

## Development, Enterprise and Environment

**Leigh Harrington**  
Development Management  
London Borough of Merton  
Merton Civic Centre  
London Road  
Morden SM4 5DX

**Our ref:** GLA/4756/01/ADR  
**Your ref:** 19/P2383  
**Date:** 30 September 2019

Dear Mr Harrington

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

**Land at Benedict Wharf, Mitcham**  
**Local Planning Authority Reference: 19/P2383**

I refer to the copy of the above planning application, which was received from you on 17 July 2019. On 30 September 2019, the Deputy Mayor considered a report on this proposal, reference GLA/4756/01. A copy of the report is attached, in full. This letter comprises the statement that the Mayor is required to provide under Article 4(2) of the Order.

The Deputy Mayor considers that the application does not comply with the London Plan, for the reasons set out in paragraph 86 of the above-mentioned report; but that the possible remedies set out in paragraph of this report could address these deficiencies.

If your Council subsequently resolves to make a draft decision on the application, it must consult the Mayor again under Article 5 of the Order and allow him fourteen days to decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 to refuse the application, or issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. You should therefore send me a copy of any representations made in respect of the application, and a copy of any officer's report, together with a statement of the decision your authority proposes to make, and (if it proposed to grant permission) a statement of any conditions the authority proposes to impose and a draft of any planning obligation it proposes to enter into and details of any proposed planning contribution.

Please note that the Transport for London case officer for this application is Lucy Simpson, email [LucySimpson@tfl.gov.uk](mailto:LucySimpson@tfl.gov.uk), telephone 020 3054 7039.

Yours sincerely,



**John Finlayson**  
Head of Development Management

cc Leonie Cooper, London Assembly Constituency Member  
Andrew Boff, Chair of London Assembly Planning Committee  
National Planning Casework Unit, DCLG  
Lucinda Turner, TfL  
Ben Thomas, Savills  
Kris Furness, Suez

30 September 2019

## Land at Benedict Wharf, Mitcham

### in the London Borough of Merton

### planning application no: 19/P2383

#### Strategic planning application stage 1 referral

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

#### The proposal

Outline planning permission (with all matters reserved) for the residential-led mixed use redevelopment of the site to construct up to 600 residential units and 500 sq.m. of flexible commercial/community floorspace in Class A1-A3, D1 and D2 use).

#### The applicant

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

#### Strategic issues

**Land use principle:** Compensatory re-provision of waste management capacity would be provided; however, further discussion and the written agreement of the South London Waste Plan boroughs is required to confirm that the loss of Benedict Wharf would not compromise the potential to meet the apportionment and self-sufficiency targets in the draft London Plan. Residential-led development of this designated SIL site does not accord with the London Plan or draft London Plan. Further viability and marketing evidence is required to demonstrate the applicant's case for exceptional circumstances in this particular instance (paragraphs 17 to 44).

**Housing and affordable housing:** 20% affordable housing offer, comprising a 60:40 tenure split between London Affordable Rent and London Shared Ownership is wholly unacceptable. This must be significantly improved by fully exploring the potential for grant funding and greater optimisation of the proposed residential density. Early, mid and late stage viability review mechanisms must be secured by Section 106 Agreement. Affordability levels and play space provision should be confirmed and secured (paragraphs 45 to 55).

**Urban design and heritage:** The proposals represent the sub-optimal development of the site, given the site's size and context. The height and massing strategy must be revised to optimise the density and maximise affordable housing delivery. Conditions relating to residential quality, movement routes and inclusive design are required. Subject to the assessment of further verified views from Church Path, GLA officers consider the application is unlikely to harm the adjacent designated heritage assets (paragraphs 56 to 71).

**Climate change:** The proposed energy, drainage and urban greening strategy is supported, subject to conditions and an Urban Greening Factor assessment being submitted and reviewed (paragraphs 72 to 75).

**Transport:** Disabled persons car parking and cycle parking provision should be secured in line with the draft London Plan. Appropriate financial contributions to mitigate the impact on bus capacity will be sought. Conditions are required to ensure the proposals do not compromise the delivery of the Sutton Link project (paragraphs 76 to 82).

#### Recommendation

That Merton Council be advised that the application does not comply with the London Plan and draft London Plan for the reasons set out in paragraph 86 of this report. However, the resolution of these issues could lead to the application becoming compliant with the London Plan and draft London Plan.

## **Context**

1 On 17 July 2019, the Mayor of London received documents from Merton Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor must provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments.

2 The application is referable under the following categories of the Schedule to the Order 2008:

- *Category 1A: "Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats."*
- *Category 1B(c): "Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings - outside Central London and with a total floorspace of more than 15,000 square metres."*
- *Category 1G: "Development which:*
  - *involves a material change of use;*
  - *does not accord with one or more provisions of the development in force in the area*
  - *where the application site is used or designed to be used wholly or mainly for the purpose of treating, keeping, processing, recovering or disposing of refuse or waste materials; and*
  - *the application site occupies more than 0.5 hectares; or contains an installation with capacity for throughput of more than 2,000 tonnes per annum of waste.*

3 Once Merton Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4 The Mayor of London's statement on this case will be made available on the GLA website [www.london.gov.uk](http://www.london.gov.uk).

## **Site description**

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

6 The site has been in waste management use since at least 1989 and was used for various industrial functions prior to this throughout the 20<sup>th</sup> century. The applicant Suez have operated the site since 2000. Currently, the site contains a number of large industrial buildings which are in waste management use, as well as a site office, weighbridge and areas of hard standing. The existing waste activities undertaken on the site include a Materials Recycling Facility (MRF) for the sorting and separation of recyclable materials for transfer and processing elsewhere and a waste transfer station which bulks non-recyclable residual materials for transfer.

7 In terms of the surrounding context, the adjacent London Road Playing Field is a locally designated open space, Site of Importance for Nature Conservation (SINC) and forms part of the

wider Wandle Valley Regional Park. Land to the north, east and west is predominantly residential and comprises a mix of two and three storey properties, with some taller six storey blocks of flats located along London Road to the east. Benedict Primary School is located to the north on the opposite side of Hallowfield Way. Melrose Primary School is a similar distance to the east and accessed via Church Road. Industrial land to the south west is covered by the same SIL designation but is accessed from Morden Road to the south and is separated from the site by tram lines. Modern Hall Park (MOL) is to the west on the other side of the tram lines and can be accessed via Ravensbury Path and Morden Road.

8 The application site has a public transport accessibility level (PTAL) range of 1b to 3 (on a scale of 0 to 6b where 6b is the most accessible). Belgrave Walk tram stop is approximately 40 metres from the site to the west and provides London Trams services towards Wimbledon, Mitcham Junction, Croydon and New Addington. Mitcham Tram Station is a broadly similar distance to the east on London Road and is on the same tram line. Bus stops are within walking distance of the site to the north on Church Road, which serve the route 200 between Mitcham and Colliers Wood. The site is served by a single vehicle access route to the north via Hallowfield Way, which it shares with the adjacent vehicle pound. This local access road connects to Church Road, a local distributor road, via a mini roundabout. The nearest section of the Transport for London Road Network (TLRN) is the A24 which is approximately 1.4 kilometres to the north via Church Road. A secondary site access also exists off Church Path; however, this has been closed off due to the narrowness of this route. A pedestrian right of way known as Baron Walk runs immediately adjacent to the site's eastern boundary with London Road Playing Field.

9 The site is not within a conservation area and there are no statutory listed buildings on the site; however, the site is immediately adjacent to two conservation areas and a number of listed buildings. The Mitcham Cricket Green Conservation Area is to the north east and includes the nearby residential terraced properties on Church Path as well as the Grade II\* listed Parish Church of St Peter and St Paul, together with Grade II listed tombs and the Grade II listed Vicarage of St Peter. The Wandle Valley Conservation Area includes the southern section of the London Road Playing Field, together with Grade II listed properties on London Road. This conservation area extends to the south and west to include Morden Hall Park and Ravensbury Park. Morden Hall Park is a Grade II listed Registered Park.

