not be adversely affected by air and noise pollution during periods of warmer weather</p> <p>3.299 Technological improvements in the field of energy storage have resulted in the improved feasibility of deploying battery storage in connection with domestic solar PV systems. and the <u>The need to develop polices to support innovative Energy Technologies innovative approaches</u> is outlined in London Plan Policy 5.8: <u>Innovative energy technologies</u>. Battery storage can be utilised as a method of increasing on-site renewable energy consumption, <u>providing and provide</u> in-situ energy demand management to reduce pressure on the national grid during peak time, and increasing the efficiency of energy supply. In this way battery storage can be considered to be a ‘be clean’ measure within the Mayors <u>energy hierarchy</u>, <u>outlined in London Plan policy 5.2: Minimising carbon dioxide emissions</u>. <u>The standard Standard Assessment Procedure (SAP) approach for calculating the energy output from solar PV assumes a 20% reduction in PV output from distribution losses of the energy produced is lost through transmission across the national electricity grid.</u> Therefore, at present, there is no method of capturing these benefits of on-site energy storage within the Standard Assessment Procedure (SAP) or recognising the benefits of energy storage through the planning process. <u>In order to recognise the benefits of on-site energy storage to residents and the grid operator the incorporation of appropriately sized solar PV systems should calculate solar output using the following equation, assuming the distribution losses are zero. Energy strategies that utilise appropriately sized solar photovoltaics in tandem with on-site battery storage may account for the associated carbon benefits by recouping the 20% of solar photovoltaic output traditionally discounted under SAP as ‘distribution loss’.</u> <u>This additional carbon saving may be calculated using the below equation and then discounted from any carbon emissions shortfall for the wider development as a whole.</u></p> <p><u>Carbon savings from battery storage (kWh/year) = kWp x S x ZPV x 0.2</u></p> <p>Output of System (kWh/year) = kWp x S x ZPV</p> <p>kWp – Kilowatt Peak (Size of PV System)</p> <p>S – Annual Solar Radiation kWh/m2 (See SAP)</p>

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Page 136			<p>ZPV – Overshading Factor (See SAP)</p> <p>3.300 Consultation responses from people living within and near Ravensbury have raised concerns about the potential for disruption and disturbance caused by building works taking place in phases over a long period of time. <u>Proposals must comply with Policy DM.D2 (xiii) ensuring that traffic and construction activity do not adversely impact or cause inconvenience in the day to day lives of those living and working nearby and do not harm road safety or significantly increase traffic congestion. As with other planning applications, the council will require the submission of a working method statement and a construction logistics plan framework and a site waste management plan prior to development proposal commencement. These must be appropriate and proportionate to the scale and nature of the development proposal, whether outline or detailed, the sensitivity of the context and the types and severity of the anticipated impacts. Working method statements must ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and comply with London Plan (2016) policies 6.3 and 6.14, Merton’s Core Strategy policy CS20 and policy DM T2 of Merton’s Sites and Policies Plan (2014). Construction logistics plans frameworks must demonstrate how environmental impacts of the development on the local environment, including the surrounding highway network and the amenities of the surrounding occupiers will be minimised. These must also accord with guidance published by the mayor of London / TfL and London Plan (2016) policies including 7.14 and 7.15. In accordance with policy DM.D2(xii), construction waste must be minimised on site by managing each type of construction waste as high up the waste hierarchy as practically possible. These provisions are particularly important to help identify and minimise the causes of potential disruption to residents at Ravensbury Court while the wider estate regeneration programme is being delivered.</u></p>
MM27	EP R7 Landscap e	Page 170	<p>a) Landscaping must be a prominent feature within the public realm and create strong links to the surrounding parkland context. Landscaping treatments should emphasize green links and the river crossing.</p> <p>b) The estate currently has groups of established mature trees to the north, along Morden Road, on Ravensbury Grove and Hengelo Gardens These trees must be retained and be used to inform the design of landscape arrangements, for example to provide cues for the location of focal points. <u>Proposals must retain and enhance the existing communal gardens on Hengelo Gardens and Ravensbury Grove. New landscaping</u></p>

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Page 137			<p><u>should connect to, and complement these existing spaces.</u></p> <p>c) Street tree planting and landscaping must be incorporated into streets whilst integrating with existing open space functionality, biodiversity enhancements and flood mitigation measures.</p> <p>d) <u>Any proposals should retain established mature trees to inform the design of landscaping arrangements</u> Along Morden Road tree planting must be extended to wrap around the perimeter of the estate following the curvature of the road Tree species <u>for proposed new trees</u>, should be specified to mitigate against pollution and noise.</p> <p>e) <u>Proposals must ensure appropriate provision of private gardens or amenity space to all new dwellings (houses and flats), having regard to relevant standards and the character of the development</u></p> <p>e) f) The significant widening and enhancement of the entrance to Ravensbury Park from Morden Road, will be expected to be an integral part of any development proposals for the site.</p> <p>Further guidance-Justification</p> <p>[Paragraph 3.301 relocated and paragraph 3.303 amended]</p> <p>3.302 The estate is defined and characterised by the landscape setting of the two parks and River Wandle. This is an essential element of its character that should not be lost. However, there are various opportunities to maintain and enhance this character whilst still increasing density and building height.</p> <p>3.303 Large and well vegetated gardens also contribute to the estate’s landscape character and redevelopment proposals need to be designed to maintain opportunities for such incidental greenery throughout. The estate’s relative isolation is also an element of its character. This needs to be balanced with the need and opportunity to increase accessibility to and along the river, to the tram-stops to the north, to local bus stops and into Morden.</p> <p>[New paragraph] <u>The estate currently has groups of established mature trees to the north, along Morden Road, on Ravensbury Grove and Hengelo Gardens. These trees could be used to provide the design cues for the location of focal points. Along Morden Road tree planting must be extended to wrap around the perimeter</u></p>

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Page 138			<p><u>of the estate following the curvature of the road. Merton's Sites and Policies Plan Policy DM.O2 (b) to (f) sets out the council's policy on the retention, replacement and potential removal of trees and landscape features.</u></p> <p>[New paragraph] <u>The relevant standards for gardens and private amenity space are set in Merton's Sites and Policies Plan DM.D2 and the Mayor of London's housing supplementary planning guidance. Gardens should be provided as a single, usable, regular shaped space.</u></p> <p>3.304 Currently, pedestrian gateways into Ravensbury Park are hidden from view and have limited overlooking which could be resolved by significant widening and enhancement of the entrance to the park off Morden Road.</p> <p>3.305 The skyline around the estate is enveloped by large mature trees and this is a key characteristic of the estate. Additional tree planting will bolster the landscape character of the area and can create a landscape buffer between new development and traffic on Morden Road.</p> <p>3.306 The Wandle Trail is interrupted by Morden Road and the narrowing of Ravensbury Park. There is scope to strengthen the green corridor link between Morden Hall Park and Ravensbury Park through the use of landscape features such as tree planting on Morden Road. This would also help to improve the continuity of the Wandle Trail and improve accessibility into the park.</p> <p>3.304 <u>Landscaping measures should be designed to improve the green corridor link between Ravensbury Park and Morden Hall Park.</u></p>
MM28	EP R8 Building heights	Page 172	<p>a) General building heights</p> <p>Whilst there is a need to increase density, to do so too much would undermine the dominant landscape character of the area. To ensure that open views to the surrounding trees are retained and the parkland setting of the estate is maintained buildings heights must not extend higher than the existing Ravensbury Court flats or compete with established mature trees which envelop the estate. Relatively open views from within the estate to the surrounding tree canopy are a defining characteristic of the estate and should generally be retained.</p>

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Page 139			<p>To ensure this, no buildings must extend higher than the existing Ravensbury Court flats. Building heights must be based on a comprehensive townscape appraisal and visual assessment which builds on the analysis included in this document. Any strategy for building heights should make a positive contribution to the existing townscape, character and local distinctiveness of the area. Building heights must be based on informed by a comprehensive townscape appraisal and visual assessment which builds on the analysis included in this document council's Estates Local Plan analysis. Any strategy for building heights should make a positive contribution to the existing townscape, character and local distinctiveness of the area</p> <p>b) Core of the estate: Within the estate, building heights must generally be lower than other parts of the estate around its edge. Heights should allow views to the surrounding established trees. Buildings around the edge of the estate fronting Morden Road along Ravensbury Grove and on Ravensbury Garages should be higher than the middle of the estate.</p> <p>c) Buildings heights within the middle of the estate must generally be lower than around the edges Morden Road: Buildings along Morden Road must relate to the surrounding established tree canopy but not adversely affect views of it from the centre of the estate. Buildings here can be higher than the middle of the estate.</p> <p>d) Ravensbury Grove: Building heights along Ravensbury Grove must relate to the character and scale of existing buildings such as Ravensbury Court and the established trees.</p> <p>e) Ravensbury Garages: Building heights in the vicinity of Ravensbury garages must relate to the surrounding established tree canopy and to the scale of adjacent existing buildings.</p> <p>Further guidance <u>Justification</u></p> <p>[Paragraphs 3.307, 3.308 and 3.309 relocated]</p> <p>3.310 All existing buildings are two storeys with the exception of the one larger four-storey block, Ravensbury Court. This low rise form is what allows views to the tree-line visible around the estate from numerous locations, which is one of the defining characteristics of the estate's setting. The low-rise buildings also define the estate as a suburban place, although it is considered there is more scope to sensitively increase heights to create more homes so long as views to the trees which envelop the site are not obstructed and the</p>

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Page 140			<p>landscape character of the overall estate remains strong.</p> <p><u>3.307 Housing types, whether houses or flats, should preserve the landscape character of the estate.</u></p> <p><u>3.308 Where landscaping features allow, the creation of wider streets with width to height street proportions which enable wider and longer views should be considered.</u></p> <p><u>3.309 Redevelopment proposals should give very careful consideration as to the site layout, landscaping, building heights and street widths to ensure the unique landscape character of the estate is retained. Any proposals to increase density should demonstrate how this will not result in undermining this character.</u></p> <p><u>[New paragraph] The application of policy on building heights can consider flood risk management requirements as part of the comprehensive townscape appraisal and visual assessment used to inform these proposals. However the additional height needed to address flood risk matters (e.g. raised finished floor levels) is likely to be no more than 0.5m and localised to the centre of the site. Therefore this should not adversely affect the ability to ensure open views to the surrounding trees are retained and the parkland setting of the estate is maintained.</u></p>
MM29	EP Part 4 Design Requirem ent for Planning application	Page 174	<p>Part 4 title revised to: <u>Design requirements for planning applications Information to support planning application submissions</u></p> <p>4.1 This part of the Plan identifies aspects of design that the Council considers particularly relevant to the successful and long-lasting regeneration of the 3 estates. It gives detailed guidance to applicants on aspects of design that they will be expected to focus on in more detail to demonstrate that the Vision, Urban Design Principles and Site-Specific Policies of the Plan can be delivered. Good urban design is inherently sustainable, and the aim of the <u>design requirements guidance</u> is to deliver estates that are underpinned by good urban design principles. Examples of good design include:</p> <ul style="list-style-type: none"> • Streets designed from the outset to carry out a number of functions; • Permeable, legible street layouts, which create walkable environments that enable sustainable modes of

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Page 141			<p>transport such as walking and cycling;</p> <ul style="list-style-type: none"> • Flood mitigation and drainage measures integrated into street design. <p>These measures will help establish a long-lasting and resilient estate.</p> <p>4.2 At the outline planning application stage and as part of their masterplans, the applicant, will be expected to include as part of their application, detailed proposals for each estate on how these particular aspects of design will be addressed, based on the guidance set out in this section. This should include, but not necessarily be limited to, the specific subject areas outlined below. The following guidance lists the subject areas that must be covered to enable the delivery of the 8 policy areas for each respective estate and gives guidance on how these subjects will be expected to be addressed.</p> <p>4.3 In developing this guidance applicants should consult with residents to ensure they have a say in how their neighbourhood will be developed and help to maintain and enhance community spirit.</p> <p>4.4 Notwithstanding the requirements of the council's validation checklist the applicant will be required to provide information to address the following: <u>Applicants should provide the following information to support their planning applications within the appropriate documents required by the council's validation checklist (e.g. Design and Access Statement; Planning Statement etc.).</u></p> <p>Architecture and elevations</p> <p>4.5 <i>Set out the approach intended to guide architectural style and the design of building elevations.</i> A general approach to architectural style should be defined which allows different phases of development to have their own character. This is important in order to prevent a monotonous urban form and character. This requires setting out some common rules and this could be in the form of a more formal design code.</p> <p>4.6 The guidance should include palette of common characteristics in basic architectural features, such as materials, height and proportions, yet allows scope for individual creativity for each building and phase. This should also contain specific guidance on the appearance of elevations, notably to ensure they contain sufficient three-dimensional depth, human scale detail, visual interest and that sufficient attention to detail is</p>

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Page 142			<p>given to the design of windows, their materials, proportions and depth of reveals.</p> <p>Materials</p> <p><i>4.7 Define a general palette of materials and where they should be used on the estate and on buildings.</i> This should build on the guidance for architecture and elevations and support the visions for each estate that are complementary to their context. Criteria for the selection of building materials and components should also include a life cycle assessment and the environmental performance of materials and components, the aim being to select materials which reduce the environmental impact of the buildings and hard landscaping.</p> <p>Landscape and biodiversity</p> <p><i>4.8 Set out the landscaping principles and strategy for each estate.</i> This should build on the existing landscape characteristics of each site and detailed policy guidance indicatively, specifying planting types and species and locations. It should make reference to tree surveys of the sites and provide guidance and reasoning on their protection and integration into the new estate layout.</p> <p>[New paragraph] <u>Impact of development on Wimbledon Common and Richmond Park Special Areas of Conservation (SAC).</u> Development proposals that are likely to have a significant effect upon Wimbledon Common or Richmond Park Special Areas of Conservation are required to submit an appropriate assessment under the European Union’s Habitats Directive (92/43/ EEC). As prescribed in the Habitats Regulations Assessment for the Estates Local Plan (2016) the applicant should agree the scope and methodology of the assessment with Natural England and Merton Council. The assessment should address what potential impacts the proposal could have on a SAC, identify how any impacts can be avoided, minimised or mitigated and if the proposal will have a significant impact on the ‘site integrity’ of the SAC. The assessment should assess how the proposal meets Policy 7.19 Biodiversity and Access to Nature of the London Plan (2016), Policy CS13 Open Space, Nature Conservation, Leisure and Culture of the London Borough of Merton Core Strategy (2011) and policy DM 02 Nature Conservation, Trees, Hedges and Landscape Features of the London Borough of Merton Sites and Policies Plan (2014).</p> <p>Climate change and energy performance</p> <p><i>4.9 Clearly set out and energy strategy for each site that demonstrates the environmental improvements</i></p>

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Page 143			<p><i>achieved at each level of the Mayor's Energy Hierarchy.</i> In support of the case for regeneration the energy strategy for each estate must clearly demonstrate that developments have achieved significant environmental performance compared to existing dwellings at each site using easily comparable metrics such as energy performance (w/m2). Wherever possible available quantifiable and qualitative data comparisons should be presented.</p> <p>Flooding and drainage</p> <p>4.10 <i>Set out a strategy and plans for flood mitigation and drainage measures for all estates.</i> Based upon the findings of any required flood risk assessments, methods of mitigation should be detailed along with their location and extent where relevant.</p> <p>Internal space standards</p> <p>4.11 <i>Set out principles for adhering to National Planning Policy, London Plan and the Mayor's Housing SPG requirements on residential internal space standards.</i> The philosophy should be to design beyond the minimum space standards, not to them. The London Housing Design Guide should be used as a benchmark for good internal design standards.</p> <p>Building and dwelling layouts</p> <p>4.12 <i>Set out principles for building layouts.</i> This should include defining guidelines for the design and location of entrances, stair cores, refuse storage and in-building cycle storage. This should also address issues such as dual aspect and flexibility of living spaces. Example dwelling layouts should be shown that demonstrate how rooms use space efficiently by using regular plan forms and allow for different arrangements of furniture. Awkward shaped rooms and wasted space due to poorly positioned doors and windows for example, should be avoided.</p> <p>Cycle Parking</p> <p>4.13 <i>Set out principles for the good design and location for cycle parking.</i> Cycle parking must be well located, convenient and easy to use if people are to be encouraged to cycle. Parking should be integral to buildings and secure. It should be based on good practice as set out in TfL and Cambridge City Council guidance on</p>

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Page 144			<p>cycle parking design.</p> <p>Building to street interface</p> <p>4.14 <i>Set out principles of how buildings meet streets to manage the transition from the private to the public realm.</i> This should give clear guidance on how to create a transition zone between public and private space by the creation of ‘defensible space’, how natural surveillance will be created by maximising front doors and habitable rooms at ground floor level. This should also include reference to the design, size and content of defensible space, such as its use for bin and cycle stores, planting and personalisation. This should also include how digital services will be provided, identifying locations for communal TV aerials and satellite dishes. Individual dishes will not be permitted on elevations facing the street as they have a negative visual impact on the street scene.</p> <p>Street design characteristics</p> <p>4.15 <i>Set out principles for the design of streets.</i> This should define different street types and set out how space will be used. This should include all space between building elevations and be based on the creation of traditional, recognised street forms as linear public spaces. The provision of on-street parking should be promoted as the first-choice means of provision. It must be shown how parking will integrate with street trees, street furniture and on-kerb parking will be avoided.</p> <p>4.16 For example parked cars could be interspersed with build-outs with trees where appropriate. Build-outs also enable additional crossing points and space for landscaping on a street. A palette of surface materials and street furniture should be developed <u>that is well considered and well laid out to minimise street clutter, and includes</u> landscaping guidance. Guidance must ensure the creation of liveable, attractive streets by having street width to building height ratios that ensure taller buildings do not create oppressive environments at ground level.</p> <p>4.17 Building proportions as well as height need careful consideration. Traffic management measures must be in-built into the overall street design and not appear retrofit or distort or undermine the overall character of the street as a linear space with a movement function.</p>

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Page 145			<p>Amenity space</p> <p>4.18 <i>Set out how all amenity space is to be provided.</i> This must include adherence have regard to existing relevant standards. This should cover front and rear gardens to houses, communal and private space for flats, frontage landscaping or front gardens for blocks of flats and public open space. There should also be qualitative guidance relating to issues such as shape, usability, microclimate, sunlight/daylight, general outlook and issues of privacy and security.</p> <p>Refuse storage and collection</p> <p>4.19 <i>Identify a strategy for the design and operation of refuse storage and collection. All proposals for refuse stores must ensure they are convenient for residents and for collection, and accord with the Council's guidelines on this. Flats should have communal bin stores that are well integrated into their building. Houses must have individual bin-stores within the property boundary of each dwelling that are well designed and integrated into the front defensible space. Bin stores for houses should not form part of a communal system. The council may also consider alternative refuse collection methods, such as subterranean street-based refuse bins. Such systems must be convenient for residents and collection as well as being seamlessly and unobtrusively integrated into the townscape.</i></p> <p>Servicing and deliveries</p> <p>4.20 <i>Develop a strategy for the management of servicing and deliveries.</i> Increased density combined with evolving retail trends will create an increased level of demand for servicing and deliveries. Proposals should investigate a range of traditional and innovative methods of addressing and managing servicing needs that aim to minimise trip generation and parking requirements</p> <p>Maintenance and management</p> <p>4.24 <i>Develop a strategy for the management and maintenance of communal spaces.</i> Well maintained communal spaces particularly green open spaces create a sense of community and wellbeing. Ongoing maintenance of internal and external communal spaces should inform the design of places, space should be designed from the outset to minimise the need for maintenance however not to the detriment of design quality. Shared or communal areas must have robust management structures that deliver a secure,</p>

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			<p>supportive and safe environment and provide for management and maintenance activities including the cleaning of common parts, maintenance of lifts, upkeep of soft and hard landscaping, management of parking to favour residents.</p> <p>4.22 The strategy should clearly set out how maintenance will be funded taking into consideration a fair and reasonable service charge. Maintenance of the public realm should include strategies for hard and soft landscape features, green open space, trees, play areas and sports facilities where applicable. The strategy should address resident’s responses to the Estates Local Plan consultation in which they asked about how the estate would be managed in future with particular emphasis on the maintenance of streets and the management of car parking to ensure dedicated parking spaces for residents’ use.</p>

APPENDIX 4: Statutory development Plan policies relevant to each ELP policy

MM30	Estates Local Plan	London Plan	Core Planning Strategy	Sites and Policies Plan
Page 147	<u>OEP1 - Vision</u>	<u>1.1 - Delivering the strategic vision and objectives for London</u> <u>2.3 - Growth areas and co-ordination corridors</u> <u>2.5 - Sub-regions</u> <u>2.6 - Outer London: Vision and strategy</u> <u>3.1 - Ensuring equal life chances for all</u> <u>3.5 - Quality and design of housing developments</u>	<u>1.1 Delivering the strategic vision and objectives for London</u> <u>2.3 - Growth areas and co-ordination corridors</u> <u>2.5 - Sub-regions</u> <u>3.5 - Quality and design of housing developments</u>	
	<u>OEP2 - Strategy</u>	<u>1.1 - Delivering the strategic vision and objectives for London</u> <u>2.3 - Growth areas and co-ordination corridors</u> <u>2.5 - Sub-regions</u> <u>2.6 - Outer London: Vision and Strategy</u> <u>2.8 - Outer London: Transport</u> <u>3.1 - Ensuring equal life chances for all</u> <u>3.2 - Improving health and addressing health inequalities</u> <u>3.3 - Increasing housing supply</u> <u>3.4 - Optimising housing potential</u> <u>3.5 - Quality and design of housing developments</u>	<u>CS9 - Housing Provision</u> <u>CS11 - Infrastructure</u>	
	<u>OEP3 - Urban design</u>	<u>1.1 - Delivering the strategic vision and objectives for London</u> <u>2.3 - Growth areas and co-ordination</u>	<u>CS14 - Design</u>	<u>DM D1 – Urban Design and Public Realm</u>

MM30	Estates Local Plan	London Plan	Core Planning Strategy	Sites and Policies Plan
	<u>principles</u>	<u>corridors</u> <u>2.5 - Sub-regions</u> <u>3.5 - Quality and design of housing developments</u> <u>7.2 – An Inclusive Environment</u> <u>7.8 – Heritage assets and Archaeology</u>		<u>DM D4 – Managing Heritage Assets</u>
	<u>Eastfields General</u>		<u>CS2 - Mitcham Sub Area</u>	<u>DM H2 - Housing Mix</u> <u>DM H3 - Support for Affordable Housing</u> <u>DM H1 - Supported Care Housing For Vulnerable People or Secure Residential Institutions For People Housed As Part Of The Criminal Justice System.</u>
	<u>EP E1 Townscape</u>	<u>3.5 - Quality and Design of Housing Developments</u> <u>3.7 - Large Residential Developments</u>		
	<u>EP E2 Street Network</u>	<u>6.9 - Cycling</u> <u>6.10 - Walking</u> <u>6.12 - Road Network</u> <u>6.13 - Parking</u>		
	<u>EP E3 Movement and Access</u>	<u>2.8 - Outer London: Transport</u> <u>6.3 - Assessing Effects of Development on Transport Capacity</u> <u>6.9 - Cycling</u> <u>6.10 - Walking</u> <u>6.12 - Road Network Capacity</u> <u>6.13 - Parking</u> <u>7.15 - Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting</u>	<u>CS18 - Active Transport</u> <u>CS19 - Public Transport</u> <u>CS20 - Parking Servicing and Delivery</u>	<u>DM T1 - Support for Sustainable Transport and Active Travel</u> <u>DM T2 - Transport Impacts of Development</u> <u>DM T3 - Car Parking and Servicing Standards</u> <u>DM T4 - Transport Infrastructure</u> <u>DM T5 - Access to the Road Network</u> <u>DM EP2 - Reducing and Mitigating Noise</u> <u>DM EP4 - Pollutants Transport</u>

MM30	Estates Local Plan	London Plan	Core Planning Strategy	Sites and Policies Plan
		<u>Soundscapes</u>		<u>Proposals - 01TN, 22TN and 18TN</u>
	<u>EP E4 Land Use</u>	<u>3.3 - Increasing Housing Supply</u> <u>3.4 - Optimising Housing Potential</u> <u>3.5 - Quality and Design of Housing Developments</u> <u>3.7 - Large Residential Developments</u> <u>3.8 - Housing Choice</u> <u>3.10 - Definition of Affordable Housing</u> <u>3.11 - Affordable Housing Targets</u> <u>3.12 - Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes</u> <u>3.13 - Affordable Housing Thresholds</u> <u>3.14 - Existing Housing</u> <u>3.15 - Coordination of Housing Development and Investment</u> <u>Housing SPG (2016)</u> <u>Affordable Housing and Viability (2016)</u> <u>Character and Context SPG (2014)</u>	<u>CS2 - Mitcham Sub Area</u> <u>CS8 - Housing Choice</u> <u>CS9 - Housing Provision</u> <u>CS14 - Design</u>	
	<u>EP E5 Open Space</u>	<u>3.2 - Improving Health and Addressing Health Inequalities</u> <u>3.6 - Children and Young Peoples Plan and Informal Recreation Facilities</u> <u>3.9 - Mixed and Balanced Communities</u> <u>3.16 - Protection and Enhancement of Social Infrastructure</u> <u>3.17 - Health and Social Care Facilities</u> <u>3.18 - Educational Facilities</u> <u>3.19 - Sports Facilities</u> <u>5.10 - Urban Greening Policy</u>	<u>CS11 - Infrastructure</u> <u>CS13 - Open Space, Nature Conservation, Leisure and Culture</u>	<u>DM O1 - Open Space</u> <u>DM O2 - Nature Conservation and Leisure</u> <u>DM C1 - Community Facilities</u> <u>DM C2 - Education for Children and Young People</u>