## **Details of the proposal**

10 The applicant is seeking outline planning permission (with all matters reserved) for the redevelopment of the site comprising the demolition of existing buildings and construction of up to 600 new residential units and up to 500 sq.m. of flexible commercial floorspace (Class A1-A3, D1 and D2 use), together with associated car parking, cycle parking, landscaping and infrastructure. The application is supported by a design code, an illustrative masterplan and a series of indicative parameter plans. As such, detailed matters in relation to access, layout, scale, appearance and landscaping are all reserved for determination via subsequent Reserved Matters Applications, which would not be referred to the Mayor.

## **Case history**

11 In October 2008, the applicant (then known as SITA UK) submitted a full planning application for the intensification of existing waste management use on the site (LPA ref: 08/P2724/; GLA ref: 2221). This application proposed the creation of an 'Eco Park' comprising an extension to existing materials recycling facility with the provision of new buildings providing a new anaerobic digestion facility; a new bulking/waste building; a new office and visitor centre, new weighbridge; and alterations to the site access from Hallowfield Way with new service road, ancillary infrastructure and landscaping works. On 7 October 2010, Merton Council's Planning Committee resolved to refuse planning permission for this application, against the recommendation of its planning officers who recommended that planning permission should be granted. On 30 November 2010, the former Mayor considered the referred application against the policy tests set out in Article 7 of the 2008 Mayor of

London Order and subsequently issued a direction under that Article he would act as the local planning authority for the purpose of determining the application. This application was subsequently granted planning permission on 27 March 2012 by the former Mayor following a Representation Hearing which took place on 12 October 2011.

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

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

## **Strategic planning issues and relevant policies and guidance**

14 The relevant issues and corresponding strategic policies and guidance are as follows:

- Land use principle *London Plan; Land for industry and transport SPG (2012);*
  - Housing and affordable housing *London Plan; Affordable Housing and Viability SPG; Housing SPG (2016); the London Housing Strategy (2018);*
  - Play space *London Plan; Children and Shaping Neighbourhoods: Play and Informal Recreation SPG;*
  - Urban design and heritage *London Plan; Shaping Neighbourhoods: Character and Context SPG; Housing SPG;*
  - Inclusive access *London Plan; Accessible London: Achieving an Inclusive Environment SPG;*
  - Climate change, flood risk and drainage *London Plan; Sustainable Design and Construction SPG; the London Environment Strategy (2018);*
  - Transport *London Plan; the Mayor’s Transport Strategy (2018);*

15 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is made up of the Merton Core Strategy (2011); the Merton Sites and Policies Plan and Policies Maps (2014); the South London Waste Plan (2012); 2016 London Plan (Consolidated with Alterations since 2011).

16 The following are also relevant material considerations:

- The National Planning Policy Framework (2019)
  - National Planning Practice Guidance

- the Draft London Plan – Consolidated Suggested Changes Version (July 2019), which should be taken into account on the basis explained in paragraph 48 of the NPPF
- The Affordable Housing and Viability SPG. This must now be read subject to the decision in R (McCarthy & Stone) v. the Mayor of London
- Merton's draft New Local Plan 2020, (Stage 2 public consultation October 2018 to January 2019)
- South London Waste Plan – Issues and Preferred Options Consultation Document (October 2019)
- South London Waste Technical Paper (21 June 2019) – Anthesis

## **Principle of development**

17 The site is safeguarded as an existing permitted waste transfer site in Schedule 1 of the South London Waste Plan (Site 126). It also forms part of the wider Willow Lane, Beddington and Hallowfield Way Strategic Industrial Location (SIL), which is designated in Merton's Council's Core Strategy and identified in the London Plan and draft London Plan. Merton Council's recently published draft Local Plan (Stage 2) proposes the de-designation of the Benefit Wharf site as SIL. The South London Waste Plan (2012) is also currently being revised. A draft replacement Waste Plan and updated evidence base has been published which consider the loss of the site and removal of the current waste safeguarding designation. The application therefore raises a number of strategic planning issues in terms of the land use principle and potential prematurity in respect of the proposed loss of an existing safeguarded waste site and designated SIL which is considered in the relevant sections below, as are the background and drivers behind the applicant's relocation strategy.

### Background to the proposal

18 The applicant has stated that the proposed residential-led mixed use development at Benedict Wharf is part of a re-investment strategy which seeks to facilitate the relocation of its existing waste management operations in Mitcham to an alternative site at 79-83 Beddington Lane. The Beddington Lane site is also a safeguarded waste site, listed in Schedule 1 of South London Waste Plan (2012) (Site 17). It is located in the neighbouring borough of Sutton, which is within the same South London Waste Plan area. The site has been vacant for the past 10 years and also falls within the Purley Way and Beddington Lane SIL, which is designated in Sutton's Local Plan (2018) and identified in the current and draft London Plan. Suez has purchased the freehold of the 79-83 Beddington Lane site and has submitted a planning application for the re-activation of this site, which would enable them to relocate their current facility at Mitcham to this site and also intensify the existing waste management operations being undertaken (LPA ref: DM2018/01865; GLA ref: 2265h). Sutton Planning Committee resolved to approve this application on 4 September 2019, subject to the completion of a Section 106 agreement and referral to the Mayor.

19 Suez state that this relocation strategy is driven by the existing site constraints at its current Benedict Wharf site, particularly in relation to site access and the facility's close proximity to residential properties, heritage assets and two primary schools. To address these site constraints, the decision notice issued by the previous Mayor included a number of planning conditions, which prohibit waste operations being undertaken on site between 11pm and 7am (condition 18) and restrict deliveries from taking place between 5pm and 7am Monday to Friday; between 12.00 midday and 7am on Saturdays; and at any time on Sundays and Bank Holidays (condition 19).

20 Suez and Merton Council also state that they are required to minimise bulk haulage vehicle movements during peak school run periods of (08:30-9:15 and 14:45-15:45), generally seek to avoid the eastern section of Church Road and ensure articulated vehicles arrive and depart from the site via the western side of Church Road. However, these latter restrictions are not specified under the planning conditions included in the original 2012 decision notice, so the planning status and enforceability of these restrictions should be clarified. Notwithstanding this, Suez state that the conditions and restrictions in place at the application site prevent the potential for 24 hour modern

waste management operations to be undertaken at the site and have consequently meant that they have not fully implemented the 2012 planning permission, with the proposed anaerobic digestion facility never completed. Suez has now made the decision to move to an alternative site that is more commercially and operationally viable.

21 Subject to planning permission being secured on both sites, Suez's intention is to sell the application site to a developer or housebuilder to generate the required funding to support the relocation of their existing waste management facility at Benedict Wharf to 79-83 Beddington Lane. As such, the two planning applications are inter-linked. The applicant has also stated that the development of the new facility in Sutton is predicated on the release and residential-led redevelopment of the application site.

#### Emerging Local Plan context

22 As set out above, Merton Council published a draft (Stage 2) Local Plan which was subject to public consultation during October 2018 and January 2019. This proposed the de-designation of the Benedict Wharf site as SIL and the provision of residential development with supporting commercial, community and workshop uses. The draft allocation states, however, that this release is subject to the existing waste management capacity being reprovided within the South London Waste Plan area. Notwithstanding the applicant's relocation strategy, GLA officers understand that Merton Council generally consider the site to be unsuitable for continued industrial use due to its close proximity with residential and educational uses and vehicle access constraints. On 4 January 2019 representations were made by the Mayor to Merton Council as part of the public consultation on its Stage 2 draft Local Plan which set out strategic concerns about the release of the site as SIL given the level of uncertainty regarding the Council's overall strategy for SIL consolidation and intensification.

#### Loss of waste capacity

23 London Plan Policy 5.16 and draft London Plan Policy SI8 sets out the Mayor's aim that London should achieve net waste self-sufficiency by 2026, with the equivalent of 100% of London's waste arisings managed within the capital, with waste apportionment targets set to achieve this aim. As set out in the draft London Plan, waste is deemed to be managed in London if it is reused or recycled, sorted or bulked for re-use/recycling, used for energy recovery, or used for the production of solid recovered fuel or refuse derived fuel within the capital. Boroughs may collaborate by pooling their apportionment requirements, provided the aggregated total apportionment figure is met (in terms of tonnes per annum). In this instance Merton, Croydon, Kingston and Sutton Council have agreed to pool their apportionment targets, as part of the South London Waste Plan. To meet the apportionment targets for waste management, London Plan Policy 5.16 and draft London Plan Policy SI8 state that the waste management capacity of existing waste sites should be protected and optimised.

24 As the application proposes the redevelopment of an existing waste management site for non-waste use, compensatory replacement waste management provision is required, in accordance with London Plan Policy 5.17 and Policy SI9 of the draft London Plan. As a minimum, the required level of replacement waste capacity on the compensatory site must be equivalent to the maximum throughput that could be achieved on the site which is proposed to be lost, with this figure based on the maximum throughput achieved during the last 5 years. As requested at pre-application stage, the applicant has provided the following figures to confirm the waste management throughput at the Benedict Wharf site, which is set out in Table 1. This confirms that the maximum throughput capacity during this 5 year period was 281,362 tonnes in 2014.

Table 1 - Benedict Wharf throughput (2014-2018)

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

25 Suez's proposed new waste management facility at 79-85 Beddington Lane would have an overall maximum processing capacity of up to 350,000 tonnes per annum, as set out in Table 2. Although the 79-85 Beddington Lane is a safeguarded waste site, it has been vacant for 10 years. As such, taken together, the two applications would provide an overall net increase in throughput capacity of 68,638 tonnes per annum. This addresses the requirements of London Plan Policy 5.17H and Policy SI9C of the draft London Plan in terms of compensatory waste capacity re-provision. As confirmed by Sutton Council's draft decision notice (LPA ref: DM2018/01865; GLA ref: 2265h), the proposed facility at 79-85 Beddington Lane would operate 24 hours a day 7 days a week and would not be subject to the planning conditions which are in place at the application site in terms of hours of operation or delivery times, therefore providing significant long-term operational waste management benefits.

Table 2 – Proposed throughput, 79-85 Beddington Lane

| <b>Processing Activity</b> | <b>Throughput</b> |
|----------------------------|-------------------|
| Recyclable Bulking         | 25,000            |
| Wood Recovery and Bulking  | 45,000            |
| Refuse Derived Fuel        | 280,000           |
| <b>TOTAL</b>               | <b>350,000</b>    |

26 As Sutton Council has now resolved to grant planning permission for Suez's proposed new facility at 79-85 Beddington Lane (subject to s106 and referral to the Mayor), there is now a greater degree of certainty that the applicant's proposed re-location strategy is deliverable. Suez has stated it requires continuity of business operations and would not close the existing facility at Benedict Wharf until the new facility at Beddington Lane is constructed and fully operational. Notwithstanding this, should Merton Council resolve to grant planning permission, an appropriate legal obligation would still be required to restrict the demolition or redevelopment of Benedict Wharf until the replacement waste management facility at 79-85 Beddington Lane has been completed and is fully operational.

27 Whilst the two applications would ensure like-for-like compensation would be provided in terms of current levels of waste management throughput, the loss of Benedict Wharf waste capacity raises the wider issue of whether or not the application site is required over the longer-term to meet the waste management apportionment targets and self-sufficiency requirements of the South London Waste Partnership Area. London Plan Policy 5.17 and Policy SI9 of the draft London Plan state that boroughs should allocate sufficient land and identify waste management facilities to ensure there is capacity to manage the apportioned tonnages of waste. For this reason, Policy SI9 of the draft London Plan states that existing waste sites should be safeguarded and retained in waste management use and waste plans should be adopted before considering the loss of waste sites. A key advantage of this plan-led and evidence based approach is that it ensures that the aggregated capacity of existing and planned waste management facilities in the waste planning area is properly scrutinised and agreed prior to the release of any safeguarded waste sites via planning applications.

28 The evidence base supporting the adopted South London Waste Plan (2012) assumed that both Benedict Wharf (site 126) and 79-85 Beddington Lane (site 17) were both required to meet apportionment targets. However, the South London Waste Plan (2012) is currently being reviewed and the partner boroughs (Croydon, Kingston, Merton and Sutton) have prepared a Regulation 18 draft South London Waste Plan Issues and Preferred Options Consultation Document, which is expected to be subject to public consultation during November and December 2019. The replacement waste plan would cover the period from 2021 to 2036 and has been informed by a supporting technical study (June 2019) which provides an updated review of the capacity existing operational waste sites across the South London Waste Plan area to meet draft London Plan waste apportionment targets. Informed by this updated evidence, the draft South London Waste Plan proposes the de-designation of Benedict Wharf as a safeguarded waste site.

29 GLA officers have examined this technical study. The baseline assessment undertaken is based on current throughput on existing operational sites and assigns no existing waste management capacity to the vacant 79-85 Beddington Lane site. The study shows that there is likely to be a capacity gap across the South London Waste Plan area in meeting the aggregated apportionment targets in the draft London Plan. However, the study suggests that this capacity gap could be addressed should additional waste management capacity come forwards in the area. This pipeline of additional capacity includes Suez's proposed new facility at 79-85 Beddington Lane, as well as four other 'deliverable' safeguarded vacant waste sites and the further intensification of current throughput levels at five existing waste management sites which are considered suitable for intensification. Once these changes are accounted for, and the potential loss of Benedict Wharf is accounted for, the study concludes that there could potentially be a surplus of capacity across the South London Waste Plan area to meet the aggregated apportionment targets to 2036.

30 At this stage the robustness of the data and assumptions made in the technical study have not been fully verified. For example, the assumption that existing operational waste sites can and will intensify their existing operations could be questioned in terms of deliverability. In addition, the study's overall capacity findings appear to be predicated on existing throughput levels being maintained on all of the remaining safeguarded operational sites, which could change or fluctuate over time. Under normal circumstances these issues would be subject to detailed scrutiny during the Examination in Public (EiP), in line with the plan-led principle set out in the London Plan and draft London Plan. However, under the currently provisional timetables the Draft Replacement South London Waste Plan and Merton's Local Plan would not be adopted until 2021/22 at the earliest, with EiPs expected during 2021.

31 Suez has stated that an exception should be made in this instance given the existing operational restrictions at Benedict Wharf and the immediate operational and commercial driver for the relocation of their facility and in view of the wider benefits that their proposed scheme at Beddington Lane would deliver by providing additional waste management capacity. Whilst these benefits are acknowledged, the underlying datasets, including the baseline capacity findings and assumptions used in the 2019 technical study should be provided to enable GLA officers to verify the conclusions. In addition to this, the agreement in principle is also required from the South London Waste Planning Authority. Only once this has been fully verified and confirmed can the loss of the existing waste management site be supported.

#### Strategic Industrial Land (SIL)

32 As set out above, Benedict Wharf forms part of the Willow Lane, Beddington and Hallowfield Way SIL which is identified in the London Plan as a Preferred Industrial Location. London Plan Policy 2.17 states that SILs should be promoted, managed and protected as London's main reservoir of industrial and related capacity and that proposals in SILs should be refused unless they fall within the broad industrial type activities appropriate to the function of the SIL in question. London Plan Policy 4.4 states that a rigorous approach is required to ensure a sufficient stock of land and premises to meet the future needs of different types of industrial and related uses including waste management

uses and taking into account evidence of demand and borough level classifications for industrial land release. Merton is classified as a ‘restricted release’ borough on Map 4.1 of the London Plan.

33 In response to updated strategic evidence on the supply and demand for industrial land required to service London’s economy and population<sup>1</sup>, Policies E4 and E7 of the draft London Plan proposes a revised strategic planning policy framework for designated industrial land in London. This seeks to ensure there is no overall net loss in industrial floorspace capacity within designated SIL and LSIS areas and ensure the retention, enhancement and provision of additional industrial capacity within these locations. Merton is listed as a ‘retain capacity’ borough in the draft London Plan and is grouped within the Wandle Valley Property Market Area, which also includes Sutton (who are a ‘provide capacity’ borough).

34 Policies E5 and E7 of the draft London Plan state that the release of any SIL site for non-SIL policy compliant land uses should be progressed as part of a plan-led or masterplanning process of SIL intensification and consolidation and agreed in collaboration with the GLA and relevant borough. The GLA’s recently published Practice Note (November 2018)<sup>2</sup> sets out expectations for the scope and content of capacity assessments required to support both plan and masterplan led approaches to SIL intensification and consolidation. In this instance, Merton’s draft Local Plan proposes the de-designation of the site as SIL; however, the principle of the release of this site has not been agreed and, to date, GLA officers have stated that it is not currently supported.