MM30	Estates Local Plan	London Plan	Core Planning Strategy	Sites and Policies Plan
		<u>7.17 - Metropolitan Open Land</u> <u>7.18 - Protecting Open Space and Addressing Deficiency</u> <u>7.19 - Biodiversity and Access to Nature</u> <u>Shaping Neighbourhoods: Play and Informal Recreation SPG (2012)</u>		
	<u>EP E6 Environmental Protection</u>	<u>5.1 - Climate Change Mitigation</u> <u>5.2 - Minimising Carbon Dioxide Emissions</u> <u>5.3 - Sustainable Design and Construction</u> <u>5.6 - Decentralised Energy in Development Proposals</u> <u>5.7 - Renewable Energy</u> <u>5.9 - Overheating and Cooling</u> <u>5.11- Green Roofs and Development Site Environs</u> <u>5.12 - Flood Risk Management</u> <u>5.13 - Sustainable Drainage</u> <u>5.14 - Water Quality and Wastewater Infrastructure</u> <u>5.15 - Water Use and Supplies</u> <u>5.18 - Construction, Excavation and Demolition Waste</u> <u>5.21 - Land Contamination</u> <u>7.14 - Improving Air Quality</u> <u>7.15 - Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes</u> <u>Sustainable Design and Construction SPG (2014)</u>	<u>CS11 - Infrastructure Policy</u> <u>CS15 - Climate Change</u> <u>CS16 - Flood Risk Management</u> <u>CS17 - Waste Management</u>	<u>DM EP1 - Opportunities for Decentralised Energy Networks</u> <u>DM H4 - Demolition and Redevelopment of a Single Dwelling House</u> <u>DM F1 - Support for Flood Risk Management</u> <u>DM F2 - Sustainable Urban Drainage Systems (SUDS) and Wastewater and Water Infrastructure</u> <u>DM EP2 - Reducing Mitigating Against Noise</u> <u>DM EP3 - Allowable Solutions</u> <u>DM EP4 - Pollutants (Air, Land, Contamination, Water)</u>

MM30	Estates Local Plan	London Plan	Core Planning Strategy	Sites and Policies Plan
	<u>EP E7 Landscape</u>	5.10 - Urban Greening Policy 7.5 - Public Realm 7.8 - Heritage Assets and Archaeology		
	<u>EP E8 Building Heights</u>	7.1 - Lifetime Neighbourhoods 7.2 - An Inclusive Environment 7.3 - Designing Out Crime 7.6 - Architecture 7.7 - Location and Design of Tall and Large Development 7.8 - Heritage Assets and Archaeology 7.13 - Safety, Security and Resilience to Emergency London Plan Table 3.2 Density and Table 3.3 Housing Standards Interim London Housing Design Guide (2010) Housing SPG (2016)	CS14 - Design	DM D1 - Urban Design and Public Realm DM D2 - Design Considerations in All Developments DM D3 - Alterations to Existing Buildings DM D4 - Managing Heritage Assets DM D7 - Shop Front Design and Signage
	<u>High Path General</u>	2.6 - Outer London Vision and Strategy 2.13 - Opportunity Areas and Intensification Areas. Town Centres (SPG 2014) South Wimbledon/ Colliers Wood designated in London Plan as an AFI	CS1 - Colliers Wood / South Wimbledon Sub Area	
	<u>EP H1 Townscape</u>	3.5 - Quality and Design of Housing Developments	CS1 - Colliers Wood / South Wimbledon Sub Area	

MM30	Estates Local Plan	London Plan	Core Planning Strategy	Sites and Policies Plan
		<u>3.7 - Large Residential Developments</u>		
	<u>EP H2 Street Network</u>	6.9 - Cycling 6.10 - Walking 6.12 - Road Network 6.13 - Parking		
	<u>EP H3 Movement and Access</u>	2.8 - Outer London: Transport 6.3 - Assessing Effects of Development on Transport Capacity 6.9 - Cycling 6.10 - Walking 6.13 - Parking 6.12 - Road Network Capacity 7.15 - Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Soundscapes	CS18 - Active Transport CS19 - Public Transport CS20 - Parking Servicing and Delivery	DM T1 - Support for Sustainable Transport and Active Travel DM T2 - Transport Impacts of Development DM T3 - Car Parking and Servicing Standards DM T4 - Transport Infrastructure DM T5 - Access to the Road Network DM EP2 - Reducing and Mitigating Noise DM EP4 - Pollutants Transport Proposals - 01TN, 22TN and 18TN
	<u>EP H4 Land Use</u>	3.3 - Increasing Housing Supply 3.4 - Optimising Housing Potential 3.5 - Quality and Design of Housing Developments 3.7 - Large Residential Developments 3.8 - Housing Choice 3.10 - Definition of Affordable Housing 3.11 - Affordable Housing Targets 3.12 - Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes 3.13 - Affordable Housing Thresholds 3.14 - Existing Housing 3.15 - Coordination of Housing Development and Investment Housing SPG (2016)	CS2 - Mitcham Sub Area CS8 - Housing Choice CS9 - Housing Provision CS14 - Design	

MM30	Estates Local Plan	London Plan	Core Planning Strategy	Sites and Policies Plan
		<u>Affordable Housing and Viability (2016)</u> <u>Character and Context SPG (2014)</u>		
	<u>EP H5 Open Space</u>	<u>3.2 - Improving Health and Addressing Health Inequalities</u> <u>3.6 - Children and Young Peoples Plan and Informal Recreation Facilities</u> <u>3.9 - Mixed and Balanced Communities</u> <u>3.16 - Protection and Enhancement of Social Infrastructure</u> <u>3.17 - Health and Social Care Facilities</u> <u>3.18 - Educational Facilities</u> <u>3.19 - Sports Facilities</u> <u>5.10 - Urban Greening Policy</u> <u>7.17 - Metropolitan Open Land</u> <u>7.18 - Protecting Open Space and Addressing Deficiency</u> <u>7.19 - Biodiversity and Access to Nature</u> <u>Shaping Neighbourhoods: Play and Informal Recreation SPG (2012)</u>	<u>CS11 - Infrastructure Policies</u> <u>CS13 - Open Space, Nature Conservation, Leisure and Culture</u>	<u>DM O1 - Open Space</u> <u>DM O2 - Nature Conservation and Leisure</u> <u>DM C1 - Community Facilities</u> <u>DM C2 - Education for Children and Young People</u>
	<u>EP H6 Environmental Protection</u>	<u>5.1 - Climate Change Mitigation</u> <u>5.2 - Minimising Carbon Dioxide Emissions</u> <u>5.3 - Sustainable Design and Construction</u> <u>5.6 - Decentralised Energy in Development Proposals</u> <u>5.7 - Renewable Energy</u> <u>5.9 - Overheating and Cooling</u> <u>5.11 - Green Roofs and Development Site Environs</u>	<u>CS11 - Infrastructure Policy</u> <u>CS15 - Climate Change</u> <u>CS16 - Flood Risk Management</u> <u>CS17 - Waste Management</u>	<u>DM EP1 - Opportunities for Decentralised Energy Networks</u> <u>DM EP2 - Reducing and Mitigating Noise</u> <u>DM EP3 - Allowable Solutions</u> <u>DM EP4 - Pollutants (Air, Land, Contamination, Water)</u> <u>DM H4 - Demolition and Redevelopment of a Single Dwelling House</u> <u>DM F1 - Support for Flood Risk</u>

MM30	Estates Local Plan	London Plan	Core Planning Strategy	Sites and Policies Plan
		<u>5.12 - Flood Risk Management</u> <u>5.13 - Sustainable Drainage</u> <u>5.14 - Water Quality and Wastewater Infrastructure</u> <u>5.15 - Water Use and Supplies</u> <u>5.18 - Construction, Excavation and Demolition Waste</u> <u>5.21 - Land Contamination</u> <u>7.14 - Improving Air Quality</u> <u>7.15 - Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes</u> <u>Sustainable Design and Construction SPG (2014)</u>		<u>Management</u> <u>DM F2 - Sustainable Urban Drainage Systems (SUDS) and Wastewater and Water Infrastructure</u>
	<u>EP H7</u> <u>Landscape</u>	<u>5.10 - Urban Greening Policy</u> <u>7.5 - Public Realm</u> <u>7.8 - Heritage Assets and Archaeology</u>		
	<u>EP H8</u> <u>Building</u> <u>Heights</u>	<u>7.1 - Lifetime Neighbourhoods</u> <u>7.2 - An Inclusive Environment</u> <u>7.3 - Designing Out Crime</u> <u>7.6 - Architecture</u> <u>7.7 - Location and Design of Tall and Large Development</u> <u>7.8 - Heritage Assets and Archaeology</u> <u>7.13 - Safety, Security and Resilience to Emergency.</u> <u>London Plan Table 3.2 Density and</u>	<u>CS14 - Design</u>	<u>DM D1 - Urban Design and Public Realm</u> <u>DM D2 - Design Considerations in All Developments</u> <u>DM D3 - Alterations to Existing Buildings</u> <u>DM D4 - Managing Heritage Assets</u> <u>DM D7 - Shop Front Design and Signage</u>

MM30	Estates Local Plan	London Plan	Core Planning Strategy	Sites and Policies Plan
		<u>Table 3.3 Housing Standards Interim London Housing Design Guide (2010)</u> <u>Housing SPG (2016)</u>		
	<u>Ravensbury General</u>		<u>CS3 - Morden Sub Area</u>	
	<u>EP R1 Townscape</u>	3.5 - <u>Quality and Design of Housing Developments</u> 3.7 - <u>Large Residential Developments</u>		
	<u>EP R2 Street Network</u>	6.9 - <u>Cycling</u> 6.10 - <u>Walking</u> 6.12 - <u>Road Network</u> 6.13 - <u>Parking</u>		
	<u>EP R3 Movement and Access</u>	2.8 - <u>Outer London: Transport</u> 6.3 - <u>Assessing Effects of Development on Transport Capacity</u> 6.9 - <u>Cycling</u> 6.10 - <u>Walking</u> 6.12 - <u>Road Network Capacity</u> 6.13 - <u>Parking</u> 7.15 - <u>Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Soundscapes</u>		<u>DM T1 - Support for Sustainable Transport and Active Travel</u> <u>DM T2 - Transport Impacts of Development</u> <u>DM T3 - Car Parking and Servicing Standards</u> <u>DM T4 - Transport Infrastructure</u> <u>DM T5 - Access to the Road Network</u> <u>DM EP2 - Reducing and Mitigating Noise</u> <u>DM EP4 - Pollutants Transport Proposals - 01TN, 22TN and 18TN</u>
	<u>EP R4 Land Use</u>	3.3 - <u>Increasing Housing Supply</u> 3.4 - <u>Optimising Housing Potential</u> 3.5 - <u>Quality and Design of Housing Developments</u> 3.7 - <u>Large Residential Developments</u> 3.8 - <u>Housing Choice</u> 3.10 - <u>Definition of Affordable</u>	<u>CS3 - Morden Sub Area</u>	<u>DM D3 - Alterations To Extensions To Existing Buildings</u>

MM30	Estates Local Plan	London Plan	Core Planning Strategy	Sites and Policies Plan
		<u>Housing</u> <u>3.11 - Affordable Housing Targets</u> <u>3.12 - Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes</u> <u>3.13 - Affordable Housing Thresholds</u> <u>3.14 - Existing Housing</u> <u>3.15 - Coordination of Housing Development and Investment</u> <u>Housing SPG (2016)</u> <u>Affordable Housing and Viability (2016)</u> <u>Character and Context SPG (2014)</u>		
	EP R5 Open Space	<u>3.2 - Improving Health and Addressing Health Inequalities</u> <u>3.6 - Children and Young Peoples Plan and Informal Recreation Facilities</u> <u>3.9 - Mixed and Balanced Communities</u> <u>3.16 - Protection and Enhancement of Social Infrastructure</u> <u>3.17 - Health and Social Care Facilities</u> <u>3.18 - Educational Facilities</u> <u>3.19 - Sports Facilities</u> <u>5.10 - Urban Greening Policy</u> <u>7.17 - Metropolitan Open Land</u> <u>7.18 - Protecting Open Space and Addressing Deficiency</u> <u>7.19 - Biodiversity and Access to Nature.</u> <u>Shaping Neighbourhoods: Play and Informal Recreation SPG (2012)</u>	<u>CS11 - Infrastructure Policies</u> <u>CS13 - Open Space, Nature Conservation, Leisure and Culture</u>	<u>DM O1 - Open Space</u> <u>DM O2 - Nature Conservation and Leisure</u> <u>DM C1 - Community Facilities</u> <u>DM C2 - Education for Children and Young People</u>
	EP R6	5.1 - Climate Change Mitigation	CS11 - Infrastructure Policy	DM - EP1 Opportunities for

MM30	Estates Local Plan	London Plan	Core Planning Strategy	Sites and Policies Plan
	<u>Environmental Protection</u>	<u>5.2 - Minimising Carbon Dioxide Emissions</u> <u>5.3 - Sustainable Design and Construction</u> <u>5.6 - Decentralised Energy in Development Proposals</u> <u>5.7 - Renewable Energy</u> <u>5.9 - Overheating and Cooling</u> <u>5.11 - Green Roofs and Development Site Environs</u> <u>5.12 - Flood Risk Management</u> <u>5.13 - Sustainable Drainage</u> <u>5.14 - Water Quality and Wastewater Infrastructure</u> <u>5.15 - Water Use and Supplies</u> <u>5.18 - Construction, Excavation and Demolition Waste</u> <u>5.21 - Land Contamination</u> <u>7.14 - Improving Air Quality</u> <u>7.15 - Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes</u> <u>Sustainable Design and Construction SPG (2014)</u>	<u>CS15 - Climate Change</u> <u>CS16 - Flood Risk Management</u> <u>CS17 - Waste Management</u>	<u>Decentralised Energy Networks</u> <u>DM - EP2 - Reducing and Mitigating Noise</u> <u>DM - EP3 Allowable Solutions</u> <u>DM - EP4 - Pollutants (Air, Land, Contamination, Water)</u> <u>DM - H4 Demolition and Redevelopment of a Single Dwelling House</u> <u>DM - F1 Support for Flood Risk Management</u> <u>DM - F2 Sustainable Urban Drainage Systems (SUDS) and Wastewater and Water Infrastructure</u>
	<u>EP R7 Landscape</u>	<u>5.10 - Urban Greening Policy</u> <u>7.5 - Public Realm</u> <u>7.8 - Heritage Assets and Archaeology</u>		
	<u>EP R8 Building Heights</u>	<u>7.1 - Lifetime Neighbourhoods</u> <u>7.2 - An Inclusive Environment</u> <u>7.3 - Designing Out Crime</u> <u>7.6 - Architecture</u> <u>7.7 - Location and Design of Tall and Large Development</u>	<u>CS14 - Design</u>	<u>DM D1 - Urban Design and Public Realm</u> <u>DM D2 - Design Considerations in All Developments</u> <u>DM D3 - Alterations to Existing Buildings</u>

MM30	Estates Local Plan	London Plan	Core Planning Strategy	Sites and Policies Plan
		<u>7.8 - Heritage Assets and Archaeology</u> <u>7.13 - Safety, Security and Resilience to Emergency</u> <u>London Plan Table 3.2 Density and Table 3.3 Housing Standards, Interim London Housing Design Guide (2010)</u> <u>Housing SPG (2016)</u>		<u>DM D4 - Managing Heritage Assets</u> <u>DM D7 - Shop Front Design and Signage</u>

Committee: Council

Date: 07 February 2018

Wards: Abbey, Figges Marsh, Ravensbury.

Subject: Delivering Clarion Housing Regeneration project: In Principle Use of Compulsory Purchase Powers

Lead officer: James McGinley, Assistant Director for Sustainable Communities.

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

Contact officers: Paul McGarry, Head of Future Merton

Recommendations:

That full council supports the following:

- A The considerable work already underway to support the regeneration of Eastfields, High Path and Ravensbury estates; attracting £1bn investment in Merton, creating much needed new homes and jobs.
- B Agree in principle that the council exercises its compulsory purchase powers to support the delivery of the Merton Estates Regeneration Programme and the objectives of Merton's Estates Local Plan to acquire the land as required within the areas described in this report and shown edged red on the plans attached at Annex 1 of this report.
- C That Council Officers in conjunction with Clarion Housing Group (Clarion) begin preparatory work for the compulsory purchase which would include specific land interests to be acquired so that Clarion can deliver the regeneration of the Eastfields, High Path and Ravensbury Estates.
- D That Personna Associates land referencing agents are appointed by Clarion who will be responsible for the costs of that appointment and serve requisitions on landowners who will declare their land interests.
- E That Council Officers commence the preparation of all documents required to support the CPO process including preparation of the necessary statements of reasons and the requisite statutory notices.
- F That the Council and Clarion enter into a Compulsory Purchase Order Indemnity Agreement under which Clarion will indemnify the Council against all the costs and expenses involved in making the CPO including the acquisition costs of the properties and the compensation due to Landowners.
- G That a financial allocation may be required for the council's Capital Programme from 2018-19 onwards deliver this approach. Any financial allocation would be considered by the

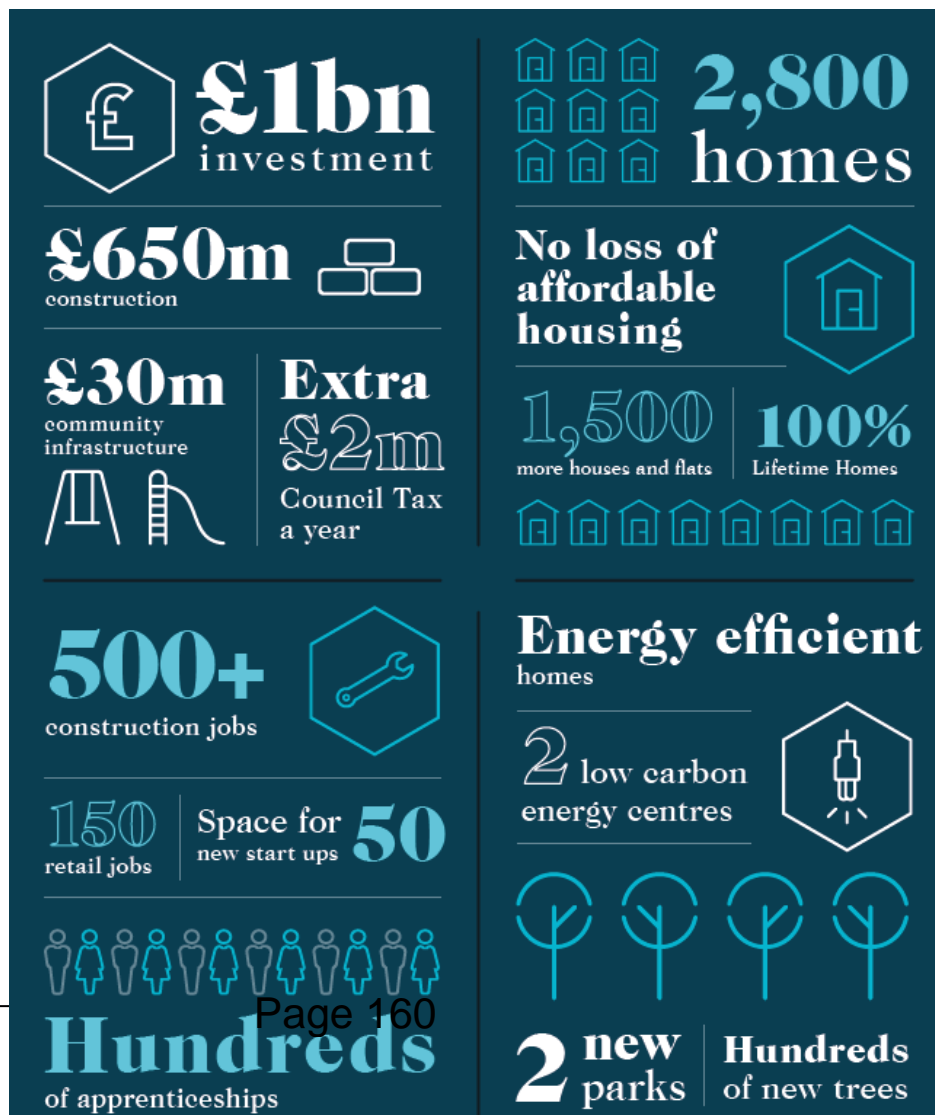
council's financial approval process nearer the time under the council's Constitution and would be fully indemnified by Clarion Housing Group as set out in Recommendation F.

H That Officers agree the joint appointment of Leading Counsel with Clarion Housing Group and the appointment of Leading Counsel to provide advice to the Council, if necessary.

To note

Compulsory acquisition of land is only a last resort where negotiations have broken down but is likely to be necessary in some cases so that the Merton Estates Regeneration Programme can be delivered and achieve the following:

- Comprehensive regeneration of two housing estates (Eastfield and High Path) and partial regeneration of another (Ravensbury);
- a significant contribution towards creating new homes within Merton over the coming years;
- the replacement of poor quality and outdated housing stock with modern, high quality fit for purpose accommodation;
- creation of new and distinct characterful neighbourhoods with public spaces, amenities and commercial and retail opportunities;
- economic and employment benefits for the Council by providing the following benefits:



Officers, supported by professional legal advice are of the view that a compelling case in the public interest can be demonstrated from the desirability of implementing the Merton Estate Regeneration Programme for the following reasons:

- Regeneration of three housing estates;
- The enabling effect of the Merton Estate Regeneration Programme in allowing the smaller estates of Ravensbury and Eastfields (the Estates) to be regenerated as part of a comprehensive programme;
- Significant increase in the supply of dwellings in the borough;
- Replacement of poor quality, and in some cases defective housing stock with modern homes that meet high standards of accommodation in accordance with Policy;
- Economic, skills and employment benefits;
- Strong planning policy support for the Merton Estate Regeneration Programme;
- The ability for the Council to ensure high quality redevelopments of the Estates through the planning process due to the implementation of Merton's Estates Local Plan;
- A strong residents' offer has been made, based on on-going community engagement that treats residents fairly and ensures communities within the Estates can remain consistent and cohesive after the regenerations;

All necessary expenditure associated with such preparatory work (including legal fees, consultants' fees and any other investigative work or research) will be funded by Clarion Housing Group.

Subject to Council's approval of this report, a further report will come forward to councillors in 2018 recommending the making of one or more compulsory purchase orders.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1 The purpose of this report is to request that Full Council pass a resolution to agree, **in principle**, to use its compulsory purchase powers for acquisition of land necessary for the delivery of the Council's Estates Local Plan and the Merton Estates Regeneration Project. At their meeting on 15 January 2018, Cabinet resolved to recommend that full council support all the recommendations (A-H) above.

1.2 This report is coming forward now following the successful examination in public of the Estates Local Plan by the Planning Inspector appointed by the Secretary of State. The Estates Local Plan has been subject to extensive consultation and a post-examination consultation on change. The Inspector provided his final report in December 2017

Adoption of the Estates Local Plan is the subject of a separate report to Full Council at this meeting

1.3 Council officers now seek authority to begin preparatory and planning work to use its compulsory purchase powers (should they be required) for all the land interests not yet in the ownership or control of Clarion Housing Group within the Merton Estate Regeneration Programme area.

1.4 This **in principle** decision will be followed by further formal requests to Cabinet and Council to resolve to make and serve future Compulsory Purchase Orders (CPOs) **only once the following conditions have been reached:**

- The Estates Local Plan has been adopted by a resolution of full council;
- A resolution to grant planning permission has been made for the relevant planning permissions;
- An approach has been made to all landowners with a view to acquiring the land voluntarily and voluntary acquisition negotiations have not been successful in all cases;
- A detailed statement of reasons setting out the justification of any CPO(s) has been prepared; and is agreed by the council; and
- A CPO indemnity agreement has been duly executed between the Council and Clarion Housing Group to cover all LBM costs throughout the process

1.5 If recommended, the Council would agree the in principle justification to exercise its use of compulsory purchase powers on those interests in land within the red line areas as illustrated at Annex 1 and where it has not been possible, despite reasonable efforts being made, to acquire the land voluntarily by negotiation.

1.6 Passing an **in principle** resolution would facilitate negotiations as landowners would understand that the Council has the means to progress the Merton Estates Regeneration Project. If a voluntary acquisition could not be achieved in a reasonable timescale for all properties, compulsory powers would be used. The resolution will demonstrate the Council's commitment to the project and will provide certainty in negotiations with landowners. Passing this resolution provides certainty to the delivery of the council's Estates Local Plan and the Clarion Merton Estate Regeneration Programme design and construction programme.

2 DETAILS

Background to the Merton Estates Regeneration Programme

2.1 Large scale regeneration especially the larger housing estates, has been pursued by the Council over many years and through many policy evolutions. The ambitions for more and improved housing, enhancements to the quality of people's homes and environment, better transport and employment across the borough have been reflected in numerous strategies for planning, housing and the economy.

- 2.2 A key element of the Council's Core Planning Strategy and Housing Strategies is to increase the housing stock and improve access to appropriate sized homes and develop access to affordable and intermediate housing. The Merton Estate Regeneration Programme directly reflects these objectives and the Council's support for these objectives is set out in the Estates Local Plan..
- 2.3 When Clarion acquired responsibility for all of the Council's housing stock, they committed to improve the accommodation to improve the quality of life for residents. However, in working towards this goal, stock condition surveys identified that significant refurbishment and maintenance work as well as financial investment was required. Clarion therefore began a comprehensive review across all the estates to determine whether refurbishment was viable or whether it might be more beneficial and sustainable to replace homes in the poorest condition with new properties.
- 2.4 The outcomes of detailed analyses are that three existing housing estates **High Path** (Abbey), **Ravensbury** (Ravensbury) and **Eastfields** (Figges Marsh), together known in this report as the **Estates** had the most viable regeneration potential.
- 2.5 Since the summer of 2013, Clarion Housing Group and its predecessor Circle Housing Merton Priory has been consulting and engaging with residents and homeowners on the High Path, Eastfields and Ravensbury Estates about the possibility of regeneration.
- 2.6 In July 2014 Merton Council took the in principle decision to explore regeneration via the production of an Estates Local Plan in consultation with residents, the Greater London Authority, the Developer, Transport for London and other interested parties. As well as engagement, the Council has analysed the evidence carried out by Clarion to support the case for regeneration.
- 2.7 In September 2014 the Council and Clarion signed 'Ten Commitments' to ensure residents remain at the heart of decision-making. The Council has concluded that the regeneration of the Estates should be supported.
- 2.8 In January 2016, the Council resolved to consult on the draft Estates Local Plan and also resolved to finalise a revised delivery timetable for the implementation of the Decent Homes Programme on the High Path, Eastfields and Ravensbury Estates with Clarion.
- 2.9 The Council then undertook to prepare and consult on the Estates Local Plan to guide and support the regeneration of the three neighbourhoods. The council resolved to submit Merton's Estates Local Plan to the Secretary of State in March 2017; it has been examined in public by an independent planning inspector and the Inspector published his final report on 18 December 2018.
- 2.10 Over a period of 10-15 years, the Merton Estate Regeneration Programme will provide up to 2,700 new homes, including the provision of modern homes for many existing residents; Clarion tenants and resident leaseholders and freeholders. The Merton Estate Regeneration Programme will be brought forward primarily under three separate planning permissions, one for each Estate, with each of the areas to be developed in phases.
- 2.11 There will be no loss of social/ affordable housing and the number of social/ affordable bed-spaces provided will increase as Clarion addresses historic overcrowding in the three neighbourhoods when rehousing the existing social/ affordable tenants based on needs plus one.

- 2.12 All existing Clarion social /affordable tenure tenants and resident homeowners will be able to stay in new homes in the new neighbourhoods if they choose to. This is in line with the Clarion Residents' Offer published in May 2015 following consideration by Cabinet in April 2015 (the **Residents' Offer**).
- 2.13 Clarion already owns over 70% of the homes across the three regeneration areas. Clarion needs to acquire all of the remaining leasehold and freehold interests within the regeneration areas to deliver the regeneration programme and since May 2015 they have been negotiating with homeowners to acquire the remaining properties under the terms of Clarion's Residents Offer.
- 2.14 The terms of Clarion's Residents Offer offers replacement homes to leaseholders and freeholders. Clarion expects that the majority of the homeowners who qualify for a replacement home will accept this offer.
- 2.15 To date, 102 homeowners have voluntarily sold their long leases or freehold interests to Clarion. There are a number of resident and non-resident homeowners and who may not wish to sell voluntarily and will only sell their property once a compulsory purchase order is in place.

3 **CONSULTATION UNDERTAKEN**

The table below shows the timeline of the consultation undertaken and the decisions taken to date:

London Borough of Merton	Date	Clarion
Cabinet report (for information only) – November 2013	2013	Initial resident consultation on possible regeneration Summer 2013
Council decision to explore regeneration - July 2014 Estates Local Plan – Issues and Options consultation Sept-Nov 2014	2014	Appointment of master-planning architects March 2014
Preparation of draft Estates Local Plan November report to Cabinet	2015	Masterplan developed in consultation with residents 2014-2015 Residents offer published May 2015 MES market research survey Summer 2015
Draft Estates Local Plan consultation Feb-March 2016 November report to Council recommending submission to the Secretary of State Draft Estates Local Plan pre-submission publication Dec 2016 – Feb 2017	2016	

<p>Estates Local Plan submission to planning inspector – March 2017 Phase 1 planning consent Ravensbury - May 2017 Examination July 2017 Phase 1 planning consent High Path - Oct 2017 Main modifications and consultation Sept – Nov 2017 Inspector’s final report received Dec 2017</p>	<p>2017</p>	<p>Clarion Board confirm decision to submit three outline planning applications March 2017</p> <p>Submission of outline planning applications</p>
<p>Council considers adoption of the Estates Local Plan and this report</p>	<p>2018</p>	<p>Decision on outline planning applications</p>

Clarions consultation approach:

- 3.1 Clarion states that their approach to consultation is inclusive and resident focussed. Clarion recognises that not everyone will want or be able to attend consultation events and that some residents may prefer to have a face to face conversation with our local regeneration manager. Clarion have a dedicated regeneration manager for each of the three estates. The regeneration managers arrange for translation and interpretation of information about regeneration. They also liaise with family members and support workers where necessary and ensure that information is available to all residents, homeowners and stakeholders.
- 3.2 In 2014/15 Clarion engaged Newman Francis as an independent resident advisor to support the master-planning and residents offer consultation. Open Cities, specialists in architecture and design education ran a series of workshops for residents in 2016/17 to help them to understand the design process, these were very well received by the participants.
- 3.3 When holding consultation events Clarion arrange events on Saturday daytime and weekday evenings repeating events so that as many residents and stakeholders as possible have the opportunity to attend. Clarion always offer to meet residents in their homes if that is what they need or prefer.
- 3.4 **High Path consultation:**
- 3.5 Between July and August 2013 Clarion initiated consultation with residents and stakeholders on the possibility of regeneration. In all 371 individuals attended the seven events, all residents were ‘door knocked’ and all absentee homeowners were contacted by letter and, wherever possible, in person either face-to-face or by telephone. Almost all residents and homeowners were spoken to in person.
- 3.6 Following the decision to proceed with master-planning for High Path a further seven events were held between June and August 2014. Two specific coffee morning for older residents were held and 27 older residents attended. Three site visits were organised and 45 residents had the opportunity to visit other regeneration projects elsewhere in London and the south east..

- 3.7 In September and October 2014 Clarion held two drop in sessions for residents to raise issues concerns or make comments about the regeneration proposal. 21 residents attended these events. In October 2014 178 residents attended events to see the first draft of the High path masterplan.
- 3.8 Between November 2014 and March 2015 Clarion consulted on the residents offer, including the rehousing and financial offer to homeowners. 162 homeowners attended these events.
- 3.9 The launch of the residents offer in May /June 2015 was marked with three consultation events attended by 224 residents. Copies of the residents were hand delivered to resident homeowners and posted to non-resident homeowners.
- 3.10 Events to consult on the new homes were held during January 2016, 197 residents attended these events.
- 3.11 In May 2016 a specific consultation event was held for the residents of Rodney Place, the closest neighbours to the first phase on High Path. 13 residents from Rodney Place attended that event.
- 3.12 Between May and September 2016 six further events and exhibitions were held to consult on the new homes, at total of 343 residents attended those events. In November and December 2016 Clarion held two masterplan events attended by 76 residents and stakeholder.
- 3.13 In September and October 2017 shortly before the submission of masterplan applications Clarion held a series of three further information events attended by 128 residents and stakeholders

Ravensbury consultation:

- 3.14 Between July and August 2013 Clarion initiated consultation with residents and stakeholders on the possibility of regeneration. In all 244 individuals attended the seven events, all residents were 'door knocked' and all absentee homeowners were contacted by letter and, wherever possible, in person either face-to-face or by telephone. Almost all residents and homeowners were spoken to in person.
- 3.15 Following the decision to proceed with master-planning for Ravensbury a further six events were held between June and October 2014. Two estate wide drop in events were held and 63 residents attended. Two site visits were organised and 10 residents had the opportunity to visit other regeneration projects elsewhere in London and the SE. Estate walkabouts with the architects and an older person's focus group were also held and attended by 8 and 6 residents respectively.
- 3.16 Between November 2014 and March 2015 Clarion consulted on the draft masterplan and the residents offer, including the rehousing and financial offer to homeowners. 129 homeowners attended these events.
- 3.17 The launch of the residents offer in May /June 2015 was marked with three consultation events attended by 105 residents. Copies of the residents were hand delivered to resident homeowners and posted to non-resident homeowners.

- 3.18 Events to consult on the new homes were held during January 2016, 103 residents attended these events.
- 3.19 In May 2016 a specific consultation event was held to discuss the implications on estate parking during the construction of the first phase of housebuilding, 28 residents attended these events.
- 3.20 In November 2016 a masterplan final exhibitions were held, 52 residents attended.

Eastfields consultation:

- 3.21 Between July and August 2013 Clarion initiated consultation with residents and stakeholders on the possibility of regeneration. In all 250 individuals attended the seven events, all residents were 'door knocked' and all absentee homeowners were contacted by letter and, wherever possible, in person either face-to-face or by telephone. Almost all residents and homeowners were spoken to in person.
- 3.22 Following the decision to proceed with master-planning for Eastfields between June and July 2014 there were four consultation events including two workshops attended by 155 residents and stakeholders, 29 residents also visited Gt Knighton in Cambridge and Newhall Be in Essex to look at other newly built housing developments. A further 29 residents also visited Horstead Park in Kent and Kidbrook Village in Greenwich.
- 3.23 In August 2014 Clarion held focus groups specifically for older residents and parents carers to ensure that their voices were heard and their views fed into the design process. 14 older/parent/carer residents attended the focus groups.
- 3.24 A design workshop to look at flat types and layouts was held in September 2014, 23 residents attended.
- 3.25 Two workshops on the residents and homeowners housing and financial offer were held in November 2014. 159 stakeholders, mainly homeowners, attended these events.
- 3.26 Landscaping and parking and housing options workshops were held in March 2015 and 31 residents and stakeholders attended to share their views.
- 3.27 A workshop specifically for Tamil residents was held in July 2015 and 8 resident Tamil households were represented, interpretation services were available at the workshop.
- 3.28 Further master-planning events, six in all, including a final exhibition were held in November and December 2016. 104 residents and other stakeholders attended the six events.
- 3.29 In January and February 2017 21 Eastfields residents took part in the Open City design workshops and several also attended a site visit to the Aylesbury Estate in Southwark and the Kender Triangle in New Cross Gate, Lewisham
- 3.30 In addition, statutory consultation has been carried out as part of the Estates Local Plan process and each outline planning application will have public consultation in accordance with the legislative requirements. This is set out in detail in the report to the same meetings "Adoption of Merton's Estates Local Plan".

3.31 Further consultation will take place on the detailed design of each phase at the appropriate time.

4 **COMMITMENTS TO RESIDENTS AND RESIDENTS OFFER**

4.1 The Council acknowledges that when proposing large scale regeneration, there are considerable uncertainties and challenges for residents. The Council and Clarion have undertaken significant consultation with residents. The consultations undertaken are detailed fully in later in this report. To support the Merton Estate Regeneration Programme and to ensure fairness for residents, the Council and Clarion agreed a series of promises to residents, known as the Ten Commitments which are:

- Clarion will consult with residents, consider their interests at all times, and address concerns fairly.
- Current homeowners will be entitled to at least the market value of their home should they wish to take the option to sell their home to Clarion.
- Existing tenants will keep all their rights, including tenancy conditions and the associated rent level, in the new neighbourhood as they do now.
- Current tenants will be entitled to be rehoused in a new home of appropriate size considering the number of people in their household.
- All new properties will be more energy efficient and easier to heat than existing properties, helping to keep down residents' fuel bills.
- Clarion will keep disruption to a minimum, and will do all it can to ensure residents only move once if it is necessary to house them temporarily while their new home is being built
- Clarion will offer extra help and support for older people and / or disabled residents throughout the regeneration works.
- Clarion will continue to maintain the homes of residents across the three neighbourhoods throughout the planning process until regeneration starts, including ensuring a high quality responsive repairs service.
- Any growth in the number of homes will be consistent with the Council's Development Plan so that it is considered, responsible and suitable for the area.
- As a not for profit organisation, Clarion will not profit from any regeneration and will use any surplus to provide more housing or improve existing neighbourhoods.

4.2 Clarion has made a detailed Residents' Offer to residents, initially in 2015.. They have also made a series of commitments on repairs and maintenance. These service elements are of considerable importance to residents.

4.3 The Residents Offer details the Replacement Home Option which is offered to those resident homeowners who were living on one of the three neighbourhoods on the 27 May 2015 (when the Residents Offer was published). The Replacement Home Option confirms:

- If you are currently a freeholder you will be offered a freehold on your new property.
- If you are a leaseholder you will be offered a new 125-year lease on your new property.
- The Replacement Home will be at least as large as the home it replaces, unless you choose to move to a smaller home.
- Every Replacement Home will have private outdoor space (i.e. a garden, balcony or roof terrace) irrespective of whether the original home had this or not.
- If you live in a house you will be offered a house, if a flat a new flat and a maisonette a new maisonette.
- The new home will have the same number of bedrooms as the existing home had when it was first built.
- There will be a Replacement Home for every resident homeowner who chooses to stay.
- They will be entitled to a £3,000 disturbance allowance.

4.4 Clarion has committed, where possible, to moving resident homeowners straight into their new Replacement Home, i.e. without the need to be temporarily housed. The phasing plans for all three neighbourhoods have been designed to accommodate this approach. For a small number of existing resident homeowners this may not be possible, for example as a consequence of their choice of location and its position in the phasing plan. Clarion may be able to offer a temporary home in their neighbourhood or another part of Merton.

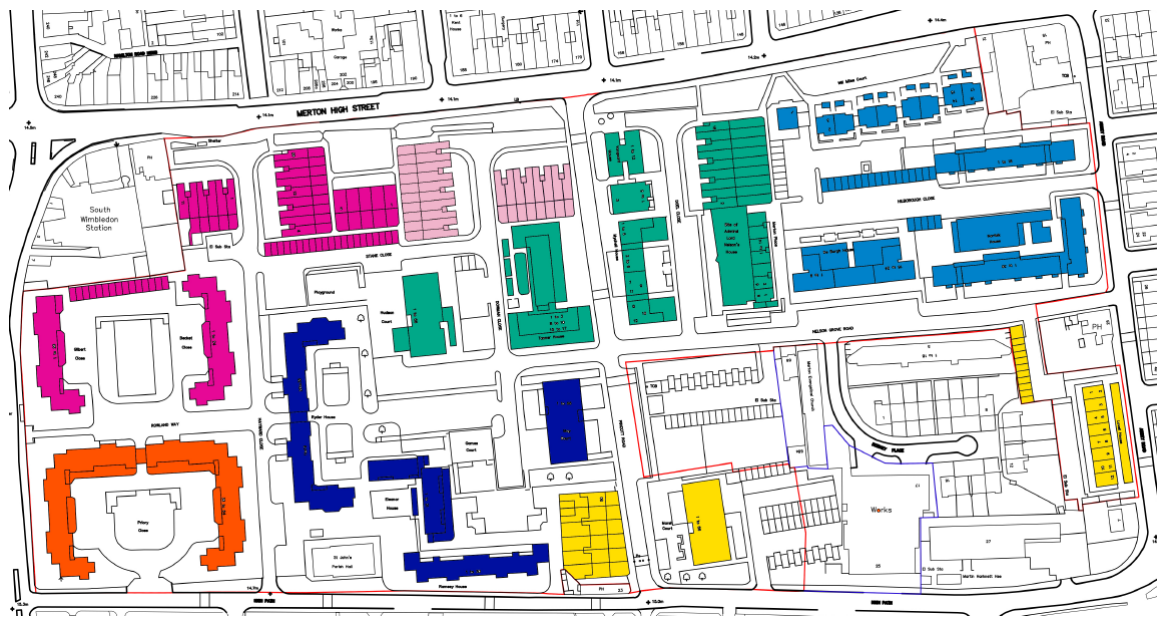
4.5 A disturbance payment of £3,000 will be available. Resident homeowners won't be charged rent in their temporary home as long as they agree to the terms set out in the Residents Offer regarding accepting the market value plus 10 per cent for their existing home, the value of the new home and the licence agreement for the temporary home.

4.6 **The Merton Estate Regeneration Area**

4.7 The Merton Estate Regeneration Programme consists of three separate but linked regeneration areas supported by a single financial plan. The three estates were transferred to Clarion (formerly Circle Housing Merton Priory) as part of the 2010 stock transfer.

4.8 Clarion already owns over 70% of the homes in the three regeneration areas. The land and interests that may be subject to a CPO are any areas within the Estates that are not within the ownership of Clarion or the Council which are required to facilitate the respective regeneration schemes.

- 4.9 High Path is situated in Abbey Ward. The estate is located in South Wimbledon and covers an area of approximately seven hectares.
- 4.10 Clarion Housing Group currently own 401 (66%) of the 608 homes on the estate, having acquired 55 homes by negotiation since 2015.
- 4.11 High Path is characterised by a mix of architectural styles and building typologies. The estate was built between the 1950s and 1980s, after the clearance of houses on land formerly part of the Merton Place estate. The area of the estate, just north of St. John the Divine Church consists of four storey blocks arranged around courtyards. At the centre of High Path are three high rise towers and adjacent to Merton High Street the scale gradually decreases down to 2 and 3 storey houses.



- 4.12 Clarion’s current proposals are to build High Path over seven phases. At High Path planning permission for a first phase of development was granted in October 2017 under reference 16/P3738. The development is to provide 134 residential units with 31 car parking spaces, 249 cycle spaces and various public realm works. Phase 1 does not form part of the proposed area of land that will be subject to a CPO. It will be used primarily to provide existing residents with homes when the construction phases of the wider estate regeneration programme commence.

High Path	Blocks in phase	When vacant possession is needed
Phase 2	Marsh Court, Lovell House, Pincott Road	Q2 2020
Phase 3a	Beckett Close, Gilbert Close, Hayward Close, Stane Close	Q2 2020
Phase 3b	Dowman Close	Q3 2022
Phase 4	Norfolk Hse, Hillborough Ct, Deburgh House, Will Miles Court	Q1 2025

Phase 5	Doel Close, Mychell House, Vanguard House, Merton Place, Tanner House, Hudson Court, Ryder House	Q1 2026
Phase 6	May Court, Eleanor House, Ramsey House, Ryder House	Q1 2028
Phase 7	Priory Close	Q2 2030

4.13 Ravensbury Estate is in the Ravensbury Ward and covers a total area of 4.58 hectares. The perimeter of the estate is bound by the curved alignment of the busy Morden Road, to the north and west, Ravensbury Park to the South and Morden Road Industrial Estate to the East. The estate is a quiet residential area with no through road.

4.14 Ravensbury was built in the early 1950s and comprises 192 dwellings in a mixture of semi-detached and terraced houses, flats and maisonettes. The flat block and the terraced houses are of a brick construction, the semi-detached houses of concrete construction.



4.15 Clarion Housing Group currently own 91(90%) of the 101 homes on the part of the estate to be regenerated, having acquired 5 homes by negotiation since 2015.

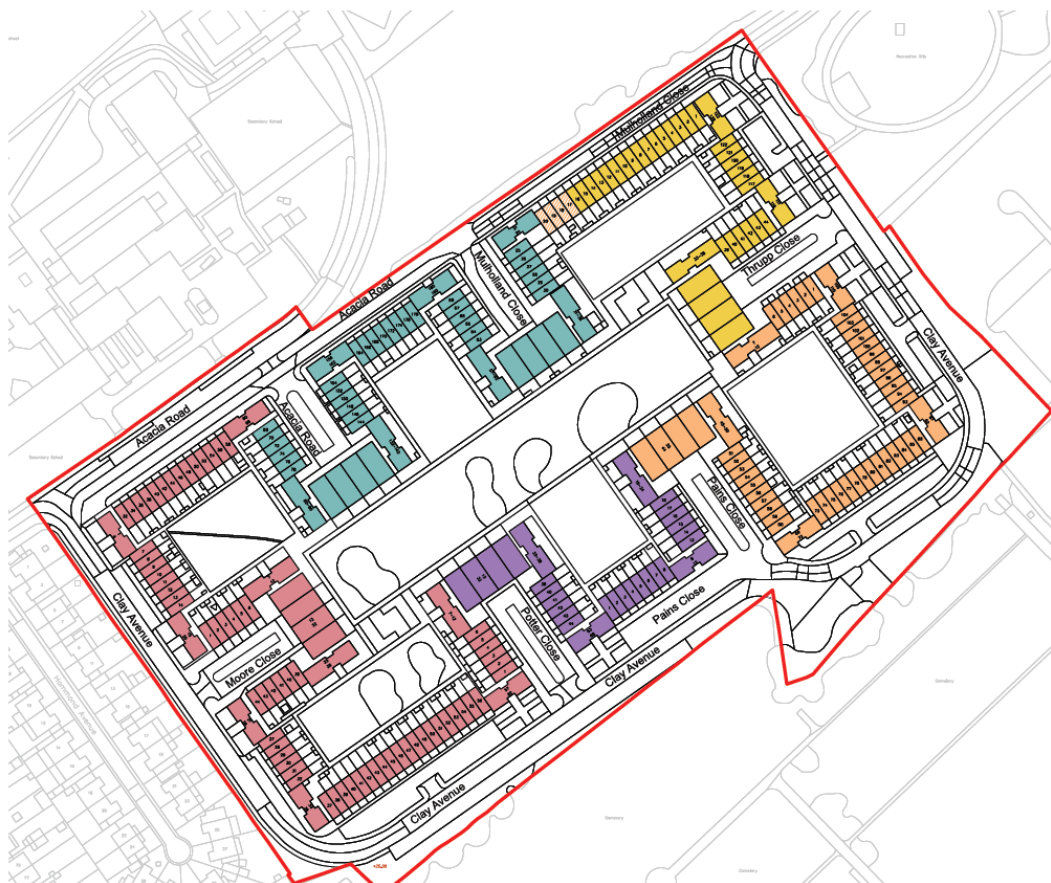
4.16 Clarion’s current proposals are to build Ravensbury over four phases. At Ravensbury planning permission was also granted for the first phase of development under reference 16/P1968. This development was for 21 residential units together with associated infrastructure. Phase 1 does not form part of the proposed area of land that will be subject

to a CPO. It will be used primarily to provide existing residents with homes when the construction phases of the wider estate regeneration programme commence.

	Blocks in phase	When vacant possession is needed
Ravensbury		
Phase 2	227-241 Morden Road, 1 Hatfeild Close, 1-14 Rutter Gardens, 36-54 Ravensbury Grove	Q1 2019
Phase 3	211-225 Morden Road, 2-21 Hatfeild Close, 20-34 Ravensbury Grove)	Q1 2021
Phase 4	171-209 Morden Road, 2-18 Ravensbury Grove	Q4 2022

4.17 Eastfields is situated in the Figges' Marsh Ward and located to the east of Mitcham Town Centre covering approximately 6.9 hectares. The site is bound by Acacia Road and Mulholland Close to the north, Clay Avenue to the east and south and Hammond Avenue to the west. The site is also surrounded to the north by two schools (St Mark's Church of England Academy and Lonesome Primary School) and to the south by London Crematorium, Streatham Park and the Jewish cemeteries and Long Bolstead Recreation Ground to the west.

4.18 The estate was built in the 1970s and comprises 465 homes; Clarion Housing Group own 333 of these homes, having acquired 42 by negotiation since 2015 under the terms of the residents offer. The Eastfield Homes are a combination of three storey houses with integral garages and flats in three storey blocks, each having one or two bedrooms.



Eastfields	Blocks in phase	when needed
Phase 1 a/b	17-20 Mulholland Cl, 69-110 Clay Avenue, 1-12 Thrupp Close, 25-60 Pains Close)	Q2 2019
Phase 2	(63-69 Clay Avenue, 1-24 Pains Close 13-44 Potter Close)	Q1 2022
Phase 3	1-62 Clay Avenue, 32-66 Acacia Road, 1-12 Potter Close, 1-44 Moore Close	Q2 2024
Phase 4	68-190 Acacia Rd, 21-68 Mulholland Close	Q4 2026
Phase 5	13-44 Thrupp Close, 1-16 Mulholland Close, 111-128 Clay Avenue	Q3 2029

5 POLICY CONTEXT

5.1 There are five documents which make up the borough's Development Plan:

- The Estates Local Plan [once adopted].
- The Mayor's London Plan 2016 (and any subsequent amendments) (the London Plan);
- The Council's Core Planning Strategy 2011;
- The South London Waste Plan 2012;
- The Sites and Policies Plan 2014;
- Policies Map 2014; and

5.2 Merton's Core Planning Strategy is the key policy document in the Council's Local Plan setting out the spatial strategy for the borough. The document provides a co-ordinated long term spatial vision and a means to deliver that vision. Within the CPS it is identified that inequalities including housing choices, need to be reduced and that a joined up approach with physical regeneration and other measures outside of planning will help to do this. Strategic objectives of the CPS aim to provide new homes through physical regeneration and effective use of space through the delivery of high density new homes; and promote socially mixed, sustainable, vibrant and healthy communities.

5.3 Merton's Estates Local Plan has been prepared by the Council to help guide what could be built and to assist with assessing planning applications for redevelopment of the Estates. It expresses support for the aims of the Merton Estate Regeneration Programme and aims to shape significant investment in the borough and recognises the opportunity to support substantial improvements to each of the Estates, to create sustainable, safe and well-designed neighbourhoods aimed at improving the quality of life and life chances of existing and future generations. It states this will be achieved through the regeneration of the whole estates at High Path and Eastfields, and the partial regeneration of Ravensbury. It seeks to provide new homes for existing residents at the same time as creating an attractive, well-connected neighbourhood and providing new homes to help address the

needs of future residents. It also recognises and promotes opportunities for environmental and economic benefits.