#### Potential impact on adjacent businesses

35 As well as ensuring no net loss of industrial floorspace capacity, Policy E5 and E7 of the draft London Plan states that the introduction of residential uses is delivered in a way which does not compromise the adjacent industrial uses in terms of their continued function and operation, with appropriate design mitigation provided. The remainder of the SIL to the south is physically separated from the site by the tram line and overhead high voltage power line. Due to restrictions in place for residential accommodation adjacent to power lines, the proposed residential blocks would be set back from the pylons and the intervening space utilised as a generously landscaped green corridor. As such, GLA officers do not consider that the proposed introduction of residential uses would compromise the remaining SIL, with the proposed interface being similar to that found in other urban contexts across London.. The closest industrial premise to the application site is the South London Vehicle Pound to the west which lies outside the SIL designation. The introduction of residential accommodation adjacent to this particular use is not considered to give rise to strategic planning issues in terms of its hours of operation, or in respect of site access, highways safety, noise, vibrations or air quality, given that the site is effectively a car park. The masterplan supporting the outline application also includes necessary set back and landscape screening adjacent to the western site boundary with the car pound, in accordance with the Agent of Change principle as set out in Policy E5 and D12 of the draft London Plan. Should planning permission be granted, appropriate noise mitigation and landscaping conditions would need to be included in any draft decision notice.

#### Replacement industrial capacity

36 As set out in Policy E7 of the draft London Plan, any proposal for the intensification and consolidation of SIL must ensure no overall net loss of industrial capacity in terms of floorspace, with appropriate provision of yard space also required. Floorspace capacity is defined as either the existing industrial floorspace on site; or the potential industrial floorspace that could be accommodated on the site at a 65% plot ratio (whichever is greater). The existing and proposed industrial floorspace capacity at both Benedict Wharf and 79-85 Beddington Lane is set out below in Tables 3 and 4, using the various metrics recommended in the draft London Plan. Evidently, the applicant’s proposed relocation strategy, as detailed in the two planning applications, would result in an overall net loss of

<sup>1</sup> AECOM, London Industrial Land Supply and Economy Study, 2016; and CAG consultants, London Industrial Demand Study, 2017

<sup>2</sup> [https://www.london.gov.uk/sites/default/files/practice\\_note\\_-\\_industrial\\_intensification.pdf](https://www.london.gov.uk/sites/default/files/practice_note_-_industrial_intensification.pdf)

industrial capacity using both the floorspace and plot ratio benchmarks, with the required quantum of replacement industrial floorspace significantly higher where a 65% plot ratio is used for assessing reprocision.

Table 3 – existing and proposed industrial floorspace (sq.m.)

|                                    | <b>Industrial floorspace (sq.m.)</b> |
|------------------------------------|--------------------------------------|
| Benedict Wharf (existing)          | 10,988                               |
| 79 - 85 Beddington Lane (existing) | 0                                    |
| <b>Total existing</b>              | <b>10,988</b>                        |
| 79 - 85 Beddington Lane (proposed) | 7,892                                |
| <b>Net loss</b>                    | <b>-3,096</b>                        |

Table 4 – comparative industrial capacity, using 65% plot ratio notional benchmark

|                                    | <b>Total site area (hectares)</b> | <b>65% of the site area (hectares)</b> | <b>Industrial floorspace required (sq.m.) based on 65% plot ratio</b> |
|------------------------------------|-----------------------------------|--|---|
| Benedict Wharf (existing)          | 3.80                              | 2.47                                   | 24,700  |
| 79 - 85 Beddington Lane (existing) | 2.80                              | 1.82                                   | 18,200  |
| <b>Total existing</b>              | <b>6.60</b>                       | <b>4.29</b>                            | <b>42,900</b>   |

37 On this particular issue, Suez has put forward the argument that, as both SIL sites are safeguarded as waste sites, the metric that should be used for assessing the extent to which there is a loss of industrial capacity should be the levels of waste capacity in terms of throughput of waste in tonnes per annum, noting that waste management is listed as one of the ‘broad industrial-type activities’ identified in Policy E4 of the draft London Plan. GLA officers note that, based on this benchmark for industrial capacity, there would be an overall net increase in waste management capacity, as set out above. In addition to this, the criteria set out in Policy E5 and E7 of the draft London Plan requires the replacement industrial floorspace to be secured and delivered in advance of residential accommodation being occupied. As set out above, the applicant has acquired the freehold of the 79-85 Beddington Lane sites, so whilst it is in a different borough, it would be possible to secure the delivery of replacement waste uses prior to the loss or closure of the existing waste management facility, in line with Policy E7 of the draft London Plan. Subject to this being secured by an appropriate legal obligation, the criteria of Policy E7 would be met.

38 Although GLA officers accept that there would be a net increase in waste capacity, it has not been demonstrated and collectively agreed that the Benedict Wharf site is no longer required to meet longer term waste apportionment requirements in the draft London Plan and further discussion and agreement is required on this issue. Whilst Merton Council is currently progressing a plan-led approach to assessing the potential for SIL release at Benedict Wharf, this is currently at an early stage and it has not been sufficiently demonstrated that the Benedict Wharf site is not needed to address wider demand for industrial uses, in view of Merton’s classification as a ‘retain capacity’ borough in the draft London Plan and that of neighbouring boroughs, including Sutton. As such, the proposed residential-led redevelopment of this SIL site does not currently accord with London Plan Policies 2.17 and 4.4 and Policies E4, E5 and E7 of the draft London Plan.

#### Exceptional circumstances

39 The applicant has stated that there are exceptional circumstances in this particular instance to justify the release of the site from SIL for residential use. In summary, these relate to the existing site constraints and restrictive planning conditions in place at Benedict Wharf which mean that Suez is not able to operate a 24 hour waste management facility and which necessitate them having to relocate its existing facility to a more appropriate location; and that this relocation strategy is predicated on

the sale of the existing site for residential use, as the site is not viable for continued industrial use. Suez state that the proposals would ensure additional waste management capacity is provided, alongside additional housing, which would provide a range of public benefits and broadly align with the draft London Plan objective to make the best use of land. Furthermore, Suez state that it is unable to finance the delivery of the relocation and expansion of their facility at Mitcham to 79-85 Beddington Lane unless it has the planning certainty that the Benedict Wharf site can be released from its designated SIL and safeguarded waste planning status and sold as an enabling asset.

40 The public benefits associated with the provision of additional waste capacity and housing provision are recognised. In addition, GLA officers acknowledge that the site's close proximity to residential properties and two primary schools has placed constraints on the site's operations. However, so far, the applicant has not sufficiently demonstrated that their proposed relocation strategy is contingent on enabling residential development, rather than the sale of the site for continued industrial use, particularly given the findings of the submitted FVA, which shows that the residential led redevelopment of the site is not currently viable. GLA officers have discussed with the applicant and Council the potential for the site to be sold for wider industrial uses as an alternative means of enabling the relocation strategy, given its SIL designation; however, both the Council and the applicant have stated that the site location, immediate constraints and restrictions in place on deliveries and hours of operation mean that it would be an unattractive investment prospect. Further marketing evidence to support Suez's claim that there is no prospect of the site being purchased for industrial use at a value which would enable the proposed relocation.

#### Increasing housing supply

41 The London Plan seeks to increase the supply of housing in the capital and sets Merton Council an annualised average housing target of 411 homes a year, which is proposed to increase significantly to 1,328 homes a year in the draft London Plan. The provision of 600 additional homes would make a substantial contribution towards meeting these targets (equating to 45% of Merton Council's annualised draft London Plan housing target and 146% of the current London Plan annual monitoring target). It should however be recognised that housing targets, which are based on the London Strategic Housing Land Availability Assessments (SHLAA) methodology are not predicated on the loss or redevelopment of this site in particular, given its current planning status as a safeguarded waste site and designated SIL.

#### Non-residential floorspace provision

42 The outline application seeks planning permission for the provision of 500 sq.m. of flexible ancillary non-residential floorspace in Class A1-A3, D1 and D2 use. The non-residential uses proposed would be located at ground floor level and would be clustered around the northern gateway entrance to the site to the north off Hallowfield Way. Childcare provision should be secured, subject to a need being identified, in accordance with London Plan Policy 3.18 and Policy S3 of the draft London Plan.