- 5.4 Merton's Estates Local Plan is based on deliverability evidence that shows that the Estates must come forward together to achieve regeneration. The Merton Estate Regeneration Programme presents a particular opportunity for the smaller estates at Eastfields and Ravensbury where regeneration is only financially viable if they are developed in conjunction with High Path as a comprehensive regeneration proposal.
- 5.5 Merton's Estates Local Plan proposes a set of overarching and site specific design-led policies to guide development on each Estate. This is based on a detailed site analysis of the current neighbourhoods and a study of the historical context of the three Estates.
- 5.6 Merton's Estates Local Plan further sets out detailed design parameters to ensure design consistency across each of the Estates. It is envisaged that the delivery programme will cover a period of 10 to 15 years and will occur over several phases. The Estates Local Plan is key to creating a robust and clear planning basis for development setting out the strategic framework to guide any redevelopment proposals. A separate report to this meeting recommends that council resolves to adopt the Estates Local Plan.
- 5.7 The Mayor's London Plan provides a strategic spatial strategy within Greater London and forms part of the Council's development plan. The London Plan sets out a number of objectives to: optimise the potential of development sites; make the most sustainable and efficient use of land, particularly in areas of good public transport; improve the quality of life; deliver high quality new homes; mitigate and adapt to climate change; and secure a more attractive, well designed green city.
- 5.8 The London Plan sets housing provision monitoring targets for London boroughs, of which the Council is currently required to deliver a minimum of 4,107 net additional homes per year between 2015 and 2025. Boroughs are asked to achieve and exceed this target through Policy 3.3D. It also sets strategic policies which encourage the replacement of existing housing with higher densities; encourage the provision of affordable housing; require high quality development creating functional, accessible and inclusive homes and neighbourhoods, with minimum unit and playspace requirements. There is also an emphasis on creating mixed and balanced communities, and it states that estate renewal should take into account the regeneration benefits to the local community. The Mayor has also produced a draft Good Practice Guide for Estate Regeneration, which place emphasis on ensuring no net loss of affordable habitable rooms or floorspace and effective engagement with residents. The Mayor has also published a draft of his new London Plan for consultation (November 2017 to March 2018) which, once adopted, will replace the existing London Plan.
- 5.9 Outline planning applications have been submitted one for each Estate, which are proposed for determination in early 2018. The outline planning applications will support the CPO(s) for each Estate. The applications, if granted, will govern the redevelopment of each Estate in the Merton Estate Regeneration Programme, guided in each case by the Estates Local Plan.

6 THE CASE FOR COMPULSORY ACQUISITION

- 6.1 It is a likely that a CPO in connection with the Merton Estate Regeneration Programme would be made under planning powers, that is, under section 226 of the Town and

Country Planning Act 1990. This power is designed to facilitate regeneration projects and is likely to be considered the most appropriate power available to the Council in the context of the Scheme. However, before making a CPO, the Council will need to consider all appropriate statutory powers including those under S17 of the Housing Act 1985.

- 6.2 Guidance to acquiring authorities on the use of compulsory purchase powers is set out in a note published by the Department for Communities and Local Government in October 2015 entitled “Compulsory Purchase and the Crichel Down Rules” (the Guidance). The Guidance provides helpful information on the matters which the Secretary of State will take into account when considering whether or not to confirm a CPO.
- 6.3 The Guidance states that the Council must demonstrate a 'compelling case in the public interest', and that the public benefits that will arise from the purpose for which the land is to be acquired (the scheme) outweigh the impact on those affected. The Council must demonstrate both the need for the Scheme, in principle, and the need to acquire each and every parcel of land included in the CPO.
- 6.4 The Guidance further states that in considering whether or not to confirm a CPO, the Secretary of State will have regard to the extent to which the purpose for which the land is being acquired fits with the adopted development plan for the area. In this case the policy support from the Estates Local Plan presents robust and up to date policy support as well as national and regional support.
- 6.5 The Council must demonstrate that there are no impediments to proceeding with the Scheme, for example the need for planning permission. In the event that planning permissions and consents have not been obtained by the time the CPO is made, it would have to be demonstrated that there is no reason to have serious doubts that they would be granted. Any potential impediments to the delivery of an outline planning permission for any Estate would need to be considered on a case by case basis when specific CPO's are being considered.
- 6.6 The Council must demonstrate that it has the financial resources not only pay compensation arising out of a CPO, but also to implement the Scheme underlying the CPO. In this case, all costs and expenses of CPO's and the Merton Estate Regeneration Programme will be met by Clarion. Financial modelling will be reported on before any CPO is made to ensure the viability and deliverability of the scheme in question.
- 6.7 The Council's Estates Local Plan demonstrates a compelling case that the acquisition of the land and associated rights to facilitate the Scheme will be in the public interest. The Estates are key development sites within the Borough and have the capacity to deliver significant economic, social and environmental benefits to local residents and the wider area more generally.
- 6.8 Specific justification for a CPO would be contained in the report relating to such CPO and the accompanying Statement of Reasons. Officers are of the view that such a compelling case can be demonstrated from the desirability of implementing the Merton Estate Regeneration Programme for the following reasons:
- Regeneration of three housing estates;

- The enabling effect of the Merton Estate Regeneration Programme in allowing the smaller Estates of Ravensbury and Eastfields to be regenerated as part of a comprehensive programme;
- Significant increase in the supply of dwellings in the borough;
- Replacement of poor quality, and in some cases defective housing stock with modern homes that meet high standards of accommodation in accordance with Policy;
- Economic and employment benefits;
- Strong planning policy support for the Merton Estate Regeneration Programme;
- The ability for the Council to ensure high quality redevelopments of the Estates through the planning process due to the Estates Local Plan;
- A strong Residents' Offer has been made that treats residents fairly and ensures communities within the Estates can remain consistent and cohesive after the regenerations;

7 LAND ASSEMBLY AND ACQUISITION TO DATE

- 7.1 The Merton regeneration project consists of three separate but linked regeneration areas supported by a single financial plan. The three estates were transferred from LB Merton as part of the 2010 stock transfer. Clarion already own over 70% of the homes in the three regeneration areas.
- 7.2 The terms of Clarion's regeneration offer to residents and homeowners offers replacement homes to resident leaseholders and freeholders at no cost to them. Clarion expect that the majority of the homeowners who qualify for a replacement home will accept this offer.
- 7.3 The offer to buy back homes from homeowners in the regeneration area has been operating since its launch in May 2015 and over 100 homes have already been acquired by agreement under the terms of the offer. The detail of home ownership on the three estates is set out below.
- 7.4 Clarion currently own 401 (66%) of the 608 homes on High Path. Clarion have bought 55 homes on High Path since 2015 terms for the purchase of a further 7 properties have been agreed and will complete soon.
- 7.5 Of the remaining 207 homes on High Path, 116 are owned by resident homeowners who will qualify for replacement homes on the new High Path as set out in Clarion's residents offer. The remaining 91 properties are owned by absentee landlords. Clarion propose to acquire properties by negotiation wherever possible, only those homes that cannot be acquired by agreement will ultimately be subject to compulsory purchase.
- 7.6 Clarion already own 333 (72%) of the 465 homes on Eastfields. Clarion have bought 42 homes on Eastfields from homeowners, terms for the purchase of a further 6 properties have been agreed and will complete soon.

- 7.7 Of the remaining 177 homes 132 are owned by resident homeowners who will qualify for replacement homes on the new High Path as set out in Clarion's residents offer. The remaining 45 properties are owned by absentee landlords. Clarion propose to acquire properties by negotiation wherever possible, only those homes that cannot be acquired by agreement will ultimately be subject to compulsory purchase.
- 7.8 Clarion currently own 91 (90%) of the 101 homes in the regeneration area on Ravensbury. 5 homes in the Ravensbury regeneration area have already been bought back by Clarion from homeowners.
- 7.9 Of the remaining 10 homes 9 are owned by resident homeowners who will qualify for replacement homes on the new Ravensbury as set out in Clarion's residents offer. The remaining property is owned by an absentee landlord. Clarion proposes to acquire properties by negotiation wherever possible, only those homes that cannot be acquired by agreement would ultimately be subject to compulsory purchase.
- 7.10 Although a large number of acquisitions have been completed or are in the process of being completed, it is clear that the acquisition by agreement of all the land required to facilitate the redevelopment proposals and delivery of the Estates Local Plan/Merton Estate Regeneration Programme may not be possible within a realistic timeframe.
- 7.11 The fragmentation of ownership arrangements in the Estates, particularly in relation to absentee landlords, means that attempts to acquire by agreement are likely to be complex and slow, with no ultimate guarantee of success.

8 DELIVERY, FUNDING AND THE DEVELOPER

- 8.1 Clarion Housing Group was formed in 2016, following the merger between Affinity Sutton and Circle Housing Group. Clarion manages over 125,000 homes and is one of the UK's largest housebuilder, set to build 50,000 high quality homes of all tenures during the next ten years.
- 8.2 The funding required that is directly related to the in principle use of CPO powers will be primarily limited to professional fees. Clarion will indemnify the Council, by way of a legal agreement for all costs and expenses that may be payable by the Council in preparing for and making any CPO's. A draft of this indemnification agreement is available as Appendix A to this report.
- 8.3 If any CPO's are made (which will be subject to a further Cabinet/Council decision), property will be acquired at open market value but will disregard any increase or decrease in value attributable to the Scheme for which the land is acquired. Affected parties may also be entitled to other compensation for loss payments and disturbance depending on circumstances. Clarion will be obliged to meet these costs.
- 8.4 As part of the preparatory works, there will be a full financial modelling of cost implications of acquiring the land following a successful CPO or CPO's.

9 INTERFERENCE WITH RIGHTS/NEW RIGHTS ACQUIRED/STOPPING UP OF HIGHWAY

- 9.1 The Scheme may interfere with rights of light relating to some properties surrounding the Scheme.

- 9.2 A rights of light survey and land referencing will be undertaken to identify affected parties and the scope of use for Section 203 of the Housing and Planning Act 2016 to authorise interference with these rights (on the basis of compensation payable for the depreciation in the value of the property as a result of the infringement).
- 9.3 Certain rights (such a right to swing the jib of a crane over a property), may need to be acquired or created or order to allow the construction of the scheme. Full details as to the nature and extent of rights needed to be acquired or created will be identified through the formal land referencing process.
- 9.4 Clarion is likely also to apply to the Council under Section 247 of the Town & Country Planning Act 1990 (as amended) in relation to the stopping up of various rights of way over the estate. Such applications will be considered as and when they are received in line with normal procedures.

10 **CPO LAND REFERENCING**

- 10.1 Any CPO would include all occupiers and all interests that are included within the three estates or those who have or are believed to have an interest affecting the land or otherwise are a qualifying person for the purposes of compensation (which could include adjoining landowners and occupiers). Appendix B to this report defines the extent of the three estates for the purpose of this report.
- 10.2 All such qualifying persons (including all affected owners and occupiers, including tenants) will be written to as part of the land referencing process that precedes the making of the CPO and all names and addresses will be included in the final CPO schedule. Should council resolve to approve the principle of CPO, it is intended to collate this information so that land referencing would commence after any positive resolution of full council.
- 10.3 The land referencing exercise will also identify any interests in land over which a right needs to be acquired (such as the swinging of a jib or crane) or any existing rights that will be affected by the development.

11 **ALTERNATIVE OPTIONS**

- 11.1 The alternative option is for the Council not to use its CPO powers and for Clarion to bring forward the Merton Estate Regeneration Programme independently.
- 11.2 However, it is evident that this piecemeal approach could not achieve the ambitious outputs in terms of new homes and job creation, or deliver the co-ordinated vision of creating the cohesive and distinctive neighbourhoods within Merton in reasonable timeframes.
- 11.3 It is considered that the only way to effectively deliver the Merton Estate Regeneration Programme and vision set out in the Estates Local Plan on reasonable timeframes is for the Council to exercise its powers to support land acquisition at the Estates, to enable Clarion, who will have sole responsibility for delivering the entire regeneration, to bring forward the development in a timely manner.
- 11.4 Negotiations to acquire land and property interests within the Estates have been pursued and will continue to be pursued after a resolution has been passed for in principle support of the use of compulsory purchase powers. It is anticipated that compulsory purchase

powers will be required in order to guarantee that each and every plot of land within the redline boundary is acquired by the Council, because it is unlikely that all land interests can be acquired by voluntary acquisition within a reasonable timescale.

12 TIMETABLE

12.1 The geographic extent of the CPO will be determined by Clarion's delivery plan. Further CPOs, if needed would be determined on the same basis.

12.2 An indicative timetable is as follows:

	Blocks in phase	Date vacant possession needed
High Path		
Phase 2	Marsh Ct, Lovell house, Pincott Road	Q2 2020
Phase 3a	Beckett Cl, Gilbert Cl, Hayward Cl, Stane Cl	Q2 2020
Phase 3b	Dowman Cl	Q3 2022
Phase 4	Norfolk Hse, Hillborough Ct, Deburgh Hse, Will Miles Ct	Q1 2025
Phase 5	Doel Cl, Mychell Hse, Vanguard Hse, Merton Pl, Tanner Hse, Hudson Ct, Ryder Hse	Q1 2026
Phase 6	May Ct, Eleanor Hse, Ramsey Hse, Ryder Hse	Q1 2028
Phase 7	Priory Cl	Q2 2030
Eastfields		
Phase 1 a/b	17-20 Mulholland Cl, 69-110 Clay Ave, 1-12 Thrupp Cl, 25-60 Pains Cl)	Q2 2019
Phase 2	(63-69 Clay Ave, 1-24 Pains Cl, 13-44 Potter Cl)	Q1 2022
Phase 3	1-62 Clay Ave, 32-66 Acacia Rd, 1-12 Potter Cl, 1-44 Moore Cl	Q2 2024
Phase 4	68-190 Acacia Rd, 21-68 Mulholland Cl	Q4 2026
Phase 5	13-44 Thrupp Cl, 1-16 Mulholland Cl, 111-128 Clay Ave	Q3 2029
Ravensbury		
Phase2	227-241 Morden Road, 1 Hatfeild Close, 1-14 Rutter Gardens, 36-54 Ravensbury Grove	Q1 2019
Phase 3	211-225 Morden Road, 2-21 Hatfeild Close, 20-34 Ravensbury Grove)	Q1 2021
Phase 4	171-209 Morden Road, 2-18 Ravensbury Grove	Q4 2022

13 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

13.1 The main body of this report considered the likely land and property implications, though indirectly to the council's own land and property interests. The draft CPO Indemnity Agreement attached to this report ensures that any costs borne by LBM associated with the CPO process will be paid for by Clarion. This report seeks the in principle use of the

Council's CPO powers. Full detailed business, financial and legal cases will be brought forward by Clarion for LBM's approval in future.

- 14.2 As set out in Recommendation G, a financial allocation may be required for the council's Capital Programme from 2018-19 onwards to frontload the delivery of the Compulsory Purchase Order. Any financial allocation would be considered by the council's financial approval process nearer the time under the council's Constitution and would be fully indemnified and repaid to the council as set out in Recommendation F. A draft CPO Indemnity Agreement is attached to this report as Appendix A

14 **LEGAL AND STAUTORY IMPLICATIONS**

- 14.1 Under section 226 (1) (a) of the Town and Country Planning Act 1990 a local authority has a general power to make a compulsory purchase order for the acquisition of any land in their area in order to facilitate the carrying out of development, redevelopment or improvement in relation to the land if they are not certain that the land can be acquired by agreement.
- 14.2 Compulsory Purchase Orders must only be made if the Council is satisfied that there is a compelling case in the public interest to do so
- 14.3 In order to exercise its section 226 powers, the local authority must demonstrate that the proposed development/improvement is likely to contribute towards any of the following objects, namely the promotion or improvement of the economic or social or environmental well-being of their area.
- 14.4 Compensation is payable under the Compulsory Purchase Act 1965 the Land Compensation Act 1961, the Land Compensation Act 1973 (as amended), and any relevant legislation under which compensation may be payable as a consequence of compulsory acquisition the responsibility for paying this compensation lies with Clarion under the CPO Indemnity Agreement.

15 **HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 15.1 The Human Rights Act 1998 places direct obligations on public bodies such as the Council to demonstrate that the use of compulsory purchase powers is in the public interest and that the use of such powers is proportionate to the ends being pursued.
- 15.2 When the Council decides to make a CPO, the Council will need to be sure that the purpose for which the land is required sufficiently justifies (or can be sufficiently justified in due course) interfering with the human rights of those with an interest in the land affected. It is acknowledged that the compulsory acquisition of the land in the Estates will amount to an interference with the human rights of those with an interest in the land. These include rights under Article 1 of the First Protocol of the European Convention on Human Rights (**ECHR**) (which provides that every natural or legal person is entitled to peaceful enjoyment of his possessions) and Article 8 of the ECHR (which provides that everyone has the right to respect for his private and family life, his home and his correspondence).
- 15.3 When preparing the CPO, officers will keep in mind and in due course advise councillors about the need to balance the public interest and the individual's rights and that any interference with these rights will be necessary and proportionate. "Proportionate" in this

context means that the interference must be no more than is necessary to achieve the identified legitimate aim. As part of the investigations that will be undertaken ahead of making any CPO will be an investigation into the effect on landowners and leaseholders of the CPO, and this will be fully taken into account before a final decision is made as to whether or not to put forward a resolution for the making of a CPO.

15.4 The Public Sector Equality Duty (the **Duty**) is a responsibility laid on the Council by the Equality Act 2010 (the **Equality Act**). It consists of a general equality duty and specific duties, which help authorities to meet the general duty. In summary, those subject to the Duty, must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act.
- Advance equality of opportunity between people who share a characteristic and those who don't.
- Foster good relations between people who share a characteristic and those who do not.

15.5 The Duty covers age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation (these are the 'protected characteristics').

15.6 The Equality Act sets out that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

15.7 The Equality Act states that meeting different needs involves taking steps to take account of the impact of different experiences (for example, addressing different forms of disability). It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It states that compliance with the Duty may involve treating some people more favourably than others.

15.8 The Equality Act requires the Council to have a 'continuing and ongoing regard' for this Duty. It can show this regard in a range of ways as the Equality Act is not prescriptive on this matter, but the most common is to conduct Equalities Impact Assessment (**EqIA**) at key decision points.

15.9 In preparing the Estates Local Plan, officers carried out an EqIA (contained within the Sustainability Appraisal).

15.10 As part of the CPO preparation work an EQIA will be undertaken on the potential impact and mitigation strategy of the proposal.

- 15.11 To date Clarion have undertaken EQIA assessments at the point at which the decision to prepare masterplans was taken and when the residents offer was published to ensure that the impact on groups with protected characteristics were understood and mitigation measures are in place as far as is possible.
- 15.12 In relation to the Estates Local Plan EqIA, it showed that regeneration will result in major positive impacts for the issues of housing, access to activities and social deprivation. Minor positive impacts are achieved for diversity and equality and education and skills.
- 15.13 Regeneration is likely to have a positive effect on socio-economic inequalities, including offering opportunities for increase in training and new skills in the construction of the development and the provision of more energy efficient homes that require less maintenance.
- 15.14 *A key expectation of the delivery of the regeneration is the commitment to keep existing community together in each neighbourhood and for existing residents to have a guaranteed right to return to a new home in a regenerated neighbourhood without being financially disadvantaged. The level of impact is uncertain at this stage with regard to wellbeing: residents will have more efficient, warmer, better maintained homes once redevelopment has taken place.*
- 15.15 *There will be disruption to residents as a result of the redevelopment. The phasing and decanting will need to be carefully considered and regularly monitored to minimize adverse impacts upon residents Clarion will have in place a package of support for residents especially elderly and or other vulnerable tenants and homeowners who are moving.*

16 **CRIME AND DISORDER IMPLICATIONS**

- 16.1 The process of preparing for a CPO will not itself have Crime and Disorder implications.
- 16.2 Development of the Merton Estate Regeneration Programme will be secured by the outline planning permissions which will be determined and assessed against the Estates Local Plan. The sustainability appraisal of the Estates Local Plan considers each of the policies against social, environmental and economic objectives, including those relating to crime and disorder.
- 16.3 The Estates Local Plan does not require a specific planning policy relating to Crime and Disorder but instead incorporates a number of policies which enhance safety and perceptions of safety in the public realm and in residential areas.
- 16.4 Collectively these policies support an approach of 'secure by design', creating places where people feel and are safe at all times of day and night, whether on foot, cycle or car, and both inside their homes and in public space.
- 16.5 The design principles include:
- Blocks arranged so the fronts face outwards protecting residents' privacy, creating a more 'legible' layout where people do not get lost or find it so easy to hide, building in natural surveillance and security;

- Active frontages on the street which also enhance surveillance and create more activity at street level;
- Well-designed public or communal amenity space: will be well lit, while providing both privacy and surveillance, as well as providing easy and convenient access for all potential users;
- Defensible space between the back of the footway and building frontage will support better perimeter blocks and frontages;
- Legible and accessible layouts with convenient and accessible layouts encourage walking and cycling and hence more active streets where community cohesion flourishes.

16.6 These principles are reflected in the estate-specific policies contained within the Estates Local Plan and will support an improved quality of life for current and future residents. The Police and other key stakeholders are consulted on the outline planning applications to ensure that crime and disorder issues are fully considered in the design and planning process.

17 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

Risks are listed below with a red/amber/green rating based on an assessment of their likelihood and impact, together with the anticipated mitigation. They are categorised as risks related to developing the plan and emerging housing policy, those related to renegotiation of agreements, and those relating to the delivery of the regeneration programme itself.

Risk	R/A/G Rating	Mitigation
<p>On serving a CPO, the Public Inquiry may be unsuccessful and the CPO not confirmed. In this scenario it is likely the Council would have to pay the costs of successful objectors. This would be an extremely serious outcome but with low-moderate likelihood. Serious because without a CPO Clarion cannot deliver the key transport and service infrastructure, nor deliver the full developments or retain overarching control of phasing.</p>		<p>The Council can mitigate the risk of an unsuccessful outcome by proceeding as far as possible with acquiring land ahead of serving a CPO and undertaking as much preparatory work as possible (valuation, due diligence, legal preparation etc.) and not making the CPO until confident that it will be successful.</p>

<p>Risk of liability for costs of preparing and making CPO's as well as paying compensation. These costs are likely to be significant</p>		<p>Financial risk to the Council is mitigated by entering the Indemnity Agreement with Clarion (draft attached as appendix to this report</p>
<p>Communications risk in relation to residents within the Estates who oppose a CPO</p>		<p>Continue communicating intention with local stakeholders and residents from and engage in ongoing consultation to take all concerns into account.</p>

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

Appendix A Draft Compulsory Purchase Order Indemnification Agreement between London Borough of Merton and Clarion Housing Group

Appendix B – maps of Eastfields, High Path and Ravensbury indicating the extent of each estate where the principle of compulsory purchase would be accepted..



dated

2017

Clarion Housing Group Limited

and

The Mayor and Burgesses of the London Borough of Merton

CPO Indemnity Agreement DRAFT

in relation to High Path Estate, South Wimbledon, Ravensbury Estate
Morden, Eastfields Estate, Mitcham

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Agreement

dated 2017

Parties

- (1) **Clarion Housing Group Limited** (charitable registered society number 28038R) whose registered office is Level 6, 6 More London Place, Tooley Street, London SE1 2DA (the **Developer**); and
- (2) **The Mayor and Burgesses of the London Borough of Merton** of Merton Civic Centre, London Rd, Morden SM4 5DX (the **Council**).

Introduction

- (A) The Council is satisfied that it may be necessary in order for the Developer to carry out the Development to consider the need to exercise its CPO powers for those parts of the CPO Land that are not acquired by the Developer by private treaty and the Council accept that it may be necessary to make one or more CPO's to secure the acquisition of those parts of the CPO Land which have not been acquired by private treaty.
- (B) In March 2017 the Developer submitted the Planning Applications to the Council.
- (C) The Developer has agreed to indemnify the Council as provided for in this Agreement in respect of the CPO Costs that are required to promote any CPO in relation to the CPO Land.
- (D) In consideration of the indemnity referred to in Recital C, the Council has agreed to hold any Third Party Interests that are required on trust for the Developer and to transfer the same to the Developer subject to and in accordance with the provisions of this Agreement.

Agreed terms

1 Definitions and Interpretation

- 1.1 In this Agreement including the recitals the following expressions shall have the meanings respectively assigned to them as follows:

1976 Act means the Local Government (Miscellaneous Provisions) Act 1976;

1990 Act means the Town & Country Planning Act 1990;

Advance Payment means a payment which the Council is lawfully required to make under Sections 52 and 52A of the Land Compensation Act 1973;

Acquisition Cost means the purchase price and other disbursements incurred by the Council in connection with the acquisition of any Third Party Interests;

Blight Notice means a notice served under Part VI of the Town and Country Planning Act 1990 in respect of an interest in land;

Counsel means such other counsel with appropriate experience in compulsory purchase matters who may be agreed by the parties and appointed by the Council;

CPO means one or more compulsory purchase orders that may be made by the Council pursuant to Section 226 of the 1990 Act and/or such other appropriate power of acquisition as the case may be to acquire the Third Party Interests and New Rights;

CPO Costs means any compensation and/or administrative or acquisition costs incurred by the Council as a consequence of the making and implementation of the CPO as set out in Schedule 1 to this Agreement;

CPO Land means Third Party Interests contained within a CPO including any New Rights;

Development means the development granted pursuant to the Planning Applications;

Guidance means the guidance on compulsory purchase and the Crichel Down Rules for the disposal of land acquired by, or under the threat of, compulsion published in October 2015 by the Department for Communities and Local Government and any subsequent amendments and updates;

Interest means any interest payable by the Council in accordance with any Acquisition Costs;

Land Compensation Acts means all relevant legislation under which compensation may be payable as a consequence of compulsory acquisition;

New Rights means any right or easement not in existence at the date a CPO is made but identified in the schedule to the CPO when made or as modified when the CPO is confirmed that are required in order to implement the Development and which are capable of being acquired under Section 13 of the 1976 Act;

Orders mean together the Road Closure Order and Stopping Up Order;

Party means any party to this Agreement and "Parties" shall mean any two or more of them;

Planning Applications means the three planning applications submitted to the Council in March 2017 made by or on behalf of the Developer under the 1990 Act or any amendments or changes to those three applications to carry out the Development in relation to the Site;

Planning Permissions means the planning permissions granted by the Council pursuant to the Planning Applications;

Public Inquiry means a public inquiry called (if any) in respect of an objection to any CPO and related orders including a Stopping Up Order;

Road Closure Order means the Order made by the relevant authority for the closure of roads under Section 14 of the Road Traffic Regulations Act 1984 together with any additional or supplemental orders relating to or forming part of the Development;

SCPC means the Standard Commercial Property Conditions (Second Edition);

Secretary of State means the Secretary of State for Communities and Local Government or any successor and functions;

Site shall mean all that land together with the buildings or structures erected thereon and which is more particularly delineated and shown edged red on the Site Plan together with any other area of land as the Parties may from time to time agree is appropriate for inclusion within the Development;

Site Plan means plan 1 delineating High Path Estate, plan 2 delineating Ravensby Estate and plan 3 delineating Eastfields Estate all in red edging and together marked **Site Plan** and attached at Schedule 2 to this Agreement;

Specialist Land Referencing Agency means Persona Associates or such other Specialist Agency appointed by agreement between the Council and the Developer;

Stopping-Up Order means the Order made for the stopping-up or diversion of the highways together with the provision or improvement of other highways under Section 247 of the 1990 Act together with any additional or supplemental orders relating to or forming part of the Development;

Third Party Interests means any estates, rights, easements, encumbrances, covenants and other interests on over beneath or affecting any part of the Site not owned or controlled by or vested in the Developer or the Council that may be required to be acquired to facilitate the Development;

VAT means value added tax charged pursuant to the Value Added Tax Act 1990; and

Working Day means any day from Monday to Friday (inclusive) other than Christmas Day Good Friday and any statutory bank holiday and the term 'Working Days' shall be interpreted accordingly.

1.2 In this Agreement, unless the context otherwise requires:

1.2.1 obligations undertaken by more than one person are joint and several obligations, and where more than one person is bound to a condition in this Agreement each of those persons are bound jointly and severally;

1.2.2 words importing a person will include an individual, trust, government, governmental body, authority, agency, an incorporated body of persons, association, body corporate, firm, partnership and corporation and (in all cases) their successors and permitted lawful assignees or transferees;

1.2.3 a reference to any clause, sub-clause, paragraph, part, schedule, appendix or annex is a reference to such clause, part, schedule, appendix or annex of this Agreement;

1.2.4 any reference to this Agreement or to any other document shall include any permitted variation, amendment, or supplement to this Agreement and to such document;

1.2.5 words of the masculine gender will include the feminine and neuter genders;

1.2.6 references to statutes, bye-laws, regulations, orders and delegated legislation (including any EU instrument) will include any statutes, bye-laws, regulations,

orders or delegated legislation modifying, re-enacting, extending or made pursuant to them;

- 1.2.7 headings are for ease of reference only and will not affect the construction of this Agreement;
- 1.2.8 the expression “the Council” shall include its statutory successor in respect of functions to which this Agreement relates;
- 1.2.9 nothing in this Agreement or in the Contracts (Rights of Third Parties) Act 1999 operates to confer any rights or benefits on any persons, firms or companies who are not party to it (save for any permitted lawful assignees of the benefit of this Agreement);
- 1.2.10 any reference to indemnity or indemnify or other similar expression shall mean that the relevant Party indemnifies, shall indemnify, keep indemnified and hold harmless the other Party or Parties;
- 1.2.11 any reference to liability includes where the context so allows claims, demands, proceedings, damages, costs and expenses;
- 1.2.12 any consent, notification, approval or permission referred to in this Agreement shall not be deemed to be given unless provided in writing and such consent notification approval or permission shall not be unreasonably withheld or unreasonably delayed; and
- 1.2.13 nothing in this agreement shall require the Council to improperly fetter its discretion in the exercise of its statutory powers.

2 Statutory powers and administrative provisions

- 2.1 This Agreement is made pursuant to Section 1 of the Localism Act 2011, Section 111 of the Local Government Act 1972 and all other powers so enabling.
- 2.2 If any provision of this Agreement is held invalid, illegal or unenforceable for any reason by any court of competent jurisdiction, such provision shall be severed and the remainder of the provisions of this Agreement shall continue in full force and effect as if this Agreement had been executed with the invalid, illegal or unenforceable provision omitted.
- 2.3 If the provision referred to in paragraph 2.2 as being omitted is fundamental to either the discharge of the obligations of the Parties under this Agreement or the accomplishment of its objective the Parties shall immediately commence negotiations in good faith to remedy such invalidity, illegality or unenforceability.

3 Commencement

The Parties agree that this Agreement shall come into immediate effect on the date hereof.

4 Developer's obligations

- 4.1 The Developer shall in full consultation and agreement with the Council procure and fund the appointment of suitably qualified independent professional advisors and experts to

advise and support the Council on all aspects of the CPO process including but not limited to legal, financial, marketing, surveying, publicity, specialist referencing advice and all or any advice which may be required in relation to the CPO process.

- 4.2 As soon as reasonably practicable the Developer shall appoint the Specialist Land Referencing Agency at its own cost.
- 4.3 The Developer shall in consultation with the Council negotiate directly with and use all reasonable endeavours to agree terms with the owner or owners of Third Party Interests and New Rights for the purchase of such interest by private treaty and the Council will permit the Developer to have the conduct of the negotiations with such owner or owners and to enter into contract options and to acquire such Third Party Interests and New Rights and the Developer shall retain or procure that such Third Party Interests and New Rights are retained.
- 4.4 The Developer will subject to first obtaining the Council's agreement on the method and structure of providing the information contained in 4.4.1, 4.4.2 and 4.3.3:
 - 4.4.1 consult liaise and hold meetings with the Council regarding the negotiations and to keep the Council fully informed of any significant progress with or obstacles encountered in connection with such negotiations;
 - 4.4.2 supply to the Council copies of all correspondence, minutes of meetings, reports, heads of terms, and any other documents and correspondence with third parties relating to the negotiations as reasonably required by the Council and by the CPO process; and
 - 4.4.3 if considered necessary and appropriate by the Council to allow the Council the opportunity to attend with the Developer any meetings with owners of any interests in the Site and give as much notice to the Council as is reasonably practicable of any such meetings.
- 4.5 The Developer covenants with the Council to:
 - 4.5.1 indemnify and keep indemnified the Council at all times during the currency of this Agreement from and against all the CPO Costs;
 - 4.5.2 pay within 28 Working Days to the Council any sum forming part of the CPO Costs upon receipt from the Council of the appropriate invoice and for the avoidance of doubt it is the intention of the Parties that the Developer shall make payment to the Council or to the person to whom payment is due before the Council makes payment of any invoice;
 - 4.5.3 consult with the Council in relation to the Development and provide the Council with all information it reasonably needs to carry out its obligations under the Agreement; and
 - 4.5.4 at its own cost give support and every assistance to the Council to promote the CPO including giving or procuring the giving of evidence at any Public Inquiry statutory challenge or judicial review into the CPO.

4.6 To carry out the Development in accordance with the Planning Permissions once the Council has transferred to the Developer the Third Party Interests and New Rights acquired pursuant to any CPO.

5 **The Council's covenants**

5.1 The Council shall consider the need for the use of its CPO powers and provided that it is satisfied that there is a compelling case in the public interest to pursue a CPO, the Council will use reasonable endeavours to seek authority from the relevant Council committee to make the CPO as soon as reasonably practicable provided that no part of this Agreement is the subject of legal proceedings.

5.2 The Council having considered the need to use its CPO powers in accordance with clause 5.1 of this Agreement and in consultation with the Developer shall proceed diligently and expeditiously to make the CPO provided that the exercise of such powers shall be without prejudice to the Council's unfettered discretion to make a CPO.

5.2 Insofar as the Council does not fetter its discretion or is being obliged to act unlawfully imprudently or improperly or where it would be materially prejudicial to the Council it agrees to provide to the Developer copies of all documents relevant to the CPO including any notices and correspondence received by the Council as soon as reasonably practicable.

5.3 The Council agrees to notify the Developer of and provide the Developer with a copy of all notices served by or received by the Council in respect of the CPO, the Road Closure Order and the Stopping-Up Order as soon as reasonably practicable following service/and or receipt.

5.4 If the Secretary of State declines to confirm the CPO and/or the Stopping-Up Order the Council and the Developer shall as soon as reasonably practicable consult with one another as to the appropriate manner in which to respond to such decision in order to facilitate the delivery of the Development.

5.5 If the Secretary of State does not confirm the CPO or the Stopping-Up Order or modifies the CPO so that it does not allow implementation of the Development then the Council will at the Developer's cost seek the written opinion of Counsel as to whether or not there is merit in challenging the Secretary of State's decision and if so as to the manner in which such challenge should be mounted.

5.6 If Counsel advises that there is a 50% or better chance of a successful challenge to the Secretary of State's decision not to confirm the CPO or Stopping-Up Order or to modify the CPO so that it allows implementation of the Development then the Council shall pursue such challenge diligently and expeditiously in consultation with the Developer and keeping the Developer informed.

5.7 If any challenge made to the Secretary of State's decision on the CPO or the Stopping-Up Order is unsuccessful then the Council and the Developer shall consult as to whether or not any further steps should be taken in respect of the CPO.

5.8 If Counsel advises that there is less than a 50% chance of a successful challenge to the Secretary of State's decision on the CPO or the Stopping-Up Order then the Council may in its absolute discretion elect to proceed with a challenge.

- 5.9 The Council will inform the Developer as soon as reasonably practicable of any legal proceedings (including the granting of leave by the court to institute the same) against the Council or the Secretary of State concerning the CPO and any Stopping-Up Order and the following provisions will apply:
- (a) the Council shall as soon as reasonably practicable deliver all proceedings documents and correspondence received relating to such challenge to the Developer;
 - (b) the Council and the Developer will keep each other fully and regularly informed of all progress and likely liabilities in relation to any costs or damages suffered or properly payable in any such challenge or proceedings;
 - (c) the Council shall as soon as reasonably practicable instruct Counsel (provided always that the Developer has been consulted and the Council has had due regard to the Developer's comments pursuant to this Agreement);
 - (d) if Counsel advises that there is a 50% or better chance of success in defending or contesting such challenge the Council shall defend such a challenge and take all procedural steps necessary to diligently defend or contest such challenge, and keep the Developer informed at all times of the costs incurred by the Council in connection with the same; and
 - (e) if Counsel advises that there is a less than 50% chance of successfully defending or contesting such challenge the Council may in its discretion elect to defend or contest the challenge
- 5.10 The Council agrees unless required by a court having competent jurisdiction not to take any action for the making of any vesting declaration or serve any notice to treat pursuant to the CPO (if confirmed) without the Developer's prior written approval.
- 5.11 The Council agrees to notify the Developer of the service of and provide the Developer with a copy of any Blight Notice served on the Council and where requested to do so in writing by the Developer within 20 Working Days of the delivery of the copy of the Blight Notice to them to serve a counter-notice.
- 5.12 The Council agrees insofar as the Council does not fetter its discretion or its obliging it to act unlawfully imprudently or improperly or where it would be materially prejudicial to the Council not to withdraw the CPO or otherwise exclude from the CPO any interest in land without prior notification to the Developer.
- 5.13 The Council agrees not to agree or certify the amount of any Acquisition Cost pursuant to this Agreement without first obtaining the Developer's consent in writing of the particular Acquisition Cost except in respect of any Acquisition Cost arising from a decision of the Upper Tribunal (Lands Chamber).
- 5.14 The Council agrees it will (at the request of the Developer and subject to the Developer underwriting the costs incurred in so doing) seek access to any interests in land required for surveying and taking levels under the Compulsory Purchase Act 1965 Section 11(3).

6 **Transfer of interests and declaration of trust**

6.1 Where applicable, the SCPC's shall apply to the sale of the CPO Land.

6.2 Within 20 Working Days of obtaining vacant possession of those parts of the Site that are within the CPO following the implementation of the CPO the Council will transfer to the Developer (or to such third party as the Developer may direct) the CPO Land (with such title as the Council obtain under the CPO) at nil consideration.

6.3 As soon as the Council shall become entitled to an interest in land for which the Developer has paid the Acquisition Costs the Developer may have the use of that land provided that the Council is entitled thereto with vacant possession.

7 **Leasehold interests**

7.1 The Council and the Developer covenant with each other in the terms set out in this clause in relation to every such interest in land as is to be held by the Council in trust for the Developer where such interest in land is leasehold and the Developer are entitled to the interest immediately reversionary thereon.

7.2 Forthwith upon the Council becoming entitled to a leasehold interest referred to in clause 7.1 the Council will use reasonable endeavours to merge the leasehold interest into its freehold reversionary interest and to close the leasehold title.

7.3 Where a leasehold interest referred to in clause 7.1 is registered at H M Land Registry the Council and the Developer will jointly apply to the Chief Land Registrar to give effect to the provisions of this clause.

8 **Council's powers and duties**

8.1 Nothing herein contained or implied shall prejudice or affect the rights powers duties and obligations of the Council in the exercise of its functions as a local planning highway or buildings regulation authority or as a local authority under any other statutory provision.

8.2 The Council shall be entitled at any time to cancel this Agreement and discontinue the CPO and recover any resulting losses if the Developer or their employees or agents with or without their knowledge in respect of this Agreement or any other contract between them and the Council:

8.2.1 do anything improper to influence the Council; or

8.2.2 offer any fee or reward the acceptance of which would constitute an offence under the Prevention of Corruption Acts 1889 to 1916 or Section 117(2) of the Local Government Act 1972 and the provisions of the Local Government Act 2000.

9 **Expert determination**

9.1 Except as otherwise specifically provided by this Agreement any dispute or difference arising between the Parties as to their respective rights duties or obligations or as to any matter or thing arising out of or in connection with this Agreement shall unless the Parties otherwise agree be referred on the application of either of them for determination by an independent person (the **Expert**) who shall have been qualified in respect of the general

subject matter of the dispute or difference for not less than ten years and who shall be a specialist in relation to such subject matter.

9.2 The Expert to be appointed shall be agreed between the Parties or in default of agreement shall be appointed on the application of either Party by or on behalf of the President for the time being of the Royal Institution of Chartered Surveyors on such terms as to the liability and remuneration of the Expert as such President or his nominee shall direct.

9.3 The Expert appointed shall act as an independent expert and not as an arbitrator.

9.4 The determination shall be conducted as follows:

9.4.1 the Expert shall afford to the Parties an opportunity to make representations in writing;

9.4.2 the Expert shall consider any written representations made by or on behalf of the Parties which are received by him within 15 Working Days of his appointment (each Party being entitled to receive a copy of any such written representations made by or on behalf of the other party and within 10 Working Days of such receipt to make written counter representations) and shall be entitled to call for such independent expert advice on such matters as he shall think fit;

9.4.3 the Expert shall have an unfettered discretion to determine the reference to him;

9.4.4 the Expert may be required by the Parties to give written reasons for his decision; and

9.4.5 the costs of the Expert including the costs of any such independent expert advice as aforesaid shall be in his award but the Parties shall bear their own costs in connection with the reference to the Expert.

10 **Supplemental**

10.1 Neither the Developer nor the Council shall assign or transfer or purport to assign or transfer any of its rights or obligations hereunder.

10.2 All notices and other communications required or permitted to be given hereunder shall be given in writing as follows:

10.2.1 to the Developer at Level 6, 6 More London Place, Tooley Street, London SE1 2DA;

10.2.2 to the Council the Future Merton team, Merton Civic Centre, London Rd, Morden SM4 5DX;

10.3 or in each case at such other address or place as such party may subsequently designate in writing.

10.4 Any notice sent by post shall be deemed (in the absence of evidence or receipt) to have been delivered two days after despatch and in proving the fact of despatch it shall be sufficient to show that the envelope containing such notice was properly addressed and posted.

10.5 Any notice delivered personally or sent by facsimile transmission shall be deemed to have been delivered on the day of its despatch if transmitted during or prior to business hours but otherwise on the next business day thereafter.

10.6 This Agreement shall expire upon agreement between the Parties.

11 **Good faith**

The Parties acknowledge a duty of good faith to each other in relation to all matters arising under this Agreement.

12 **Value added tax**

All sums payable or deemed to have been paid or payable under this Agreement that may be subject to VAT or VAT exclusive sums and (unless otherwise stated) VAT is payable in addition to such sums on production of a valid VAT invoice.

In witness whereof the Parties hereto have executed this Agreement as a Deed on the day and year first before written.

Schedule 1

CPO Costs

In respect of the CPO and any directly associated Blight Notice, Stopping Up Orders or other ancillary orders:

- 1 the Acquisition Costs plus any compensation (including payment for severance, injurious affection or disturbance) arising out of the Land Compensation Acts for any Third Party Interests or New Rights and the settlement of any claims as a result of the CPO including any arising as a result of any Blight Notice served under section 150 of the 1990 Act;
- 2 any payment made under the Compulsory Purchase Act 1965 or the Land Compensation Acts 1961 and 1973 made as a result of the acquisition or interference with any Third Party interests or New Rights arising from the making or implementation of the CPO;
- 3 any interest, statutory or awarded in proceedings, payable in connection with any sums payable under this Agreement, including (without prejudice to the generality of the foregoing) interest that may be payable by virtue of the Council taking possession of any Third Party Interests or New Rights before the amount of any payment has been agreed;
- 4 the costs of any warrant procedures necessary to obtain possession of any Third Party Interests or New Rights;
- 5 all of the Council's legal, valuation, planning, highways and administrative costs including but not limited to those of the professional team instructed in connection with the making of the CPO and its submission to the Secretary of State including any appeal or challenges (instigated or defended) made pursuant to the CPO and the making of any highway Stopping Up Orders, ancillary orders or licences requested by the Developer or any other matter which is an obligation of the Council pursuant to this Agreement. For the avoidance of doubt reference to legal costs in this Agreement shall include reference to any Counsel appointed;
- 6 the Council's administrative and housing costs incurred directly as a result of the CPO from those seeking assistance and accommodation under housing legislation subject to an agreed methodology and plan being agreed between the Parties in this regard in advance of each Phase of the Development being carried out;
- 7 any legal, valuation or other expenses the Council is required to pay to an owner of any Third Party Interests or New Rights in respect of it or in connection with the negotiation of compensation or the transfer of title or the grant of any Third Party Interests and New Rights;
- 8 the Council's costs (including any costs awarded against it) of any Public Inquiry or Upper Tribunal (Lands Chamber) reference in connection with the CPO and of any subsequent litigation related thereto;
- 9 all disturbance and home loss payments basic loss payments or occupier's loss payments to which any owner or occupier is entitled as a result of service of a Blight Notice,

Purchase Notice or the vesting or taking of possession of any Third Party Interests or New Rights;

- 10 the purchase price or compensation (including any payment for severance or injurious affection or disturbance) the Council is required to pay as the result of the severance of land in common ownership, and the cost of accommodation works the Council is required to carry out as a direct result of the CPO in respect of land not included in the CPO and not otherwise acquired by the Council for the Development;
- 11 any Advance Payment the Council is required to make in respect of all or any part of the CPO Land under the provisions of sections 52 and 52A of the Land Compensation Act 1973;
- 12 any compensation payable pursuant to the provisions of sections 236 or 250 of the 1990 Act or section 203 of the Housing and Planning Act 2016;
- 13 any payments required to be made by the Council under the Land Compensation Act 1973 Parts I and II arising directly from and in connection with the Development;
- 14 any payments due to the Council pursuant to the Land Compensation Act 1973 section 42 in relation to the rehousing of any residential occupier;
- 15 any stamp duty land taxes and Land Registry and associated fees arising out of the purchase of any Third Party Interests or New Rights and the transfer of the CPO Land to the Developer;
- 16 any money awarded to an owner of a Third Party Interest or New Rights in respect of any reference to the Upper Tribunal (Lands Chamber) and any costs awarded to such a person by the Upper Tribunal (Lands Chamber);
- 17 any other compensation or costs lawfully required to be paid by the Council to a third party in connection with any interest of that third party affected by the CPO, highway Stopping Up Orders or ancillary orders made pursuant to this Agreement; and
- 18 a sum equal to any VAT input tax incurred that is paid by the Council (for whatever reasons and whether directly or indirectly) in respect of any of the CPO Costs, save to the extent that the Council obtains repayment or credit in respect of the input tax or would have done so had it used reasonable endeavours.

Schedule 2

Site Plans

Executed as a deed by **CLARION HOUSING**)
GROUP LIMITED acting by a Director and a)
Secretary/two Directors:)

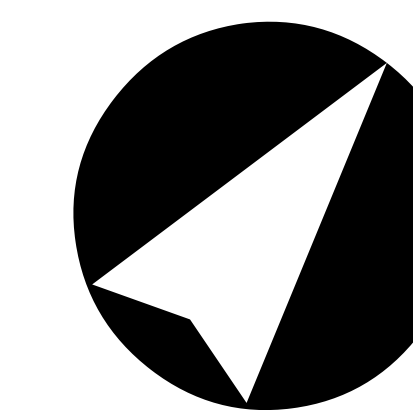
Director

Director/Secretary

Executed as a Deed by affixing the **COMMON**)
SEAL of THE MAYOR AND BURGESSES of)
THE LONDON BOROUGH OF MERTON in the)
presence of:)

Authorised Signatory

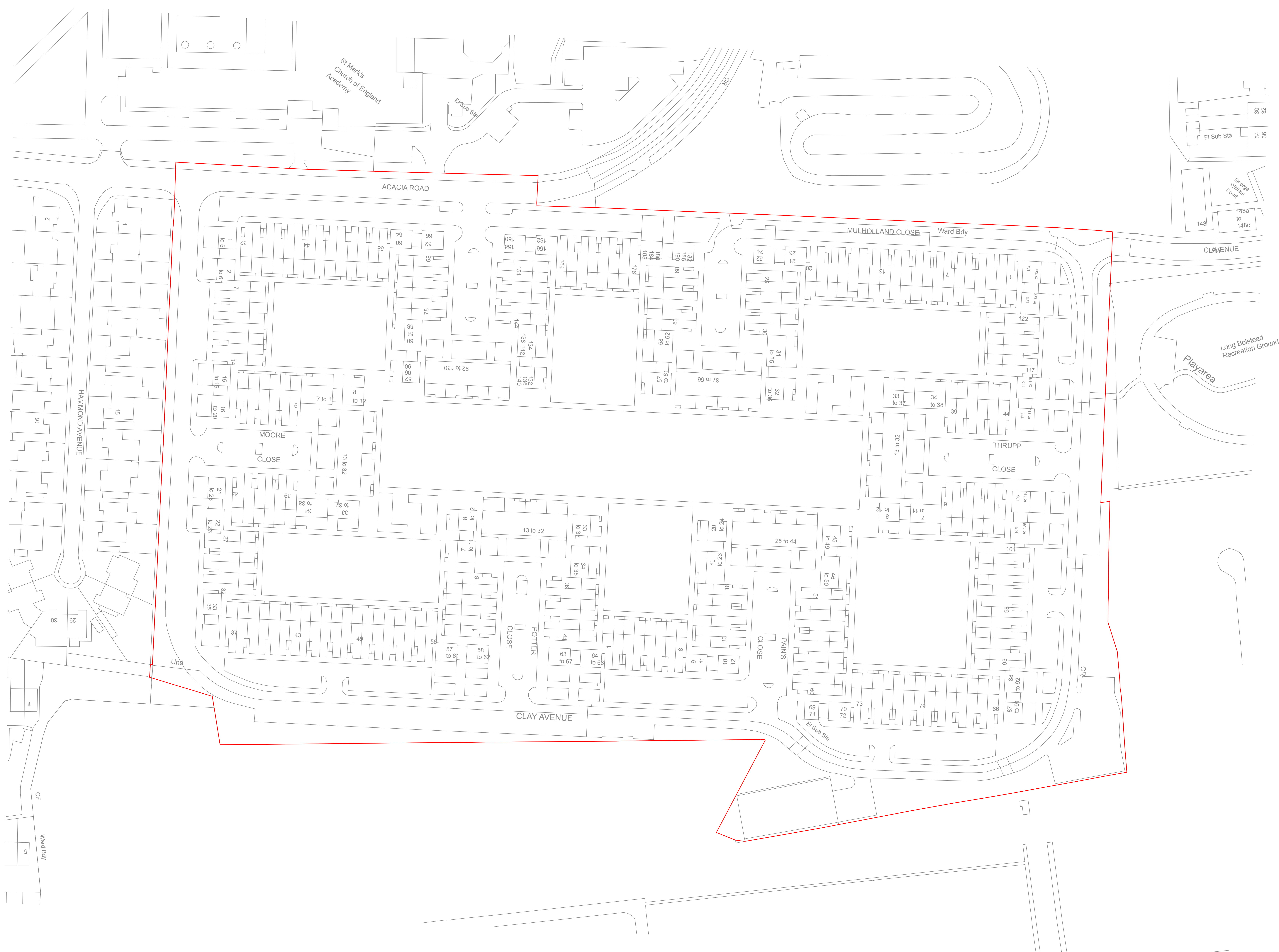
Authorised Signatory



NOTES:

1	FIRST DRAFT	SM 20 11 17
R	DESCRIPTION	BY DD/MM/YY

KEY:



COMMISSION:

EASTFIELDS, MERTON
(2655)

DRAWING:

RED LINE BOUNDARY PLAN
SHEET 1 OF 1

DRAWING NO.