#### Conclusion – Principle of development

43 Loss of the existing safeguarded waste site at Benedict Wharf could be appropriately mitigated by the provision of replacement waste management capacity on a compensatory safeguarded waste site at Beddington Lane, which would provide an overall net increase in waste management capacity. GLA officers are satisfied that the proposals are deliverable, given the ownership and planning status of the applicant's compensatory site at Beddington Lane. However, further detail and discussion is required, together with the agreement of the South London Waste Plan boroughs to confirm that the loss of Benedict Wharf would not compromise the potential to meet the apportionment and net self-sufficiency targets in the draft London Plan.

44 Residential-led development of this designated SIL site does not accord with Policies 2.17 and 4.4 of the London Plan or Policies E4, E5 and E7 of the draft London Plan as it is not supported by either a strategically agreed plan-led or masterplan-led approach to SIL intensification and

consolidation. Whilst the applicant has stated that there are exceptional circumstances in this particular instance and wider public benefits associated the application, further viability and marketing evidence is required to more fully demonstrate that enabling residential development is required. As set out below, the affordable housing offer must also be significantly improved to justify exceptional circumstances and wider public benefits.

## Housing and affordable housing

45 The application seeks outline planning permission for a total of 600 residential units, comprising 72 London Affordable Rent units, 48 London Shared Ownership units and 480 units market tenure units. This represents an affordable housing offer of 20% by both unit and habitable room, as shown below in Table 5. In terms of tenure split, 60% of the affordable housing would be in affordable rented tenure and the remaining 40% would be intermediate shared ownership (by both unit and habitable room).

Table 5 – Affordable housing

| Tenure                  | Units      | Habitable rooms | % affordable by habitable rooms | % affordable by unit |
|-------------------------|------------|-----------------|---------------------------------|----------------------|
| London Affordable Rent  | 72         | 196             | 20%                             | 20%                  |
| London Shared Ownership | 48         | 131             |                                 |                      |
| Private sale            | 480        | 1,299           | 80%                             | 80%                  |
| <b>Total</b>            | <b>600</b> | <b>1,626</b>    | <b>100%</b>                     | <b>100%</b>          |

### Affordable housing and viability

46 London Plan Policies 3.11 and 3.12 and draft London Plan Policy H5 seek to maximise the delivery of affordable housing, with the Mayor setting a strategic target for 50% of all new homes to be affordable. Policy H6 of the draft London Plan identifies a minimum threshold of 50% affordable housing (by habitable room) on for industrial sites and confirms that the 35% threshold is only applicable where development accords with the principle of no net loss of industrial capacity. The application does not accord with either of these policy expectations and, as such, the scheme is being considered via the ‘Viability Tested Route’.

47 A Financial Viability Assessment (FVA) has been submitted as part of the application. This appraises two affordable housing offers – a Merton Local Plan policy-compliant 40% affordable housing offer, comprising a 60:40 split between London Affordable Rent and London Shared Ownership units; and a 20% affordable housing offer, based on the same tenure split. This is compared to an Existing Use Value of between £13.95 million to £18.13 million, which is based on the existing waste use. The applicant’s FVA suggests that 40% affordable housing would generate a negative residual land value of -£1.63 million, with a reduced affordable housing offer of 20% also showing a residual land value of only £5.82 million, which would be approximately £12 million below the applicant’s stated benchmark land value. Sensitivity analysis in the FVA shows that a 5% increase in sale sand 5% decrease in build costs could, however, enable the scheme to break even.

48 GLA officers are working with the Council to robustly interrogate the scheme’s viability and the viability assumptions made to ensure the maximum amount of affordable housing is delivered. Detailed viability comments on the applicant’s FVA have been provided to the applicant and Council in advance of this Stage 1 report and in order to feed into the Council’s independent assessment. Following a review the FVA, the GLA’s in-house viability team have made the following key comments:

- The Benchmark land Value is highly subjective, given the paucity of available comparative examples to inform the Existing Use Value for a waste management site.

- The 30% premium applied to the Existing Use Value is considered excessive in this instance and given the conditions and restrictions in place on the site, which prohibit 24 hour waste management operations.
- The gross to net ratio of 75% is relatively inefficient for a development of this type/scale (typically a gross to net ratio of 80% would be expected). This indicates that there is scope for a more efficient gross to net design to improve the viability of the scheme and scope for affordable housing provision.
- 20% profit level is considered excessive (17.5% should be used as this is considered more reflective of actual land transactions).

49 Taking into account these issues and having regard to the range of land use principle concerns highlighted above, the applicant's 20% affordable housing offer is wholly unacceptable. Currently, in view of the local and strategic need for affordable housing, the absence of a policy compliant affordable housing offer significantly undermines the applicant's position that its linked development proposals would provide a number of public benefits by enabling the relocation of the existing waste management facility to a more appropriate location. The applicant and Council must therefore fully investigate the potential for grant funding to increase the level of affordable housing to a more acceptable level. Furthermore, as set out under 'urban design', GLA officers consider that the proposed development to have failed to fully optimise the density and potential for affordable housing delivery given the size and location of the site and its surroundings. Accordingly, the applicant must work with the GLA and the Council to address these matters. Once finalised, the FVA should be published by the Council, in line with the transparency provisions in the Affordable Housing & Viability SPG (paragraphs 1.18-1.25).

#### Viability Review Mechanisms

50 As with all schemes which follow the 'Viability Tested Route', the application should be subject to both early implementation and late stage viability reviews, in accordance with Policy H6 of the draft London Plan. Given the size and long-term phasing of the scheme, GLA officers consider that mid-term review mechanism should also be secured in any Section 106. The wording of early and mid-stage review mechanisms should ensure that any additional affordable housing is provided on-site where sufficient surplus profit is generated, in line with London Plan Policy 3.12, Policy H6 of the draft London Plan and the Mayor's Affordable Housing & Viability SPG. Full compliance with this criteria should be confirmed and robustly secured within any Section 106 agreement. GLA officers request early engagement and discussions on the wording of any Section 106 agreement, prior to Stage 2, to ensure the above matters are addressed. Notwithstanding this, should the applicant deliver a policy compliant level of affordable housing, the requirement for mid and late stage reviews could be negated.

#### Tenure mix and affordability

51 As set out above, the affordable housing would comprise a 60:40 tenure mix of London Affordable Rent (LAR) and intermediate London Shared Ownership. This accords with the tenure mix requirements set out in London Plan Policy 3.11, Policy H7 of the draft London Plan and Merton Council's Core Strategy (2011) but does not meet the expectation for 70:30 tenure split as set out in Merton's draft Local Plan. The proposed London Affordable Rent units should be secured by planning obligation at the benchmarks set out in the Mayor's affordable housing funding guidance (2016)<sup>3</sup>. These rent levels are significantly lower than the Government's definition of affordable rent, which is not affordable or acceptable within London. Shared ownership units should be available to households on a range of incomes below the maximum income threshold set out in the draft London Plan (£90,000 a year). In addition to this, annual housing costs (including service charges, rent and any interest payment) should be no greater than 40% of net household income. These requirements should be

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<sup>3</sup> Mayor of London, 2016, Affordable Homes Programme 2016-21 Funding Guide <https://www.london.gov.uk/what-we-do/housing-and-land/homes-londoners-affordable-homes-programme-2016-21>

secured in any Section 106 agreement, in accordance with London Plan Policy 3.10, Policy H7 of the draft London Plan and the Mayor's Affordable Housing & Viability SPG.

#### Housing mix

52 London Plan Policy 3.8 states that new development should provide a mix of housing sizes and types, taking into account local and strategic housing requirements, the needs of different groups, the strategic priority for affordable family housing provision and the need to support the private rented sector. Policy H12 of the draft London Plan states that schemes should generally consist of a range of unit sizes and sets out a number of factors which should be considered when determining the appropriate housing mix on a particular scheme. This includes housing need and demand, the nature and location of a site and the requirement to optimise housing potential and deliver mixed and inclusive neighbourhoods. The applicant's proposed housing mix would include a total of 80 family sized (3 bedroom) units, which equates to 13% of the total residential units proposed. The applicant's illustrative masterplan shows these units being provided within a mix of apartment buildings, townhouses, maisonettes/duplex apartments and mews houses. Overall, the proposed housing size mix is acceptable given the site location and characteristics. As the application is in outline form, appropriate conditions are required to ensure that the proposed mix is secured.