PA-2655-RLB

DATE:

20/11/2017

SCALE:

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REVISION:

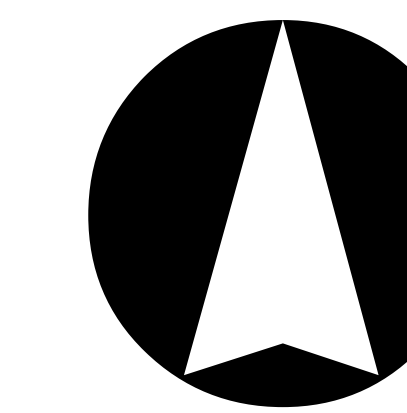
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DRAWN BY:

SM

Drawing units
are in metres

© 2017 PERSONA ASSOCIATES



NOTES:

2	RLB AMENDED AROUND	SM 24 11 17
1	MARSH COURT	SM 20 11 17
R	FIRST DRAFT	BY DD MM YY
	DESCRIPTION	

KEY:

RED LINE BOUNDARY

COMMISSION:

HIGH PATH, MERTON
(2654)

DRAWING:

RED LINE BOUNDARY PLAN
SHEET 1 OF 1

DRAWING NO.

PA-2654-RLB

DATE:

24/11/2017

SCALE:

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REVISION:

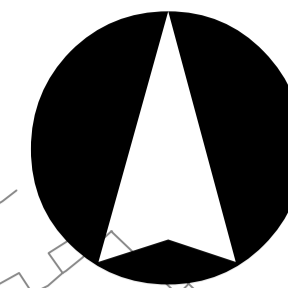
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DRAWN BY:

SM

Drawing units
are in metres





NOTES:

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KEY:

RED LINE BOUNDARY

COMMISSION:

RAVENSBURY, MERTON
(2653)

DRAWING:

RED LINE BOUNDARY PLAN
SHEET 1 OF 1

DRAWING NO.

PA-2653-RLB

DATE:

20/11/2017

SCALE:

1:500 @ A0

REVISION:

R1

DRAWN BY:

SM

Drawing units
are in metres

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Committee: Council

Date: 7 February 2018

Wards: All

Subject: Dog Control Public Space Protection Orders

Lead officer: Chris Lee, Director of Environment & Regeneration

Lead member: Councillor Nick Draper, Cabinet Member for Community & Culture

Contact officer: Doug Napier, Greenspaces Manager: doug.napier@merton.gov.uk

Recommendations:

1. That Council approves the making of the following new dog control Public Spaces Protection Order for Merton's public spaces:
 - i) The prohibition of dog fouling by ensuring that dog owners and walkers clear up after their dogs.
 - ii) The establishment of dog exclusion areas, predominantly children's playgrounds and enclosed play and sports facilities, such as tennis courts, multi-use games areas and bowling greens.
 - iii) Dogs to be put on a lead in public places when directed to do so by an authorised officer of the council, a police officer or a community support officer. (This proposal would apply within Morden Hall Park and on Mitcham Common, but not Wimbledon Common which has its own byelaws).
 - iv) The maximum number of dogs that can be walked by one person in all public open spaces (including Morden Hall Park and Mitcham Common, but excluding Wimbledon Common) at any one time is four.
 2. To agree that the amount of the fixed penalty payable under a Fixed Penalty Notice issued in respect of breaches of the Order be £80, payable within 14 days and with no discount for early payment.
 3. To authorise the Director of Environment & Regeneration in consultation with the Cabinet Member for Community & Culture to finalise and make the Public Space Protection Order, to come into force on 5 March 2018 or as soon as possible thereafter.
-
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report sets out the Council's proposals for future dog controls in public spaces within Merton borough.
- 1.2. The proposals will replace existing dog control measures made under the Clean Neighbourhoods and Environment Act 2005 and include some new

measures to address some additional dog-related concerns that have emerged since these existing measures were first adopted in 2007.

- 1.3. The report outlines the results of a recent public consultation exercise on this topic and also captures some of the evidence from recent community feedback and local data in support of its proposals.

2 DETAILS

- 2.1. Merton has two Dog Control Orders currently, adopted in 2007:

- It is an offence for any dog owner or dog walker to fail to clean up after their dog. The order applies across the whole borough.
- Dog exclusion areas have been designated where dogs are not permitted: children's playgrounds and ball courts, for example.

- 2.2. Public Space Protection Orders (PSPOs) are a relatively new measure, established by the Anti-social behaviour, Crime and Policing Act 2014, that replace some existing legislation and introduces wider discretionary powers to address particular nuisances or problems that are detrimental to the local community's quality of life. PSPOs seek to ensure that the law-abiding majority can use and enjoy public spaces safe from anti-social behaviour. The Orders can be enforced by fixed penalty notices or prosecution by the police or the Council. Under the 2014 Act, the existing Dog Control orders ceased to exist after 17 October 2017 but, under transitional provisions, they automatically become effective as PSPOs for a period of three years, that is, until October 2020.

- 2.3. The Council's Greenspaces team has been monitoring dog issues within the borough's parks for a number of years and, together with other Council service teams, has received reports of some regrettable incidents involving dogs, as well as correspondence from residents expressing their fears and anxieties about the behaviour of dog owners and dog walkers from across the borough.

- 2.4. Some recent examples of incident and concerns reported to the Council are provided below:

"Today (7 October 2016) I was walking west down the hill (in Morden Park) at 9.30 when coming up the hill towards me was a middle-aged woman with 3 large boxer type dogs who were all jumping and running in different directions. I shouted to the woman could she get them under control as 2 of them were bounding towards me. She was unable to stop them running towards me, jumping up at me, and one of them scratched my hand. They were strong, powerful dogs which reached up to my shoulder. This incident really upset me as I have personal experience of the long term physical and psychological issues of being attacked by a dog. My daughter was attacked in the same park 7 years ago by an out of control Rottweiler (whose owner was later prosecuted). (My daughter) was) seriously injured and still has scars on her face.

"Yesterday (28 February 2017) I was walking my dog on Mitcham Common when it was attacked by around 15 dogs being walked by two "professional" dog walkers. Half an hour later I saw another two dog walkers with 14 dogs.

I told them that I thought that they had too many dogs. All that I got was a torrent of abuse (and a physical threat)."

"I am contacting you (27 July 2017) regarding some concerns I have about children's play areas and specifically Mostyn Gardens in Morden. I am seriously considering not taking my son to Mostyn Gardens due to the following issues.....dog excrement around the children's play area."

"This morning (19 September 2017) on the boardwalk (at Beverley Meads) a male dog walker with 9 dogs running loose became abusive when I challenged him about the number of dogs he had - he made no effort to draw them away from me to let me pass".

"I go for a jog around Cottenham Park every day. I have been chased and barked at by a terrier type dog snarling as it chases which has worried me as it looks like it will bite me. On the next run around the park on this day, the lady's dog ran into me and kept running at my ankles barking and snarling and snapping. I politely asked the lady owner to please keep her dog on a lead. The dog came at me again running toward me in a vicious manner as if it was going to bite me about a week later. Today, (26 December 2017) the dog has been snarling and coming at me again. I mentioned that this had now happened three times and I had already kindly asked the lady to keep her dog on a lead previously. I asked the lady if she would please provide her name and she refused. She said she would not put her dog on a lead despite its being out of control and being dangerous in my view in a public place with grown ups and children enjoying the space."

- 2.5. During the five year period ending on 31 December 2017, Merton Council's Enforcement Team received and recorded 20 incidents of dog-on-dog attacks within the borough.
- 2.6. During the same five year period ending on 31 December 2017, Merton Council's Enforcement Team received and recorded 25 reports of dangerous dogs.
- 2.7. Data provided by the Metropolitan Police has confirmed 243 records of dog attack crimes within Merton for the period 2013-2017. These records represent incidents in which dogs have been deemed to be dangerously out of control in a public place and have caused actual injuries to persons. The data reveals, regrettably, a steadily rising trend of dog attacks during this time period, the number recorded in 2017 being double that of 2014, as outlined in the table below:

Year	No. of dog attack crimes recorded
2013	14
2014	34
2015	41
2016	44
2017	68

- 2.8. The Council is committed to tackling these issues and, with the expressed support of both the Mitcham Common Conservators and the National Trust to include their open space landholdings within the borough, the authority has recently conducted a community consultation exercise on its proposals.
- 2.9. The consultation focused upon four new dog control PSPO proposals:
- Prohibiting dog fouling by ensuring that dog owners and walkers clear up after their dogs.
 - The establishment of dog exclusion areas, predominantly children's playgrounds and enclosed play and sports facilities, such as tennis courts, multi-use games areas and bowling greens.
 - Dogs to be put on a lead in public places when directed to do so by an authorised officer of the council, a police officer or a community support officer. (This proposal would apply within Morden Hall Park and on Mitcham Common, but not Wimbledon Common which has its own byelaws).
 - The maximum number of dogs that can be walked by one person in all public open spaces (including Morden Hall Park and Mitcham Common, but excluding Wimbledon Common) at any one time is four.
- 2.10. The results of the community consultation are provided in a summary report at Appendix 1 and show very clear and, in some cases, overwhelming support for the Council's proposals as follows:
- Prohibiting dog fouling by ensuring that dog owners and walkers clear up after their dogs. **98.5% support**
 - The establishment of dog exclusion areas, predominantly children's playgrounds and enclosed play and sports facilities, such as tennis courts, multi-use games areas and bowling greens. **87.0% support**
 - Dogs to be put on a lead in public places when directed to do so by an authorised officer of the council, a police officer or a community support officer. (This proposal would apply within Morden Hall Park and on Mitcham Common, but not Wimbledon Common which has its own byelaws). **76.5% support**
 - The maximum number of dogs that can be walked by one person in all public open spaces (including Morden Hall Park and Mitcham Common, but excluding Wimbledon Common) at any one time is four. **70.0% support**

3 ALTERNATIVE OPTIONS

- 3.1. An alternative option would be to do nothing. The dog fouling and dog exclusion provisions would remain in force under the transitional provisions until October 2020, however this would not address the existing community concerns relating to dogs on leads and multiple dog walking. It would seem sensible to incorporate all the dog control measure into one new PSPO.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. A public consultation exercise on the Council's dog control proposals was undertaken between 24 August and 30 October 2017. A summary report of that exercise is included within this report at Appendix 1.
- 4.2. A report on the Council's dog control proposals was considered by the Sustainable Communities Overview and Scrutiny Panel on 2 November 2017.
- 4.3. The recommendations contained within this report were considered by and approved by Cabinet on 15 January 2018.

5 TIMETABLE

- 5.1. A nine week community consultation exercise on the Council's dog control proposals closed on the 30 October 2017. The findings of the survey that formed a core component of the consultation has informed the recommendations presented within this report for Cabinet's consideration and approval.
- 5.2. Pending the recommendations and views of Cabinet, this matter will be presented to Council on 7 February 2017 for its approval and for the formal making of the agreed dog control PSPO on 5 March 2018 or as soon as reasonably practical thereafter.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. There are no significant financial or resource implications arising from these proposals. There will be some minor additional on-site signage needs that will be funded from within existing budgets and the operational aspects of the enforcement of the PSPO will be included within the routine duties of the departmental officers and its environmental enforcement contractors and the police, as appropriate.
- 6.2. The enforcement of the PSPO will generate income from the issuing of fixed penalty notices.
- 6.3. Officers have recommended a fixed penalty of £80 within 14 days but with no discount for earlier payment.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 enables a local authority to make a PSPO if it is satisfied on reasonable grounds that two conditions are met. The first condition is that the activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or it is likely that they will have such an effect. The second condition is that the effect, or likely effect of the activities a) is, or is likely to be, such as to be, of a persistent or continuing nature, b) is, or is likely to be, such as to make the activities unreasonable, and c) justifies the restrictions imposed.

- 7.2. When deciding whether to make a PSPO, section 72 requires a local authority to carry out consultation.
- 7.3. The validity of a PSPO can be challenged in the High Court within 6 weeks of it being made. There are two possible grounds for challenge. Firstly, that the local authority did not have power to make the order, or to include particular prohibitions or requirements in the order. The second ground is that a requirement of the Act for making the Order was not complied with. The challenge can only be brought by those directly affected by the restrictions, that is, an individual who lives in, or regularly works in, or visits the area.
- 7.4. Non compliance with a PSPO is a criminal offence and subject to a fine of up to £1,000 on conviction. The Act provides however that liability can be discharged by payment of a fixed penalty within 14 days, with a discount for earlier payment if so desired. The maximum amount that can be charged is £100 and the Council will have to decide the amount of the fixed penalty and if there is to be a discounted amount.
- 7.5. In deciding whether to make a PSPO, and if so what should be included in it, under section 72 of the 2014 Act the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”). The restrictions which will be made if the proposed PSPO is made do not engage these Articles and are considered compatible with rights under the Convention.
- 7.6. A copy of a draft version of the proposed London Borough of Merton Public Spaces Protection Order (Dog Control) is included as an appendix to this report.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. A public consultation exercise on the Council’s dog control proposals was conducted between August and October 2017. Details of the consultation were widely circulated within the borough (as outlined in Appendix 1), including to community groups and organisations representing the interest of dogs and dog walkers to ensure that participation by stakeholders was maximised.
- 8.2. Officers have had regard to the Council’s duties under the Equality Act 2010. An Equalities Analysis has been carried out to consider the potential benefits as well as potential negative impacts for protected groups.
- 8.3. The Equalities Analysis identified no significant negative impacts upon equality groups, but a positive impact in relation to the enjoyment of playgrounds, ball courts & similar play facilities by children and young people where dogs will be excluded.
- 8.4. Exemptions have been included within the proposed PSPO for assistance dogs.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. Measures to control unruly and overly aggressive dogs are included within the recommendations contained within this report.
- 9.2. Additional recommendations include restrictions on the maximum number of dogs that can be walked by one person in public open spaces within Merton (with the exception of Wimbledon Common) at any one time in order to address concerns in relation to large packs of dogs that are commonly witnessed in some of the borough's larger open spaces and recommended measures to exclude dogs from sensitive public spaces such as children's playgrounds.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. The risk of not addressing this issue would be irresponsible and could be considered as a failure by the Council to address the genuine needs and wishes of the community, highlighted by the recent consultation exercise, and thereby exacerbating existing community health and safety concerns from dog faeces and overly aggressive dogs, for example.

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

- Consultation on proposed new Dog Control Public Space Protection Orders in Merton - Summary report.
- London Borough of Merton Public Spaces Protection Order 2018 (Dog Control)(Draft)

12 BACKGROUND PAPERS

- 12.1. The recent public consultation details and survey on dog controls in the borough can be viewed here:

www.merton.gov.uk/dogcontrolorders

Public Space Protection Orders – Guidance for councils:

https://www.local.gov.uk/.../10.4%20-%20PSPO%20guidance_03_1.pdf

Public Space Protection Orders - Dog Controls. Report to Merton Sustainable Communities Overview and Scrutiny Panel, 2 November 2017.

Dog Control Public Space Protection Orders. Report to Merton Council Cabinet, 15 January 2018.

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Appendix 1

Consultation on proposed new Dog Control Public Space Protection Orders in Merton – Summary report

**January 2018
Consultation & Community Engagement Team**

1. INTRODUCTION AND PURPOSE OF THE CONSULTATION

- 1.1 Residents, friends' groups, police and dog walkers have told us that they are concerned about growing numbers of dog-related problems in public places, including dog fouling, unmanageable groups of dogs, and dogs in children's play areas.
- 1.2 Whilst it is acknowledged that most dog owners and dog walkers behave responsibly, as a result of growing concerns the Council has opted to consider action against those who don't.
- 1.3 One solution that could be effective is to introduce a new Dog Control Public Space Protection Order (PSPO) made under the Anti-social behaviour, Crime and Policing Act 2014, which would replace Dog Control Orders (DCOs.) made under the Clean Neighbourhoods and Environment Act 2005.
- 1.4 Merton currently has two DCOs in place:
 - It is an offence for any dog owner or dog walker to fail to clear up after their dog. This order applies across the whole borough.
 - Designated dog-free areas. This order applies to specific parts of the borough, for example, children's play areas.
- 1.5 These Dog Control Orders ceased to exist in October 2017 however under transitional provisions in the 2014 Act they automatically become effective as PSPOs until October 2020. The Dog Control Public Space Protection Order which the council is proposing to introduce in their place would cover the following:
 - Prohibition of dog fouling, ensuring owners and walkers clear up after their dogs. This would include Morden Hall Park and Mitcham Common, but excluding Wimbledon Common, which has its own byelaws. To replace the existing DCO.
 - Dog exclusion areas such as playgrounds and enclosed/fenced play or sports areas, including multi-use games areas, basketball and tennis courts, outdoor gyms, bowling greens and skate parks. To replace the existing DCO.
 - Dogs must be put on a lead in public open spaces when directed to do so by an authorised council officer, council-appointed specialist contractor or police officer/police community support officer. This would include Morden Hall Park and Mitcham Common, but excluding Wimbledon Common, which has its own byelaws. This PSPO is being considered because we have received growing reports from park users whose dogs are being attacked by loose dogs whose owners have no control over them.
 - The maximum number of dogs that can be walked by one person in all public open spaces at any one time is four. This would include Morden Hall Park and Mitcham Common, but excluding Wimbledon Common, which has its own byelaws - This order is being considered due to concerns about the ability of dog walkers to properly manage more than four dogs at any one time and clean up after them. The proposed order suggests a four dog maximum based on the precedent set by other London boroughs: of those who have adopted a maximum dogs order, many have set the limit at four, including neighbouring boroughs Croydon and Lambeth.

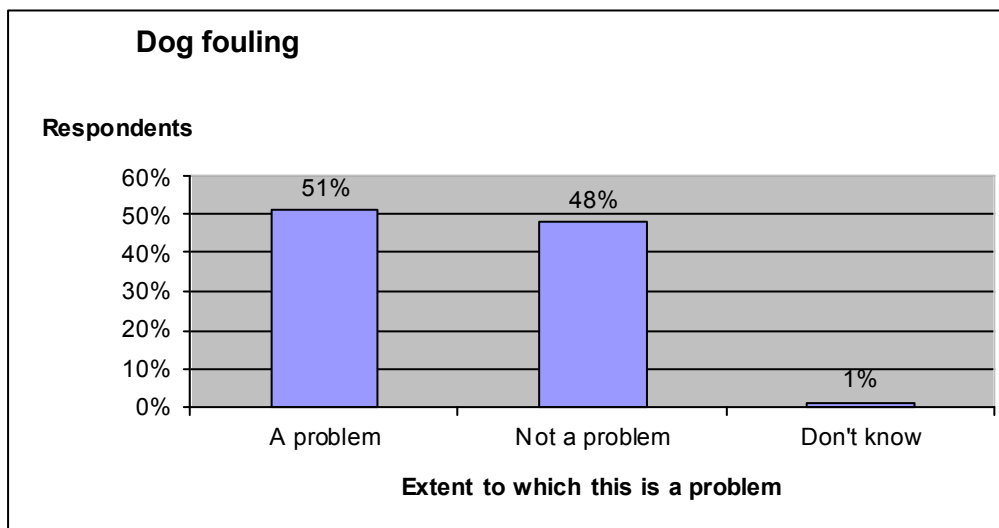
- 1.6 Contravention of a PSPO results in the issue of a fixed penalty notice. Non-payment may result in prosecution and a fine of up to £1,000
- 1.7 To ascertain whether a PSPO is needed in the borough to tackle concerns about dog-related problems, the Council carried out a programme of public consultation seeking the views of local residents, park users, dog owners and other stakeholders.
- 1.8 The consultation was not carried out as a quantitatively representative survey. The feedback received should therefore not be interpreted as a deciding vote on the matter, more as indicative of public feeling.

2. METHODOLOGY

- 2.1 The public consultation on the proposed new Dog Control Orders was launched on 24 August 2017 and ended after almost 10 weeks, on 30 October 2017.
- 2.2 A number of stakeholders were identified as important consultees to be notified of and included in the consultation. This included:
- Friends of Parks
 - Members of Merton's Dog Watch, a neighbourhood watch scheme for dog walkers
 - The Kennel Club UK
 - Battersea Dogs and Cats' Home
 - The Dogs Trust
 - The Professional Dog Walkers' Association
 - The National Association of Pet Sitters and Dog Walkers
 - The National Trust (which owns Morden Hall Park)
 - Wimbledon Common
 - Neighbourhood Watch and Safer Neighbourhood teams
 - Elected members of Merton Council
 - The local press
- 2.3 Notification and publicity of the consultation took place through a number of methods:
- All of the details of the consultation were posted on the council's website, both on its Dog Control pages and on its consultation database.
 - A letter outlining the consultation and details of the proposed DCOs was sent to the above-listed stakeholders (see Appendix 1). The letter included a link to Merton Council's Dog Control consultation web page, where they would be able to find out more and complete an online survey about the proposed PSPOs (see appendices 2 and 3).
 - Posters were put up on notice boards and at entrances to parks and green spaces in the borough to inform park users and local residents of the consultation and how they could get involved (see Appendix 4).
 - A notice about the consultation was put in My Merton, to inform residents.
 - A press release was issued, which featured in local newspapers as well as on the Council's website.
 - The consultation was publicised through Merton Council's Twitter account with a link to the online survey to encourage greater feedback on the proposals.
 - Attendees at the Council's annual Community Forums were notified of the consultation and informed of how they could get involved.
 - Paper copies of the online survey were made available for people upon request.

3. RESULTS/FEEDBACK

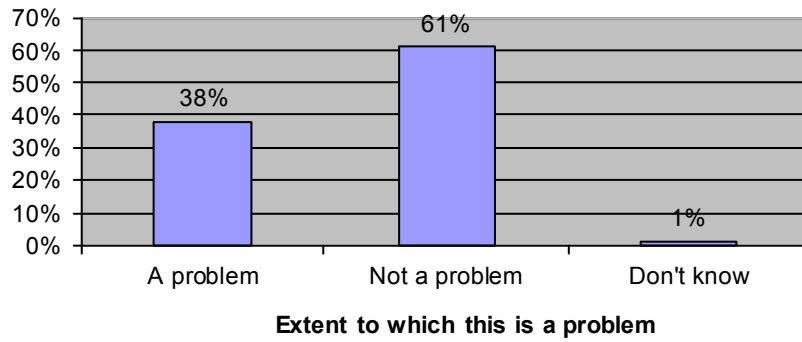
- 3.1 The key aim of the consultation was to obtain qualitative feedback on the proposed Dog Control Orders. The Council did not sample the local population and consequently did not target a representative proportion of people; rather, the aim was to gauge people's views and ensure all relevant factors are taken into account in reaching a decision. Therefore the results of the consultation should be viewed as an indication of the strength of feeling, not as an accurate quantitative assessment.
- 3.2 A total of 1,243 people completed the survey, primarily online, with seven paper copies received.
- 3.3 Of the 1,243 respondents, 77% lived in Merton, 54% owned a dog and 56% regularly walked one or more dogs.
- 3.4 Respondents were asked to rate a list of dog-related issues by how much of a problem they felt they were in Merton. As can be seen by the graphs below, in three cases, the majority of respondents did not feel that the issues asked about were a problem in the borough¹. In the case of dog fouling, however, opinions were more evenly divided.



¹ The survey's answer options 'A very big problem' and 'Quite a big problem' have been combined in the graphs and are shown by the 'A problem' bar. Answer options 'A minor problem' and 'Not a problem at all' have been combined in the graphs and are shown by the 'Not a problem' bar.