#### Children's play space

53 Policy 3.6 of the London Plan states that development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs. Policy S4 of the draft London Plan states residential developments should incorporate high quality, accessible play provision for all ages, of at least 10 sq.m per child. Play space provision should normally be provided on-site; however, off-site provision may be acceptable where it can be demonstrated that this addresses the needs of the development and can be provided nearby within an accessible and safe walking distances, and in these circumstances contributions to off-site provision should be secured by Section 106 agreement. The GLA published an updated play space calculator in June 2019), which is available here and should be used to assess provision:

<https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/planning-guidance-and-practice-notes/play-and-informal-recreation>

54 Alongside the illustrative masterplan, the applicant has provided an indicative play strategy to support the outline application. This proposes the provision of play space across the site within a range of public, communal and private open spaces, including an enhanced green corridor to the south within the exclusion zone adjacent to the pylons. Further play space located within a small central square/pocket park and adjacent to the entrance to the adjacent London Road Playing Field. In addition, play provision for children under 5 is proposed within courtyard amenity spaces at podium level. The site also benefits from close proximity to play space provision which is located in London Road Playing Field, which children would have convenient access to from the site.

55 Whilst this overall strategy is supported in principle, unlike at pre-application stage, the planning application documents do not appear to set out the expected child yield and play space requirements, nor do they set out the extent to which this can be delivered on-site in quantitative spatial terms. Based on the GLA's updated play space calculator a total of 260 children would be expected, taking into account the site location and proposed mix. This would necessitate a total of 2,598 sq.m. of play space. Further information should therefore be provided to show the extent to which this requirement could be met on site and extent to which financial contributions are required to further enhance the existing off-site play space provision at London Road Playing Field.

## **Urban design**

### Density and design review

56 The London Plan and draft London Plan seek to optimise housing capacity, taking into account a range of factors including local context, character, public transport provision and good design. Policies D1, D1A and D1B of the draft London Plan place a greater emphasis on a design-led approach being taken to optimising the development capacity of a particular site and to make the best use of land, whilst also considering the range of factors set out above. Whilst the density and height of the application does not trigger the additional design scrutiny requirement set out in Policy D2 of the draft London Plan, the proposals have been subject to two Merton Design Review Panel workshops, as well as pre-application meetings with GLA and Merton Council planning and design officers. The residential density of the proposed development would equate to 157 dwellings per hectare. However, taking into account the applicant's massing and height strategy and the opportunity represented by the comprehensive redevelopment of a site of this size and scale and the immediate site context to the south, east and west, GLA officers do not consider that the potential housing capacity has been fully optimised. Accordingly, the massing and overall density of the proposals should be revised, in line with the advice provided below.

### Design and layout

57 London Plan Policies 7.1 to 7.5, together with Policies D1-D3, D7 of the draft London Plan and the Housing SPG (2016) apply to the design and layout of development and set out a range of urban design principles and expectations relating to the quality of public realm, the provision of convenient, welcoming and legible movement routes, the importance of designing out crime by, in particular, maximising the provision of active frontages and minimising inactive frontages. The outline masterplan and supporting design code generally accord with these key principles. The proposed indicative layout would provide a clear hierarchy of streets and public spaces, which would be well overlooked by adjacent residential and commercial uses and would optimise the potential for the site to integrate with its surroundings, taking into account the surrounding barriers to movement. Whilst not included within the application site, the applicant has demonstrated that adjacent car pound site could successfully plug into the proposed movement framework and block layout, should this site come forwards in the future.

58 Key features of the illustrative masterplan, such as the new linear park to the south, east-west connections to Belgrave Walk tram stop and London Road Playing Field should be secured appropriately, together with enhanced public realm and landscaping along Hallowfield Way. Off-site pedestrian walkways along Baron Walk and Ravensbury Path, as well as those linking to the tram stop from Belgrave Walk are critically important to the successful redevelopment of the site and providing permeability to the south. These require enhancement in terms of lighting, public realm, safety and security, which should be secured by Section 106 obligation.

59 Design code requirements in relation to block layout, street frontages, street dimensions, landscaping and parking are generally supported and accord with the expectations set out above in terms of public realm, urban greening and would avoid long stretches of inactive frontage. The overall approach to parking, which includes a mix of podium, courtyard parking wrapped by other ground floor uses and on-street solutions is supported. However, to ensure that head-in (perpendicular) on street parking bays do not visually dominate certain streets, GLA officers suggest that the design code includes an appropriate rule to require these to be sufficiently broken up at appropriate intervals by on-street landscaping and tree planting. There should be greater clarity in the design code to confirm where design requirements are mandatory, as opposed to advisory. Whilst there appears to be some spatial flexibility regarding the exact location of the proposed commercial uses, subject to viability, consideration could be given to animating the edge of the playing field and Baron Walk with café uses, for example, on south east facing elevations of blocks fronting the gateway to London Road Playing Field.

## Residential quality

60 London Plan Policy 3.5 and Policy D4 of the draft London Plan require housing developments to be of a high quality in terms of internal and external design and set out a range of quantitative and qualitative requirements for new developments, with further standards and guidance set out in the Mayor's Housing SPG (2016). This includes minimum standards for internal space and external private amenity space, as well as the requirement to maximise the provision of dual aspect units and minimise single aspect units, as well as avoiding north facing single aspect units. These key requirements are set out clearly in the design code, together with compliance with the Housing SPG (2016) benchmark ratio for units per core per floor. Subject to this being secured appropriately by condition, the application accords with the above policies. For the avoidance of doubt, compliance with internal space standards and private amenity space standards should explicitly be mandatory requirement in the design code.

## Height and massing

61 Maximum heights across the site have been reduced substantially since initial pre-application meetings with the applicant on the emerging scheme. Previously, the applicant was proposing pavilion blocks adjacent to the London Road Playing Field staggered in height between 12 and 7 storeys, whereas now a series of blocks ranging in height between 8, 7, 6 and 4 storeys are now proposed along this key frontage. The application now also proposes blocks of 6 to 8 storeys in height adjacent to the linear park and exclusion zone to the south and blocks of 5 to 8 storeys alongside the vehicle pound. Overall, in view of the opportunity presented by the comprehensive redevelopment of a site of this size and the overarching objective to optimise housing capacity and affordable housing delivery, the proposed massing strategy has not been well-considered and GLA officers are of the view that the application would represent the sub-optimal development of the site, taking into account in particular the generally unconstrained and isolated nature of the majority of the site and the immediate relatively open urban and landscape context to the east, south and west.

62 Whilst the site's relatively close proximity to the Mitcham Cricket Green Conservation Area and residential properties to the north is noted, as well as the presence of Wandle Valley Conservation Area to the west, having reviewed the site and surroundings and considered the applicant's Heritage Townscape and Visual Impact Assessment (HTVIA) and verified views assessment GLA officers consider that moderate height increases could be achieved on blocks fronting the open space to the north, exclusion zone to the south and car pound to the west without giving rise to any unacceptable harm to the surrounding area in terms of townscape, heritage, privacy or daylight and sunlight impacts. These massing changes can be accommodated within the range of housing linear, mansion block and pavilion block typologies proposed and without fundamentally altering the key elements of the masterplan and proposed character areas. Accordingly, the proposed massing strategy should be reconsidered and substantially revised to more fully optimise the overall density and capacity of the site and to maximise affordable housing delivery, in accordance with London Plan Policy 3.3, 3.4, 3.7, 3.11, 3.12 and Policies GG2, D1, D2, H1, H5 of the draft London Plan.

## **Inclusive design**

63 Policy D3 of the draft London Plan and London Plan Policy 7.2 seek to ensure that proposals achieve the highest standards of accessible and inclusive design. Policy D5 and Policy 3.8 of the London Plan requires that at least 10% of new build dwellings meet Building Regulation requirement M4(3) 'wheelchair user dwellings' (designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users); and all other new build dwellings must meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. These principles are included in the applicant's design code and should be secured by condition. M4(2) units should be distributed across tenure types and sizes to give disabled and older people similar choices to others, with disabled car parking provision secured close to the residential core entrances. Landscaping and highways conditions should ensure inclusive step-free access is provided within the proposed areas of public realm, with acceptable gradients and convenient movement routes provided, free of barriers.