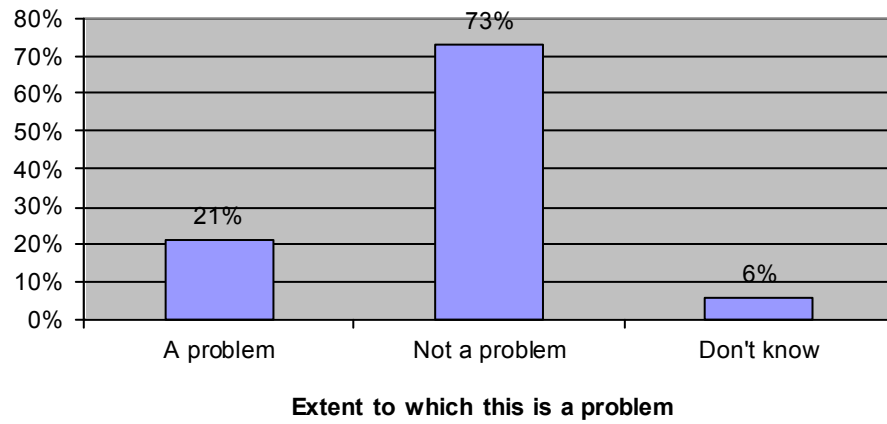
Dogs not kept under adequate supervision by their owners

Respondents



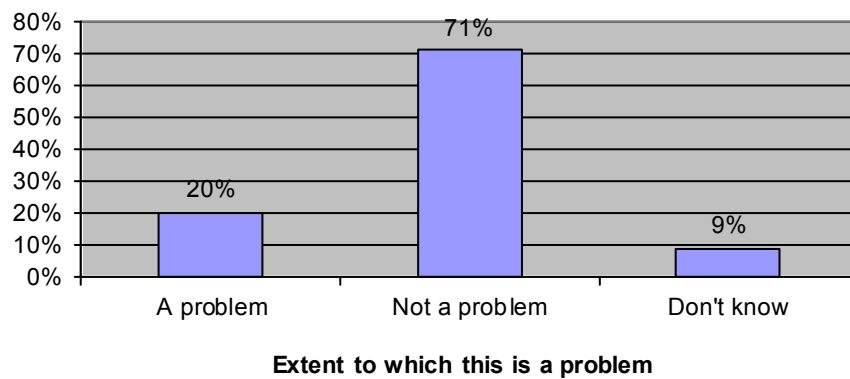
Aggressive behaviour by dogs towards people

Respondents

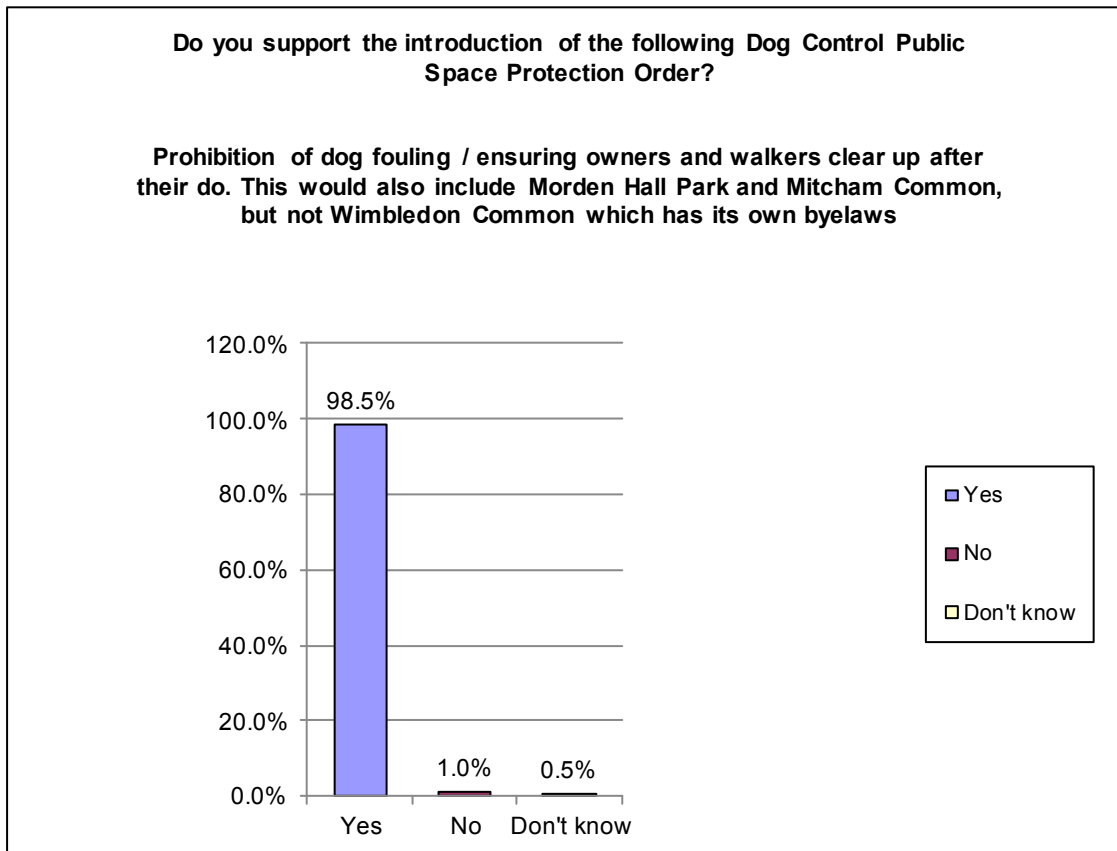


Dogs attacking or fighting with other dogs and animals

Respondents

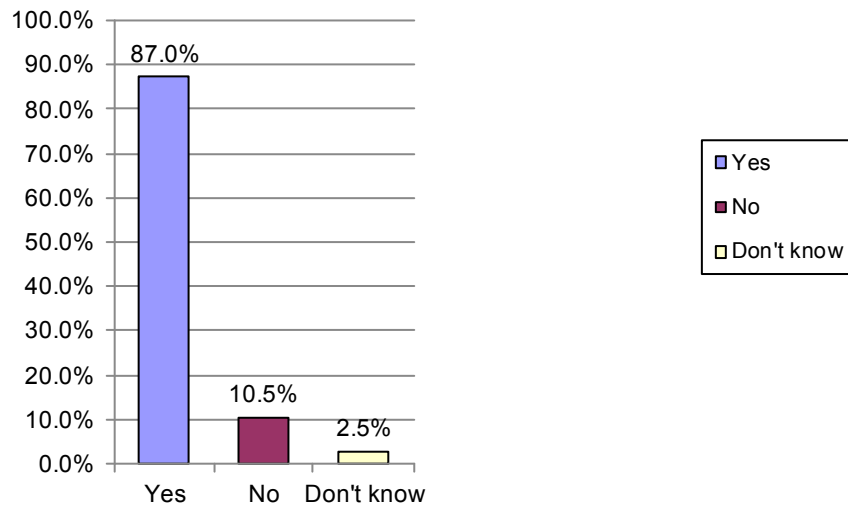


3.5 Although the majority of respondents indicated that they didn't feel dog-related problems were a concern in Merton, a high number, when asked, still felt that Dog Control PSPOs should be brought into effect:



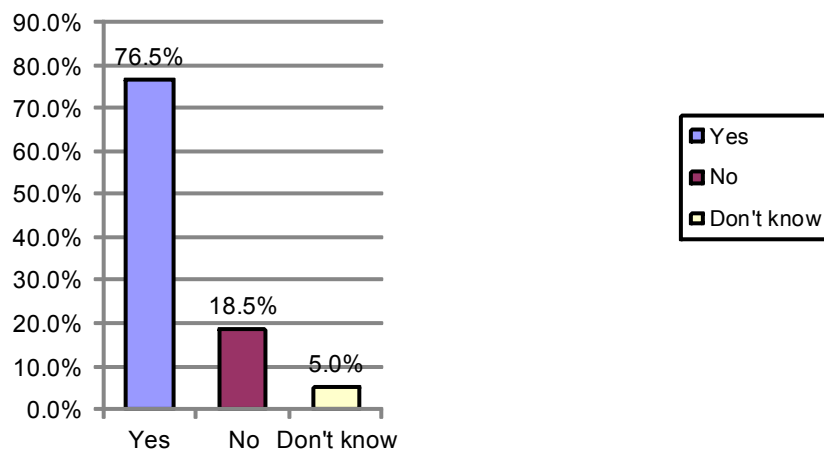
Do you support the introduction of the following Dog Control Public Space Protection Order?

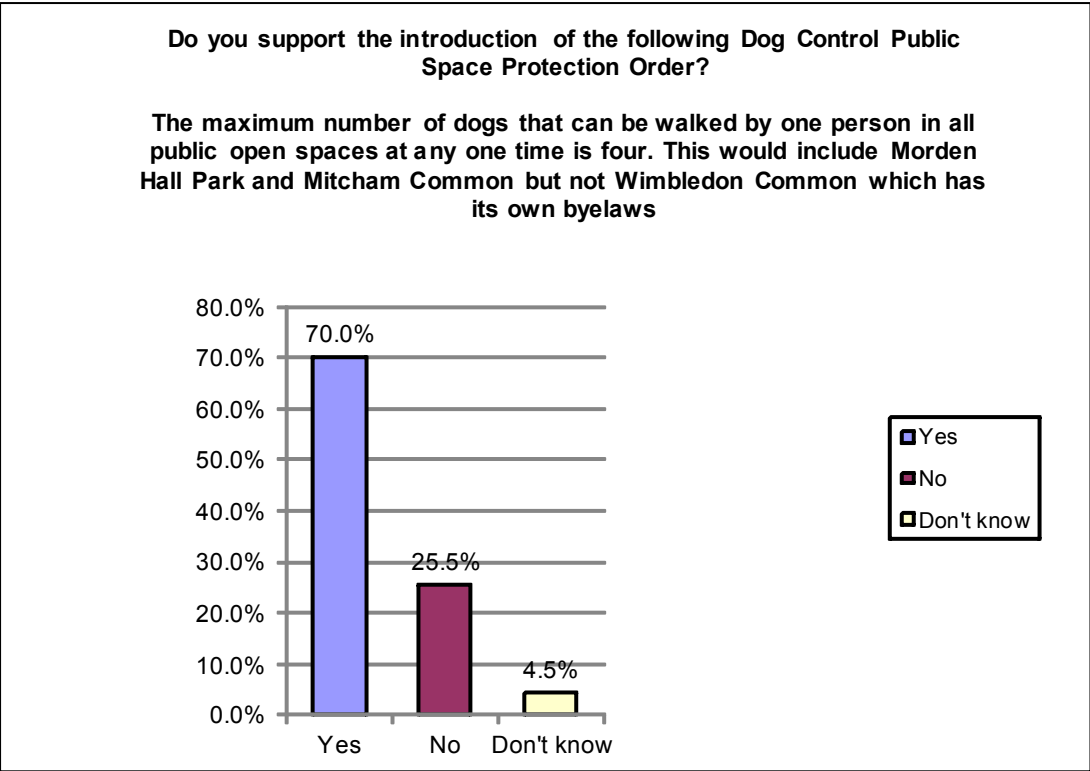
Dog exclusion areas such as playgrounds and enclosed/fenced play or sports areas (including multi-use games areas, basketball and tennis courts, outdoor gyms, bowling greens and skate parks. This would also include Morden Hall Park and Mitcham Common, but not Wimbledon Common which has its own byelaws



Do you support the introduction of the following Dog Control Public Space Protection Order?

Dogs must be put on a lead in public open spaces when directed to do so by an authorised officer. This would also include Morden Hall Park and Mitcham Common but not Wimbledon Common which has its own byelaws





- 3.6 When broken down between dog owners and those who don't own dogs, the difference in levels of support for the proposed PSPOs was as follows:
- Support for a dog fouling PSPO: 98% of dog owners in favour; 99% of those who don't own dogs in favour.
 - Support for a PSPO for dog exclusion areas: 79% of dog owners in favour; 97% of those who don't own dogs in favour.
 - Support for a PSPO for dogs to be put on a lead when directed to do so: 62% of dog owners in favour; 93% of those who don't own dogs in favour.
 - Support for a PSPO forbidding more than four dogs to be walked by one person at any time: 56% of dog owners in favour; 87% of those who don't own dogs in favour.
- 3.7 The above differences were similar when levels of support between dog walkers and those who do not walk dogs were looked at.
- 3.8 Whilst there is clearly a marked difference in levels of support for some of the proposed PSPOs between dog owners/walkers and those who do not own/walk dogs, it is noticeable that for all sets of respondents, the majority were still in favour of each of the proposed orders.
- 3.9 989 comments were received in response to an open question about how respondents would be affected by a restriction of only being able to walk four dogs at any one time. Some of these comments were from professional dog walkers expressing concern about the impact upon their businesses and people who use dog walking services concerned about the availability of such services should a restriction be introduced. Others were from respondents saying they would not be affected at all, that they supported the restriction on safety grounds, and that they felt more than four dogs could not be controlled

- by one person. Due to time constraints, a detailed analysis/breakdown of these comments is not available at the time of writing this report.
- 3.10 Support for the PSPOs came from a mixture of non dog owners, dog owners and dog walkers, with all three stating concerns about dogs not being kept under control by their owners, e.g.:
- “I am a pet owner, not a professional dog walker and I have felt intimidated when coming across large groups of dogs which very often do not seem to be completely under one person's control.”
 - “I would feel much safer as several dog walkers cannot control the numbers they walk. Max should be three.”
 - “As a qualified dog trainer I think 4 dogs is a reasonable and responsible number to be walked by 1 person.”
- 3.11 Of those who were opposed to the proposed PSPOs, the main concerns were about the businesses and future availability of dog walkers:
- “As a professional dog walker I walk more than 4 dogs and my business, along with many others, would be greatly affected. In the main professional dog walkers do have control of their dogs and do pick up after them.”
 - “The lady we use regularly would struggle to remain in business, and is well able to control 6-8 dogs at a time. Walkers should be licenced by ability and competence, rather than a blanket number restriction.”
 - “Costs of dog walkers will go up and less availability.”
- 3.12 A further 772 respondents left general comments in response to the overall consultation. Due to time constraints, a detailed analysis/breakdown of these comments is not available at the time of writing this report, but the majority appear to reiterate the previous points made about how the PSPOs might affect people, from concerns about a potentially negative impact upon dog owners, to comments of support for the PSPOs. There were also comments questioning how the new PSPOs would be enforced and comments voicing concern about existing dog-related problems such as fouling and intimidation.
- 3.13 In addition to the completed surveys, two people commented on the consultation by sending emails to the council. These written responses consisted of a mixture of support and opposition to the various PSPOs. They also included queries about whether the council would introduce licenses for dog walkers, how the PSPOs would be enforced and requested further information on the proposed limit of four dogs per person and how this PSPO might apply to groups of people walking dogs.
- 3.14 The Dogs Trust responded to the consultation with an email, which voiced support for all four of the Council’s proposed Dog Control PSPOs. However, the Trust also stated that it favoured two of the orders above the others: an order for dog fouling; and an order to put dogs on a lead when directed to do so, as it felt that these two orders would be more targeted towards owners that allow their dogs to cause a nuisance.

4. CONCLUSION

- 4.1 In carrying out a public consultation on the proposed Dog Control Public Space Protection Orders, Merton Council has sought to gauge an indication of public feeling on the orders.
- 4.2 A significant number of responses were received to the consultation, the majority from Merton residents, but with a fairly equal split between dog owners/walkers and non-dog owners/walkers.
- 4.3 Whilst most respondents did not feel out of control dogs are a significant problem in the borough, all four of the proposed PSPOs received more support than opposition from respondents.
- 4.4 One of the main concerns that arose from the consultation was that of enforcement. Many respondents felt that dog fouling, for which Merton already has an order in place, is not enforced strongly enough. There was therefore some concern over how further orders will be enforced.
- 4.5 The recommendations which will be put to members for consideration will be informed by the comments received from all parties.

Appendix 1 - Letter about the consultation

ENVIRONMENT AND REGENERATION DEPARTMENT

(RecipientName)
(Address1)
(Address2)
(Address3)
(Postcode)

Leisure and Culture Greenspaces
London Borough of Merton
Merton Civic Centre
London Road
Morden SM4 5DX

21 August, 2017

Dear X

New Dog Control Public Space Protection Orders

Residents, Friends of Parks, police and dog walkers have told Merton Council that they are concerned about growing numbers of dog-related problems in public places, including dog fouling, unmanageable groups of dogs, and dogs in children's play areas. Whilst we know most dog owners and dog walkers behave responsibly, the council needs to consider action against those who don't.

A Public Space Protection Order is a new measure, created by the Anti-Social Behaviour, Crime and Policing Act 2014, which replaces some existing legislation and introduces wider discretionary powers to deal with any particular nuisance or problem that is detrimental to the local community's quality of life.

The council currently has two Dog Control Orders in place:

- It is an offence for any dog owner or dog walker to fail to clear up after their dog. This order applies across the whole borough.
- Designated dog-free areas. This order applies to specific parts of the borough, for example children's play areas.

We are now consulting residents and visitors to the borough on plans to replace these Dog Control Orders, which are due to expire, with Dog Control Public Space Protection Orders that would cover the following:

- **Prohibition of dog fouling** ensuring owners and walkers clear up after their dogs.
- **Dog exclusion areas** such as playgrounds and enclosed/fenced play or sports areas, including Multi-Use Games Areas, basketball and tennis courts, outdoor gyms, bowling greens and skate parks

- **Dogs must be put on a lead in public open spaces when directed** to do so by an authorised council officer, council-appointed specialist contractor or police officer/police community support officer. This would include Morden Hall Park and Mitcham Common, but excluding Wimbledon Common, which has its own byelaws.

This PSPO is being considered because we have received growing reports from park users whose dogs are being attacked by loose dogs whose owners have no control over them. Many park users have said they avoid visiting certain parks due to dogs being off the lead.

- **The maximum number of dogs that can be walked by one person in all public open spaces at any one time is four.** This would include Morden Hall Park and Mitcham Common, but excluding Wimbledon Common, which has its own byelaws.

This order is being considered due to concerns about the ability of dog walkers to properly manage more than four dogs at any one time and clean up after them.

Contravention of a PSPO results in the issue of a fixed penalty notice. Non-payment may result in prosecution and a fine of up to £1,000.

Have Your Say

Tell us what you think about Dog Control Orders by visiting www.merton.gov.uk/dogcontrolorders and completing our online survey from 24 August 2017. All responses must be received by Monday 30 October 2017, when the consultation closes.

Appendix 2 - Consultation survey form

Dog Control Public Space Protection Orders, 2017

We are proposing to introduce Public Space Protection Orders (PSPOs) in Merton to control antisocial behaviour caused by irresponsible dog owners, including dogs being out of control and attacks by loose dogs on other dogs, animals and people. The PSPOs would cover dog fouling, dogs on leads, exclusion areas and multiple dog walking.

Please tell us what you think about dog control in the borough and about the proposed PSPOs by taking a few minutes to complete our survey.

To find out more about the proposed PSPOs, visit: www.merton.gov.uk/dogcontrolorders

Dog Control Public Space Protection Orders

1: Do you live in Merton?

Please select one option only.

Yes []

No []

2: If yes, please tell us your post code.

3: Do you, or others in your household, own a dog?

Please select one option only.

Yes []

No []

4: Do you regularly walk a dog/dogs?

Please select one option only.

Yes []

No []

5: If yes, on average how many dogs do you walk at any one time? Please note a maximum response of 20 can be entered.

6: Are you responding as:

Please select one option only.

- An individual
- A professional dog walker
- Both

7: How much of a problem do you think the following are in your area?

Please select one option only in each row.

	A very big problem	Quite a big problem	A minor problem	Not a problem at all	Don't know
Dog fouling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dogs not kept under adequate supervision by their handlers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aggressive behaviour by dogs towards people	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dogs attacking or fighting with other dogs and animals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8: Do you support the introduction of the following Dog Control Public Space Protection Orders in Merton?

Please select one option only in each row.

	Yes	No	Don't know
Prohibition of dog fouling / ensuring owners and walkers clear up after their dogs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dog exclusion areas, such as playgrounds and enclosed/fenced play or sports areas (including Multi Use Games Areas, basketball and tennis courts, outdoor gyms, bowling greens and skate parks)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dogs must be put on a lead in public open spaces when directed to do so by an authorised officer. This would also include Morden Hall Park and Mitcham Common but not Wimbledon Common which has its own byelaws	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The maximum number of dogs that can be walked by one person in all public open spaces at any one time is four. This would include Morden Hall Park and Mitcham Common but not Wimbledon Common which has its own byelaws	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9: How would you be affected by a restriction of only being able to walk four dogs at any one time, if at all?

10: Please leave any additional comments and feedback you may have about issues relating to the proposed Dog Control Public Space Protection Orders.

About you

You do not have to answer these questions but doing so helps us see how representative the responses to the survey are. This will help us plan improvements to our services more effectively. What you tell us is strictly confidential and will not be used for any purpose other than analysing this survey.

11: Are you?

Please select one option only.

Male []

Female []

12: What is your age group?

Please select one option only.

- Under 16 []
- 16-24 []
- 25-34 []
- 35-44 []
- 45-54 []
- 55-64 []
- 65-74 []
- 75 or over []

13: Do you consider that you have a disability?

Please select one option only.

- Yes []
- No []

14: How would you describe yourself?

Please select one option only.

- White – English/Welsh/Scottish/Northern Irish/British []
- White – Irish []
- White - Gypsy or Irish Traveller []
- White - Any other White background []
- Black or Black British - Caribbean []
- Black or Black British - African []
- Black or Black British - Any other Black background []
- Asian or Asian British - Indian []
- Asian or Asian British - Pakistani []
- Asian or Asian British - Bangladeshi []
- Asian or Asian British - Chinese []
- Asian or Asian British - Any other Asian background []
- Mixed/multiple ethnic groups - White and Black Caribbean []
- Mixed/multiple ethnic groups - White and Black African []
- Mixed/multiple ethnic groups - White and Asian []
- Mixed/multiple ethnic groups - Any other Mixed background []
- Other ethnic group - Arab []
- Other ethnic group - Any other ethnic group []

Thank you for completing this survey. Your feedback is important and will be used to inform our decision on whether Dog Control Public Space Protection Orders are required in Merton and which specific PSPOs are needed.

Appendix 3 - Further information provided online about the proposed PSPOs

What is a Public Space Protection Order (PSPO)?

A PSPO is a new measure, created by the Anti-Social Behaviour, Crime and Policing Act 2014, that replaces some existing legislation and introduces wider discretionary powers to deal with any particular nuisance or problem that is detrimental to the local community's quality of life. PSPOs seek to ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour. The Orders can be enforced by fixed penalty notices and prosecution.

Why do we need Public Space Protection Orders for dog control?

Residents and park users have told us that dog fouling, dogs off their leads, unmanageable groups of dogs, aggressive dogs and dogs in children's play areas and on sports pitches are a concern. We also recognise that there are a minority of owners who allow their dogs to intimidate people and other animals and damage the environment.

We are committed to tackling these issues and as such, the Council is considering making PSPOs based on the issues we hear most about from residents and invites comments and alternative suggestions in this consultation from anyone who lives, works or visits the areas concerned.

What PSPOs is the council considering?

- Prohibition of dog fouling/ensuring owners and walkers clear up after their dogs
- Dog exclusion areas, such as playgrounds and enclosed/fenced play or sports areas (including Multi Use Games Areas, basketball and tennis courts, outdoor gyms, bowling greens and skate parks).
- Dogs must be put on a lead in public open spaces when directed to do so by an authorised council officer, a council-appointed specialist contractor or police officer/police community support officer. This would also include Morden Hall Park and Mitcham Common but not Wimbledon Common which has its own byelaws.
- The maximum number of dogs that can be walked by one person in all public open spaces at any one time is four. This would include Morden Hall Park and Mitcham Common but not Wimbledon Common which has its own byelaws.

What will the penalty be for anyone found breaching a PSPO?

A fixed penalty notice will be issued. Non-payment may result in prosecution and a fine of up to £1,000.

Who can enforce the Orders?

Authorised council officers, council-appointed contractors, police officers and police community support officers (PCSOs).

Is anyone exempt from the Orders?

The Orders will not apply to registered blind persons and their guide dogs or to dogs registered with Dogs for the Disabled, Support Dogs and Canine Partners for Independence, on duty police dogs and rescue dogs.

How will I know where the PSPOs apply?

Putting a dog on a lead of no more than two metres in length when directed by an authorised council officer or police officer/police community support officer will apply to all public open space across the borough, including Morden Hall Park and Mitcham Common but excluding Wimbledon Common, which has its own byelaws.

Dog exclusion areas will be indicated by appropriate signage.

A restriction on individuals of walking no more than four dogs at any time would also apply to any public open space in Merton, including Morden Hall Park and Mitcham Common but excluding Wimbledon Common, which has its own byelaws.

Will I be able to walk my dog in any public open space, like parks?

There are certain places, known as exclusion zones, where dogs are not allowed, such as children’s play areas and ball courts.

What does the consultation seek to do?

The consultation is aimed at balancing the interests of dog owners and non-dog owners. The consultation seeks to obtain information and opinions from local residents, park users, dog walkers and other user groups.

We want to balance the interests of those affected by the activities of dogs, bearing in mind the need for people, in particular children, to have access to dog-free areas and areas where dogs are kept under strict control, and the need for those in charge of dogs to have access to areas where they can exercise their dogs without undue restrictions.

The information we receive from the consultation will be used to help decide what the sensible approach to dog control in Merton may be.

What are the next steps?

Once we have received the results of the consultation, we will assess comments from all parties and determine if and in what format dog control PSPOs should be made.

The proposed timetable is as follows:

Thursday 24 August – Monday 30 October, 2017	Consultation on proposed PSPOs
Late Autumn/Early Winter	Consideration of consultation responses and decision on which orders to adopt
Spring 2018	PSPOs in place

Appendix 4 - Poster advertising the consultation

MERTON COUNCIL

What's up dog?

Consultation on dog controls in our parks

Merton Council is considering new rules to safeguard our parks against uncontrolled dogs and irresponsible dog walkers.

Find out more and tell us what you think at:

merton.gov.uk/dogcontrolorders



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LONDON BOROUGH OF MERTON

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

LONDON BOROUGH OF MERTON PUBLIC SPACES PROTECTION ORDER 2018 (DOG CONTROL)

The Council of the London Borough of Merton (in this Order called “the Council”) hereby makes the following Order pursuant to Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”).

This Order may be cited as the “London Borough of Merton Public Spaces Protection Order 2018 (Dog Control)”.

This Order comes into force on *[Date]* and for a period of 3 years from this date, unless extended pursuant to section 60 of the Act.

In this Order the following definitions apply:

“Person in charge” means the person who has the dog in his possession, care or company at the time the offence is committed or, if none, the owner or person who habitually has the dog in his possession.

“Restricted area” means the land described and/or shown in the maps in the Schedule to this Order.

“Authorised officer” means a police officer, PCSO, Council officer, and persons authorised by the Council to enforce this Order.

“Prescribed charity” means -

- (i) Dogs for Good (registered charity number 1092960);
- (ii) Support Dogs Ltd (registered charity number 1088281);
- (iii) Canine Partners for Independence (registered charity number 803680)

The masculine includes the feminine.

This Order applies to National Trust land at Morden Hall Park, and land owned by the Mitcham Common Conservators within the administrative area of the Council. It does not apply to Wimbledon Common.

The Offences

Article 1 - Dog Fouling

- (1) If within the restricted area a dog defecates, at any time, and the person who is in charge of the dog fails to remove the faeces from the restricted area forthwith, that person shall be guilty of an offence unless –
 - a. The person has a reasonable excuse for failing to do so; or

- b. The owner, occupier or other person or authority having control of the restricted area has consented (generally or specifically) to his failing to do so

(2) For the purposes of this Article -

- a. Placing the faeces in a receptacle in the restricted area which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;
- b. Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;
- c. A person in charge and in the company of a dog in the restricted area shall be guilty of an offence if, on the request of an Authorised Officer the person fails to forthwith produce a device for or other suitable means of removing dog faeces and taking it home or to a suitable waste disposal receptacle (whether or not the dog has defecated) unless the person has a reasonable excuse for not doing so.