## **Heritage**

64 London Plan Policy 7.8. and Policy HC1 of the draft London Plan states that development should conserve heritage assets and avoid harm. The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duties for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should “*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*”. The NPPF states that when considering the impact of the proposal on the significance of a designated heritage asset, great weight should be given to the asset’s conservation and the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Where a proposed development will lead to ‘substantial harm’ to or total loss of the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to ‘less than substantial harm’, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

65 The site is not within a conservation area and there are no statutory listed buildings on the site; however, the site is immediately adjacent to two conservation areas and a number of listed buildings. The applicant has undertaken a Heritage Townscape and Visual Impact Assessment (HTVIA) which considers the visual impact of the proposed development on nearby designated heritage assets, including the listed buildings and conservation areas listed above, alongside other local and wider townscape views. GLA officers consider the applicant’s HTVIA and views assessment to provide an accurate and appropriate assessment of the heritage and townscape impacts of the proposals, given the outline nature of the application and that views have been taken during an appropriate time of year during the winter to demonstrate a worst-case scenario.

### Mitcham Cricket Green Conservation Area

66 The Mitcham Cricket Green Conservation Area is to the north east and includes the nearby residential terraced properties on Church Path as well as the Grade II\* listed Mitcham Parish Church of St Peter and St Paul, together with Grade II listed tombs and the Grade II listed Vicarage of St Peter, which are the closest statutory listed buildings to the site. Additional Grade II listed buildings are located further to the east along Church Street, Lower Green and Cricket Green.

67 View 3 and 4 of the applicant’s HTVIA assess the potential for visual impact on the setting of Grade II\* listed Mitcham Parish Church and Churchyard in south facing views. The wireline assessment demonstrates that there would only be glimpses of the upper storeys of the proposed buildings in the distant background and, given their location and the distance involved, the proposed buildings would be a significant distance from and not in any way merge with or distract from the silhouette of the Grade II\* listed Church building or tower. Screening provided by evergreen and deciduous trees within the foreground would also ensure that the visibility of the proposed buildings would be substantially screened from more kinetic view points within the churchyard. As such, GLA officers consider that the application would not harm the setting or significance of the Grade II\* listed Mitcham Parish Church of St Peter and St Paul or that of the surrounding Grade II listed tombs.

68 The relatively intimate and narrow character of Church Road and the distance of the site to the south also means that there would be no harm to the setting of the Grade II listed Vicarage of St Peter. Church Path includes a terrace of Victorian (unlisted) properties abutting the pavement within the conservation area, on a north-south alignment and has a close proximity to the application site. Whilst the intimate nature of the street and its orientation may mean that the scope for visual impact is limited; however, no wireline views are provided to verify these impacts, which should be provided for assessment. View 5 from Cricket Green – which is identified as a key view within the Mitcham Cricket Green Conservation Area Appraisal and Management Plan – demonstrates that the proposed development would not be visible from this location.

## Wandle Valley Conservation Area

69 The Wandle Valley Conservation Area includes the southern section of the London Road Playing Field, together with a cluster of Grade II listed properties on London Road (Nos 470, 472, 484, 482 London Road and Mitcham Station). Due to the distance from the site and screening of buildings along London Road, there would no visual impact or harm to the setting of these Statutory listed buildings. The current setting of the southern section of the London Road Playing Field which falls within the Wandle Valley Conservation Area is defined by the presence of overhead high voltage power lines, the tram line, the relative open and green character of the playing field and the adjacent industrial premises. As shown by View 1 of the applicant's HTVIA wider setting of the this would change with residential buildings being placed fronting the park (8-4 storeys); however, this would have a beneficial visual impact and would not give rise to any harm to the setting or significance of this relatively remote section of the conservation area.

70 The Wandle Valley Conservation Area extends to the south and west to include Ravensbury Park and Morden Hall Park, which is a Grade II listed Registered Park. View 8 of the applicant's HTVIA demonstrates that the development would be barely discernable from view from Morden Hall Park given the distance and screening from trees, with the development likely to be totally obscured during summer months when leaves are on the trees. Similarly, View 10 demonstrates that the proposals would not be almost totally screened from view from within Ravensbury Park to the south due to the distance involved, with only the tops of buildings likely to be visible (which would be totally obscured during the summer).

## Heritage conclusion

71 As such, based on the applicant's submitted HTVIA, GLA officers conclude that the proposals would not harm the setting or significance of the Mitcham Cricket Green Conservation Area, the Wandle Valley Conservation Area, Morden Hall Park and the Statutory listed buildings noted above. Notwithstanding this initial conclusion, an additional verified view should be provided to demonstrate the scope of visual impact on residential properties on Church Path, given its conservation area status and close proximity to the application site.

## **Climate change**

72 Based on the energy assessment submitted, an on-site reduction in CO<sub>2</sub> emissions of 36% beyond 2013 Building Regulations compliant development is expected on the domestic element of the scheme, which would exceed the minimum on-site requirement for reductions in CO<sub>2</sub> emissions as set out in Policy SI2 of the draft London Plan. Given the outline nature of the proposed development, the energy strategy has been undertaken at a relatively high level, with a range of potential site-wide heat network options modelled, including a Combined Heat and Power (CHP) and Air Source Heat Pump solution. In response to the GLA's initial energy assessment comments, the applicant has confirmed that Air Source Heat Pumps are likely to be utilised as this strategy performs better against the updated SAP 10 carbon emission assessment criteria and factors; however, this will be determined via Reserved Matters Applications. This is supported.

73 Whilst detailed matters relating to energy efficiency and building performance such as glazing, building fabric and overheating are not known at this stage, the applicant has stated that they are targeting a 12% reduction through energy efficiency measures. This exceeds the target in the draft London Plan and is supported. Further information should be required by the Council at Reserved Matters stage to verify the energy efficiency performance levels achieved, including an overheating analysis and an assessment of the cooling demand of proposed buildings. The applicant is proposing photovoltaic (PV) solar panels and has provided an indicative roof plan to demonstrate the potential for these to be maximised. The final details of this should be verified and secured by the Council at Reserved Matters stage. Whilst there are no existing or planned district heating networks within the vicinity of the proposed development, the development should be future-proofed to allow for

connection to a district heating network. This should be secured by obligation or condition. Any remaining shortfall in CO<sub>2</sub> reductions should be met through a Section 106 contribution to the Council's offset fund in order to meet the zero carbon target in place for the residential element, in accordance with London Plan Policy 5.2 and Policy SI2 of the draft London Plan.

## **Flood risk and sustainable drainage**

74 The site is within flood Zone 1, approximately 135 metres to the north of the River Wandle flood zones, and generally has very low risk of flooding from surface water, except for isolated areas of higher risk to north-west. The approach to flood risk management for the proposed development complies with Policy 5.12 of the London Plan and Policy SI12 of the draft London Plan. A range of Sustainable Urban Drainage (SuDS) measures are proposed as part of the applicant's drainage strategy and masterplan. This includes the potential for a swale to the north on Hallowfield Way and open landscaping and soakaway areas across the site, together with below ground attenuation tanks. A more detailed drainage strategy should be conditioned and key features secured at Reserved Matters Stage. At this more detailed stage, the applicant should fully explore the potential to incorporate additional above ground SuDS, such as green and blue roofs, rain gardens and street trees/pits, in accordance with the London Plan drainage hierarchy set out in London Plan Policy 5.13 and Policy SI13 of the draft London Plan.

## **Urban greening**

75 The outline landscape strategy includes substantial areas of urban greening, including a new linear park to the south which would include biodiversity areas, tree planting, mounded lawns and cycle/walkways. In addition to this, open landscaping and urban greening is proposed within Smaller pocket parks, courtyard amenity spaces, defensible planting areas adjacent to blocks and trees and landscape verges/soakaway planting areas within the streets proposed as part of the masterplan. This overall approach is strongly supported and would provide substantial net gains compared to the existing hard landscaping on site in terms of urban greening and biodiversity. The applicant should calculate the proposed development's Urban Greening Factor, as set out in Policy G5 of the draft New London Plan, and aim to achieve the specified target of 0.4 for residential sites. The landscape strategy should be secured by condition.