Article 2 – Dogs on leads

(1) A person in charge of a dog shall be guilty of an offence if, at any time, he does not comply with a direction given to him by an Authorised Officer to put and keep the dog on a lead in the restricted area unless -

- a. The person has a reasonable excuse for failing to do so; or
- b. The owner, occupier or other person or authority having control of the restricted area has consented (generally or specifically) to his failing to do so

(2) An authorised officer may only give a direction under this Order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal

Article 3 – Dog Exclusion Area

(1) A person in charge of a dog shall be guilty of an offence if, at any time, he takes a dog onto, or permits the dog to enter or remain on land within the restricted area unless -

- a. The person has a reasonable excuse for doing so; or
- b. The owner, occupier or other person or authority having control of the restricted area has consented (generally or specifically)

Article 4 – Multiple Dog Walking

(1) A person in charge of more than one dog shall be guilty of an offence if, at any time, and at the same time, he takes on to the restricted area more than four dogs unless –

- a. The person has a reasonable excuse for doing so; or
- b. The owner, occupier or other person or authority having control of the restricted area has consented (generally or specifically).

Exemptions

(2) Nothing in this Order applies to a person who -

- (a) is registered as a blind person in a register compiled under Section 29 of the National Assistance Act 1948; or
- (b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People and upon which that person relies for assistance (dogs must be clearly marked as assistants); or
- (c) has a disability which affects that person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which that person relies for assistance (dogs must be clearly marked as assistants).

Penalty

It is an offence under section 67 of the Act for a person without reasonable excuse -

- (a) to do anything that they are prohibited from doing by a public spaces protection order, or,
- (b) to fail to comply with a requirement which they are subject to under a public spaces protection order.

A person guilty of an offence under section 67 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

THE COMMON SEAL OF THE MAYOR AND
BURGESSES OF THE LONDON BOROUGH
OF MERTON was affixed this *[Date]* day of 2018
in the presence of:

Schedule identifying Restricted Areas for Articles 1-4 of the Order

Article 1 - Dog Fouling – map & description

Article 2 - Dogs on leads – map & description

Article 3 - Dog Exclusion Area – map & list

Article 4 - Multiple Dog Walking – map & description

DRAFT

Committee: Council

Date: 7 February 2018

Wards: **All**

Subject: Approval of Pay Policy Statement and re-adoption of the Members' Allowances Scheme

Lead officers: Kim Brown, HR Lead; Paul Evans, Assistant Director of Corporate Governance and Monitoring Officer

Lead member: Councillor Mark Allison, Deputy Leader and Cabinet Member for Finance

Contact officers:

Kim Brown, HR Lead, kim.brown@merton.gov.uk;

Julia Regan, Head of Democracy Services, Julia.regan@merton.gov.uk

Recommendations:

-
1. That Council approve publication of the Pay Policy Statement for 2018/19
 2. That Council reconfirm the Members' Allowance Scheme for 2018/19 with effect from 1 April 2018
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The Localism Act 2011 requires the Council to publish a pay policy statement and for the statement to be re-approved by Council each year.
- 1.2 The existing pay policy statement for 2017/18 was approved by Council on 1 February 2017.
- 1.3 The only amendments from the last year's version are updates to the pay ratios to reflect the current position.
- 1.4 The report also recommends re-adopting the Members' Allowances Scheme with no change for 2018/19.

2 DETAILS

- 2.1. The pay policy statement for the year 2017/18, approved by Council, is currently published on the Council's website.
- 2.2. Council is required to re-approve the pay policy statement each year.
- 2.3. There has been no change in the council's pay policy, and the council is currently awaiting the outcome of national negotiations with regards to Chief Officers' pay. The only amendments from last year's version are to update the pay ratios to reflect the current position.

- 2.4. A draft Pay Policy Statement for 2018/19 is attached at Appendix A.
- 2.5. In relation to the Members' Allowances Scheme the Council is required further to the Local Authorities (Members' Allowances) (England) Regulations 2003 to re-adopt its scheme of members allowances for the year 2018/19 and in doing so give due regard to the recommendations made by the report of the Independent Panel on the Remuneration of Councillors in London whose latest report was published in 2014.
- 2.6. The Independent Panel did not recommend any significant changes to the Scheme of Allowances which it approved in its report in 2010 and again in 2014. It recommended that members' allowances be pegged to the annual local government pay settlement, as is already the case in Merton.
- 2.7. Council is recommended to confirm its existing scheme of Member Allowances for 2018/19 and to retain the same level of allowances for 2018/19, thereby agreeing to not apply the local government pay settlement.

3 ALTERNATIVE OPTIONS

- 3.1. Publication of a Pay Policy Statement and member allowances are statutory requirements.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. Any changes to the pay policy statement would be considered by the Council's Senior Remuneration Panel prior to submission to Council.

5 TIMETABLE

- 5.1. The Pay Policy Statement must be approved by Council for publication from 1 April 2018 on the Councils website.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. There is provision in the draft MTFS for 2018-22 for an increase in the budgeted cost of salaries and Members' Allowances. These provisions will be kept under review each year.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. Publication of the Pay Policy Statement and annual re-approval by a meeting of the full council is a statutory requirement under the Localism Act 2011.
- 7.2. Guidance was issued to authorities in 2011 to accompany the Localism Act, and revised 'final supplementary guidance' was issued by the DCLG in late February 2013. The required changes were addressed in the 2013/14 Pay Policy Statement and in subsequent years.
- 7.3. Regulation 10 of the Local Authorities (Members' Allowances) (England) Regulations 2003 requires re-adoption of the scheme. Before making or amending its allowances scheme, the Council is required, by Regulation 19, to have regard to the recommendations of an Independent Remuneration Panel.

8. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1 The intention of the pay policy measures in the Localism Act is to improve transparency of decision making, particularly in relation to top earners in the organisation.

9. CRIME AND DISORDER IMPLICATIONS

- 9.1 None

10.0 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1 None

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

Appendix 1 – draft pay policy statement for 2018/19.

12 BACKGROUND PAPERS

- 12.1 None

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LONDON BOROUGH OF MERTON
2018/2019
Pay Policy Statement

1. Introduction

- 1.1 The Council is committed to transparency of pay, and best value for money to residents in terms of the pay bill to the workforce and quality of services provided to residents. This statement is required under the provisions of the Localism Act 2011.

We monitor the Council's benchmark position regularly in London utilising data sets from London Councils, and in particular the annual chief officers' salary survey. This information is used when reviewing pay and grading structures, in combination with data on turnover, recruitment and retention.

- 1.2 This pay policy statement sets out: the Council's current position in the labour market and pay benchmarking, pay ratios, the current pay structure and arrangements, dealing with data transparency and senior officer termination payments.

2. Pay benchmarking

- 2.1 In terms of the senior pay benchmarks derived from the London Councils database we know the Council is positioned in the bottom quartile for senior pay for the 32 boroughs, and in a number of cases pays the lowest rate in the whole of London. Our overall pay rates below chief officer-level broadly mirror the median for Outer London Local Authorities.
- 2.2 The pay benchmarks are reviewed annually to ensure the Council continues to provide good value for money and that senior managers are not paid in excess of local, regional and national labour markets, as appropriate to the job.

3. Pay ratios and Fair Pay in the Public Sector

- 3.1 The Council has a pay ratio of 1:10 between the lowest and highest paid employees, conforming to CIPD research evidence that the average ratio in Local Government in England is 1:10. It should be noted this is well within the ratio level of 1:20 that was established for the Hutton Fair Pay Review (March 2011) to consider.
- 3.2 Merton uses job evaluation to determine an employee's grade and the rates within the grade are determined through national bargaining; national negotiations towards pay levels from 1 April 2018 are still ongoing. The minimum rate of pay for NJC employees from 1 April 2017 of £17,961 per annum is based on the nationally determined minimum spine point rate. Merton operates a London Living Wage guarantee, which ensures staff receive at least the London Living Wage from 1 April each year. The minimum

NJC rate of pay at 1 April 2017 exceeded the London Living Wage however see paragraph 4.1 below for more detail on how we determine grades.

- 3.3 Senior managers are required to demonstrate they are performing to appraisal objectives in order to qualify for incremental pay increases and this pay policy system conforms with the recommendations from the Hutton Fair Pay Review that senior managers' pay includes an element of 'earn back'.
- 3.4 As well as comparing with the lowest paid we also make comparison with the median (recommended in the Government's transparency guidelines). The ratio of the Chief Executive's pay to median employee salary is 1:6. The Hutton report suggested the ratio for the FTSE top 250 private sector companies was 1:38.
- 3.5 The average full-time salary for males employed by the Council is £31,998 a year, and the average full-time salary for females is £29,517 a year. The basic pay gap between male and female pay is £2,481 i.e. males earn on average more than females.

A number of factors have caused this gap, notably the TUPE transfer of staff both in and out of the organisation has had an impact on the basic gender pay gap. In March 2017, 185 mainly male relatively lower paid staff transferred out with Street Scene and Waste. In February, 62 were transferred from Sustainable Communities. Meanwhile, 65 Regulatory Services employees transferred to Merton from LB Wandsworth in November 2017. These mainly higher paid staff who were employed by Wandsworth include a large number of men.

These are the most significant factors accounting for the change from last year, when the average full-time salary for males employed by the Council was £28,316 a year, and the average full-time salary for females was £28,689 a year, meaning the basic pay gap between male and female pay was -£373 i.e. females earned on average more than males. The change in the gap is not due to paying individual women less or individual men more.

Work is ongoing to meet statutory requirements for publication of the gender pay gap (which include other forms of pay beyond basic pay), from 1 April 2018. For future years this pay gap information will be published on our website alongside this Pay Policy Statement and updated at 1 April each year.

4. Current pay structures and arrangements

- 4.1 The Council operates:
 - The Joint National Council (JNC) for LA Chief Executives, and the JNC for LA Chief Officers pay agreement arrangements &
 - The National Joint Council (NJC) Greater London Provincial Council (GLPC) Outer London pay agreement for most posts below Management Grade (MG), and applies the GLPC job evaluation scheme for jobs up to grade ME16. Job evaluation objectively establishes the relative size/value of posts whereas

the pay/grade relationship ('price tag') is agreed by the Council with reference to GLPC benchmark guidance. The pay and grading structure below chief officers and Management Grade (see 4.3 below) currently allows for time-served incremental progression on an annual basis up to the grade maxima.

- 4.2 Some other employees are paid on nationally determined pay scales such as: Soulbury, Youth & Community, Teachers, Craft Workers and local conditions.
- 4.3 Senior managers, on grades MGA to chief executive grade are placed on grades with incremental progression on an annual basis. Progression through the grade is dependent upon satisfactory performance. Job evaluation for chief officers and managers above ME16 is conducted using the Hay job evaluation scheme.
- 4.4 Some senior staff who transferred to Merton under TUPE receive performance-related pay or bonuses, but the majority of senior staff do not receive them. They contribute from 8.5% up to 12.5% of their salary to the local government pension scheme and Merton's employer contribution to the pension fund for all contributing members is 15.2%. In some years the Chief Executive also receives election expenses when general, local or European elections occur. Annual cost of living increases are determined nationally.
- 4.5 All matters relating to senior pay, including the chief executive's appraisal setting and assessment is dealt with by the Council's senior remuneration panel comprising of the three party leaders, chaired by the Leader of the Council for the administration at which the salary package is considered and recommended for approval. Salary packages over £100,000 are also reported to full Council for approval.
- 4.6 The Council applies the NJC and Chief Officers pay awards. All staff covered by these conditions of service received a 1% pay award from 1 April 2016 as part of a national 2-year pay agreement, with pay due to increase by a further 1% from 1 April 2017. National pay negotiations for 1 April 2018 onwards are still ongoing.
- 4.7 Any proposed changes to the pay and grading structure are subject to an Equality Impact Assessment to assess the likely impact of the changes.

5. Transparency arrangements

- 5.1 The Council via its Internet site:
 - publishes all senior employee salaries with: names, title, salary band and information including job descriptions that will cover span of control and managerial responsibilities.
 - publishes on an annual basis via its website a schedule of all council employees earning £50,000, or more, in accordance with the recommended code of practice for data transparency.
 - publishes structure charts on the Council's website as recommended by the government code of practice for data transparency.
 - publishes this policy via the Council's website

- 5.1 In the event that there are changes in an employee's salary (including market supplement) which results in a salary increase to £100k during the year; this package needs to be recommended by the remuneration panel and approved by full Council. Once agreed by full Council the details of the individual and post will be published including: name, title, salary band and information including job description that will cover span of control and managerial responsibilities.
- 5.2 The Chief Executive's remuneration, that of the Directors, and any officer earning over £100k, is already the subject of a published statement (Senior Employee's Salaries) on the Council's website. Such levels of remuneration are subject to the Council's senior remuneration panel consisting of the three different political party leaders (see 4.5 above). Other salary and budget information is published in the annual statement of accounts, also available from the Council's website. The Chief Executive's priorities are also published on the website here:
<http://www.merton.gov.uk/council/departments/chiefexecutive.htm>
- 5.3 For any new appointment where the salary is £100k per annum or more approval should be obtained from full Council prior to the appointment being made (in practical terms the agreement would be sought at the start of the recruitment process).

6. Termination payments

- 6.1 For Chief Officers, termination payments are reported to the General Purposes Committee and the rationale for such termination arrangements for these matters are approved by members of the Council. From April 2013 all severance packages over £100,000 are reported to full Council for approval. Pending statutory changes will further limit severance packages and introduce arrangements to recover payments should the person return to work in the public sector.
- 6.2 We will continue to review and publish our policy on the exercise of discretions under local authority regulations covering compensation for early termination of employment, redundancy and pension enhancements.

Committee: Council

Date: 7 February 2018

Wards: All

Subject: Calendar of meetings 2018/19

Lead officer: Director of Corporate Services

Lead member: Councillor Mark Allison, Deputy Leader and Cabinet Member for Finance

Contact officer: Louise Fleming, Senior Democratic Services Officer
louise.fleming@merton.gov.uk

Recommendations:

- A. That the Calendar of meetings at Appendix A is agreed.
 - B. That the dates for Overview and Scrutiny Topic Workshops and Member Induction Workshops, included in Appendix A be noted.
 - C. That the Council meetings for 2018 to 2022 at Appendix B be agreed.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. To propose a calendar of meetings for Council bodies for 2018-19, and for the meetings of the Council for 2018-2022

2 DETAILS

- 2.1. The details are set out in Appendix A and B.

3 ALTERNATIVE OPTIONS

- 3.1. The Council can make whatever arrangements it sees fit in respect of the calendar within the legal constraints set out below. The Council should also have regard to audit and accounting requirements in respect of submission of the Annual Governance Statement by the end of June in each year and the approval of the Final Accounts by the end of September in each year.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. The executive leader has been consulted in respect of the executive meeting schedule. The chair of the Overview and Scrutiny Commission has been consulted in respect of the scrutiny schedule. Group offices and leaders have been consulted and their comments taken into account where possible.

5 TIMETABLE

- 5.1. The calendar covers the period from immediately after the 2018 Annual meeting up to and including the Annual meeting 2019; and meetings of the Council between 2018 and 2022.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. None for the purposes of this report.

7 LEGAL AND STATUTORY IMPLICATIONS

7.1. In borough election years the Council must hold its annual meeting between 12 and 25 days after the election. In other years the annual meeting must be held in March, April or May

7.2. The Council must hold a meeting to agree its budget by 11 March in each year

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1. Publishing a calendar of meetings in advance is important in giving people information about when the Council proposes to do its business and take decisions which affect the community and individuals.

9 CRIME AND DISORDER IMPLICATIONS

9.1. None

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. It is important for the proper discharge of the Council's duties that a proper framework for decision making is established including the scheduling of meetings in advance to allow for business reports to be properly prepared for decision making bodies.

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

- Appendix A – calendar of meetings
- Appendix B – Council meetings for the period 2018 - 2022

12 BACKGROUND PAPERS

12.1. None

2018-19	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19
COUNCIL													
Annual (2)	23												15
Ordinary (5)			4		12		21			6		3	
Council budget (1)											6		
EXECUTIVE (inc LSG)													
Cabinet (11)	23	25	30		17	15	12	10	14	18	25		15
LSG (9)		11	16		3	1 & 29	26		2 and 28		11		
Local Authority Property Company Sub-Committee (4)			30			15			14		25		
SCRUTINY													
Overview and Scrutiny Commission (6)			11		19		14		23		20	24	
Healthier Communities and Older People OSP (6)		19			5		6		10	12	12		
Children and Young People OSP (6)		27				9	7		16	13	13		
Sustainable Communities OSP (6)		21			4		1		9	26	19		
Overview and Scrutiny Topic Workshops		4 & 5											
NON-EXEC & ADVISORY													
Standards and General Purposes Committee (4)			26		6		8				14		
Borough Plan Advisory Committee (3)					26		29				7		
Licensing Committee (3)		12				10				7			
Planning Applications Committee (12) Thurs		7 & 28	19	23	20	18	15	13	17	14	21	25	
OTHER													
Member Induction sessions	5, 10, 15, 22 & 29	6											
Wimbledon Forum (4)		20			27			4			28		
Raynes Park Forum (4)		14			18			6			26		
Morden Forum (2)						11				28			
Mitcham Forum (2)						17				27			
Colliers Wood Forum (1)						4							
Heritage Forum (2)						16						23	
JCC (4)		13			11			5			27		
JOINT COMMITTEES													
Health and Well-Being board (5) (6.15pm) Tues		26				3	27		29		26		
South London Waste Partnership Joint Committee 5.30pm* (4)		13			11			4				2	
North East Surrey Crematorium Board** (10.00am) (4)		12			11			4					
Merton and Sutton Joint Cemetery Board 2.30pm*** (3)													
Joint Regulatory Services 10am**** (3)		5				9				5			
Final budget round meetings in bold													

* TBC with joint Boroughs
**TBC with Sutton and LBW
*** TBC with Sutton
****TBC with LBR and LBW

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2019-2020	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-20	Jan-20	Feb-20	Mar-20	Apr-20
COUNCIL												
Annual (1)	15											
Ordinary (5)			10		18		20			5		22
Council budget (1)											4	

2020-2021	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21
COUNCIL												
Annual (1)	20											
Ordinary (5)			8		16		18			3		21
Council budget (1)											3	

2021-2022	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22
COUNCIL												
Annual (1)	19											
Ordinary (4)			14		15		17			2		
Council budget (1)											2	

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Committee: Council

Date: 7 February 2018

Subject: Changes to Membership of Committees and related matters

Lead officer: Ged Curran, Chief Executive

Contact officer: Louise Fleming, Senior Democratic Services Officer

Democratic Services 020 8545 3616 - democratic.services@merton.gov.uk

Recommendations:

1. That the Council notes the changes to the membership of Committees that were approved under delegated authority since the last meeting of the Council.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report asks Council to note the changes made to committee membership under delegated authority since the publication of the agenda for the last Council meeting on 22 November 2017.

2 DETAILS

- 2.1. The following membership changes have been made by the Chief Executive under his delegated authority in accordance with section 1.4 of part 3F of the Constitution:

Committee	Member resigning	Replaced by	Date
Pensions Fund Advisory Committee	Adam Bush	Stephen Crowe	4 December 2017
Appointments Committee	Nick Draper	Katy Neep	8 December 2017
Planning Applications Committee	Joan Henry	John Dehaney	11 December 2017
Appointments Committee	Michael Bull	Linda Taylor	11 December 2017
Pensions Fund Advisory Committee	Stephen Crowe	Adam Bush	12 December 2017
Borough Plan Advisory Committee	Geraldine Stanford	Stan Anderson	7 January 2018
Healthier Communities and Older People Overview and Scrutiny Panel	Peter McCabe	John Dehaney	8 January 2018
Standards and General Purposes Committee	Oonagh Moulton (substitute)	Hamish Badenoch (substitute)	8 January 2018

Children and Young People Overview and Scrutiny Panel	John Dehaney	Joan Henry	10 January 2018
Healthier Communities and Older People Overview and Scrutiny Committee	John Dehaney	Peter McCabe	16 January
Planning Applications Committee	Jerome Neil	Joan Henry	23 January
Standards and General Purposes Committee	Nick Draper	Martin Whelton	24 January
Overview and Scrutiny Commission	Suzanne Grocott (substitute)	Daniel Holden (substitute)	26 January

1.2 The appointments to Committees and other bodies were agreed at Council on 17 May 2017.

3 CONSULTATION UNDERTAKEN OR PROPOSED

3.1 None for the purposes of this report.

4 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

4.1. None for the purposes of this report.

5 LEGAL AND STATUTORY IMPLICATIONS

5.1. The information regarding membership changes in this report complies with legal and statutory requirements. Council is required to accept nominations made by political groups.

5.2. The Housing and Local Government Act 1989 contains provisions relating to the political balance on committees, the duty to allocate seats to political groups and the duty to give effect to allocations.

5.3. The Council has a statutory duty to review the representations of different political groups on the Council in order to ensure that a political balance is secured on council committees so as to reflect the overall political composition of the council.

5.4. The requirement to allocate seats must be made in accordance with the following statutory principles:

a) All of the seats are not to be allocated to the same political group.

b) The majority of the seats must be allocated to the political group with a majority on the Council.

c) Subject to the two principles listed above, the number of seats on the total of all the ordinary committees of the Council allocated to each political group must bear the same proportion to that on full Council.

6 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

6.1. None for the purposes of this report.

7 CRIME AND DISORDER IMPLICATIONS

7.1. None for the purposes of this report.

8 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

8.1. N/A

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

9.1 None.

10 BACKGROUND PAPERS

Documents from the authorised officer confirming approval of the membership changes agreed under delegated authority.

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Committee: Council

Date: 7 February 2018

Subject: Petitions

Lead officer: Paul Evans, Assistant Director, Corporate Governance.

Lead member: Leader of the Council, Councillor Stephen Alambritis.

Contact officer: Democratic Services, democratic.services@merton.gov.uk

Recommendation:

1. That Council receive petitions (if any) in accordance with Part 4A, paragraph 18.1 of the Council's Constitution.
 2. That Council notes the responses provided to the petitions submitted at the meeting held on 22 November 2017.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report invites Council to receive petitions in accordance with Part 4A, paragraph 18.1 of the Council's Constitution.

2 DETAILS

- 2.1. At the meeting held on 22 November 2017, the petition listed below was submitted and the response is set out below. Any petitions received by Council are referred to respective departments with responsible officers asked to advise the presenting member in each case of the way in which the petition is to be progressed.
- 2.2. A petition was submitted by Councillor Brian Lewis-Lavender on car parking arrangements at Sir Joseph Hood Memorial Playing Fields.

Officer Response

- 2.3 It is not the case that the park gates at Sir Joseph Hood Memorial Playing Fields are being opened early in order to encourage commuter parking in the park.

The majority of regular parks users, local residents and, undoubtedly, many of the signatories to the recent petition will be aware that only last summer the Council undertook a local consultation on proposals to introduce pay and display parking to the park. These proposals were specifically designed to discourage the use of the park's car parking facility by commuters.

The parking scheme proposed for this park at that time was not approved by the relevant Cabinet Member, who noted local opposition to the scheme in the form of a previous petition.

With the future of the car parking arrangements recently confirmed in the medium to long term, and a key anti-commuter measure seemingly unpopular locally, the Council felt obliged to revert to the standard park opening hours that applies to all of its parks and to enable all genuine park users to access the park at the standard park opening hours of 8.00am during the midweek period. It should be noted that this opportunity has been temporarily denied them in recent previous years whilst the Council developed and consulted upon its parking options at

this, and other key parks locations, where our principal objectives were to tackle commuter and some other parking abuses.

To clarify, the Council has not insisted that this park be open at 6.15am; its requirement and expectation is simply that the park gates are fully open by the 8.00am standard, advertised and long-established opening time for parks in Merton, without exception. In reality, our parks are opened at different times (but always prior to 8am during the midweek period) due to the mobilisation schedules and deployment patterns of our parks maintenance contractor's grounds personnel - they travel across the borough opening the locked parks as they get to them - and to the local rotas adopted by Friends groups where such groups open parks on a daily basis.

Since this park reverted to pre-8.00am opening during October 2017, the problems of commuter parking have not, so far, returned. However, Council officers will continue to monitor the situation and consider whether revised opening times and further local consultation is appropriate. However, it is unlikely that the Council will be able to support and justify extended periods of later opening at this popular venue, even if it adopts temporary measures to dissuade commuter parking should that problem return to the park.

- 2.4 A petition was submitted by Councillor Abdul Latif on the Virgin Active Gym at Battle Close.

Officer Response

- 2.5 The decision to close this facility was made by Virgin Active not the Council . Virgin Active (the council's tenant) initiated the surrender of their lease which runs until 2033 . Virgin Active offered to dispose of their interest to the Council voluntarily and the terms were agreed by Cabinet and subject to the scrutiny process.

The Council is committed to doing what it can to help people stay fit . Our 3 Council leisure centres help promote healthy active lives and are managed on our behalf by GLL . The nearest one is close by at Latimer Rd, SW19 and GLL will be looking to see how they can offer ex Virgin Active centre users a similar service at this or at our other 2 leisure centres in Morden and Mitcham . Other privately owned health and leisure centres also operate across the borough.

No decision has been made regarding the future of the Battle Close site however we will be looking to consult the public and make a decision in 2018. We will ensure the site does not fall into dereliction and look to agree its future use at the earliest opportunity.

- 2.6 Members are invited to present petitions at this meeting, and a response will be provided to the next ordinary Council meeting in July 2018.

3 ALTERNATIVE OPTIONS

- 3.1. None for the purposes of this report.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. None for the purpose of this report.

5 TIMETABLE

5.1. None for the purpose of this report.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1. None for the purpose of this report.

7 LEGAL AND STATUTORY IMPLICATIONS

7.1. None for the purpose of this report.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1. None for the purpose of this report.

9 CRIME AND DISORDER IMPLICATIONS

9.1. None for the purpose of this report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

11 APPENDICES

11.1. None

12 BACKGROUND PAPERS

12.1. None.

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