## **Transport**

### Car parking

76 The application proposes a total of 240 residential car parking spaces. This equates to a car parking ratio of 0.4 spaces per unit, which accords with the maximum car parking standards set out in the London Plan and draft London Plan. In accordance with Policy T6.1 of the draft London Plan, disabled person parking should be provided for three per cent of dwellings, with up to ten per cent provided if the demand arises. As such, a minimum of 18 disabled parking spaces should be required from the onset. This should be secured by condition along with the requirement to produce a Car parking Management Plan (CPMP). Electric Vehicle Charging Points (EVCP) including passive provision should be required in accordance with the draft London Plan, which requires 20% of spaces to be fitted with active electric charging facilities. This should be secured by condition.

### Cycle parking

77 The applicant has stated that the scheme will accord with the cycle parking standards in the current London Plan. This should be increased to meet the minimum standards set out in 10.2 of the draft London Plan and should be secured by condition. Reserved Matters Applications should be required to demonstrate compliance with the London Cycling Design Standards (LCDS) (Chapter 8) in terms of design, layout and accessibility.

## Walking, cycling and Healthy Streets

78 The proposed development would represent a substantial increase in pedestrian and cycle trips to and from the site, which must be supported by appropriate enhancements to the surrounding walking and cycle network, in accordance with London Plan Policies 6.1, 6.9, 6.10 and Policies T2, T4, T5 of the draft London Plan. Whilst the redevelopment will significantly improve permeability through the site and would provide a new pedestrian route to Belgrave Walk Tram Stop, further work required to demonstrate how the development will deliver walking and cycling improvements throughout the site and within the immediate surrounding area in line with the 10 Healthy Streets indicators. As set out under urban design, qualitative improvements are required along Baron Walk, Ravensbury Path and Hallowfield Way, which should be detailed and secured by planning obligation.

## Public transport impact and mitigation

79 It is noted that bus route 200 which serves the site is nearing capacity between Mitcham and Colliers Wood where additional trips generated by the development would join the service. Once trip generation and modal split figures have been agreed, the requirement for bus capacity enhancement will be confirmed, which would need to be secured by Section 106 prior to occupation, in accordance with London Plan Policy 6.3 and Policy T4 of the draft London Plan. TfL will investigate the feasibility of moving the northbound Church Road bus stop closer to Hallowfield Way to provide greater convenience for new residents. Should this be possible the cost of relocating the stop would need to be funded by the applicant.

## Sutton Link

80 Transport for London (TfL) are currently investigating a potential tram extension or Bus Rapid Transit route between Sutton and Merton (known as the Sutton Link), with one of the potential route options (Option 2) running from Sutton town centre to Colliers Wood, which would potentially operate in close proximity to this site. This is still at the early stages of planning and is uncommitted and unfunded; however, a public consultation on the project was undertaken late last year and the Consultation Report published in April 2019. The indicative scheme is also identified in Table 10.1 of the draft London Plan.

81 Technical work on option selection is continuing and a formal update on the status of the project is expected towards the end of the year. The project would significantly increase the connectivity of the site to the transport network if this route option is taken forward. Whilst this route is not safeguarded in Merton's Local Plan, should Option 2 be identified as the preferred route, this may have implications for the landscaping proposals along Hallowfield Way. As such, appropriate conditions should therefore be included in any decision notice, to require the detailed design and landscaping of the development adjacent to and along Hallowfield Way to be submitted and agreed, in consultation with TfL, to ensure that it does not jeopardise the delivery of the Sutton Link project, in accordance with Policy T3 of the draft London Plan. Necessary informatics should be included in any decision notice to alert any future site owner liaises closely with TfL regarding these issues as the proposals are further developed.

## Other conditions and obligations

82 The submission and approval of Travel Plans, delivery and servicing plans (DSPs) and construction logistics plans (CLPs) should be secured by condition or obligation.

## **Local planning authority's position**

83 Merton Forest Council planning officers have confirmed that the Council strongly supports the principle of the residential-led mixed use redevelopment of the site and Suez's proposal to relocate its

facility to Beddington Lane in Sutton. A letter setting out the Council's position supporting the application was sent to the Mayor on 27 June 2019 which was signed by Merton Councillor Stephen Alambritis (Leader of the Council) and Councillor Martin Whelton (Cabinet Member for Regeneration, Housing and Transport).

## Legal considerations

84 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

## Financial considerations

85 There are no financial considerations at this stage.

## Conclusion

86 London Plan and draft London Plan policies on waste, employment and industry, housing and affordable housing, urban design, inclusive design, heritage, climate change, flood risk, sustainable drainage, urban greening, biodiversity and transport are relevant to this application. The following issues must be addressed to ensure the proposal complies with the London Plan:

- **Land use principle:** Waste capacity: Loss of the existing safeguarded waste site at Benedict Wharf would be appropriately mitigated by the provision of a replacement waste management capacity facility on a compensatory waste site at Beddington Lane to provide an overall net increase in waste management capacity. GLA officers are satisfied that the proposals are technically deliverable, given the ownership and planning status of the compensatory site; however, continuity of waste management operations should be secured by legal obligation. In addition, further detail and discussion is required, together with the agreement of the South London Waste Plan boroughs to confirm that the loss of Benedict Wharf would not compromise the potential to meet the apportionment and net self-sufficiency targets in the draft London Plan.

SIL designation: Residential-led development of this designated SIL site does not accord with Policies 2.17 and 4.4 of the London Plan or Policies E4, E5 and E7 of the draft London Plan as it is not supported by either a strategically agreed plan-led or masterplan-led approach to SIL intensification and consolidation. The applicant has stated that there are exceptional circumstances in this particular instance and a number of public benefits associated with the proposals. Further viability and marketing evidence is required to more fully demonstrate that enabling residential development on the application site is required.

- Housing and affordable housing:** 20% affordable housing is wholly unacceptable and undermines the applicant's case that the proposed SIL release and enabling residential development would deliver wider public benefits in terms of waste capacity. This must be significantly improved by fully considering the potential for grant funding and greater optimisation of the residential density. The current proposed development fails to fully optimise the density and potential for affordable housing delivery given the size and location of the site and its surroundings so must be reconsidered. Key assumptions relied on in the applicant's FVA in terms of benchmark land value, profit assumptions and net to gross ratios are not accepted and must be reconsidered. Early, mid and late stage viability reviews are required, in accordance with Policy H6 of the draft London Plan and the Mayor's Affordable Housing & Viability SPG. The quantum of play space provision should be specified, with the requirements calculated using the updated GLA playspace calculator.
- Urban design and inclusive design:** In view of the opportunity presented by the comprehensive redevelopment of a site of this size and the overarching objective to optimise housing capacity and affordable housing delivery, the proposed massing strategy has not been well-considered and GLA officers are of the view that the application would represent the sub-optimal development of the site, taking into account in particular the generally unconstrained and isolated nature of the majority of the site and the immediate relatively open urban and landscape context to the east, south and west. As such, the proposed massing strategy should be reconsidered and substantially revised to more fully optimise the density and housing capacity of the site and to maximise affordable housing delivery, in accordance with London Plan Policies 3.3, 3.4, 3.7, 3.11, 3.12 and Policies GG2, D1, D2, H1, H5 of the draft London Plan. The design and layout principles set out in the design code and illustrative masterplan are supported; however, appropriate rules are required within the code to ensure on-street parking does not visually dominate the public realm. Conditions are required in relation to residential quality, inclusive design, off-site walking and cycling connections.
- Heritage:** Based on the HTVIA submitted by the applicant, GLA officers consider that the proposals would not harm the setting or significance of the Mitcham Cricket Green Conservation Area, the Wandle Valley Conservation Area, Morden Hall Park and the Statutory listed buildings noted above. Notwithstanding this initial conclusion, an additional verified view should be provided to demonstrate the scope of visual impact on residential properties on Church Path, given its conservation area status and close proximity to the application site, as this is not included in the HTVIA.
- Energy:** The outline energy strategy and stated levels of reduction in CO<sub>2</sub> emissions is supported. Further information should be required by the Council at Reserved Matters stage to verify the energy efficiency performance levels achieved, including an overheating analysis and an assessment of the cooling demand of proposed buildings and to demonstrate the potential for the potential for photovoltaic (PV) solar panels has been maximised. The development should be future-proofed to allow for connection to a district heating network. This should be secured by obligation or condition. Any remaining shortfall in CO<sub>2</sub> reductions should be met through a Section 106 contribution to the Council's offset fund in order to meet the zero carbon target in place for the residential element, in accordance with London Plan Policy 5.2 and Policy SI2 of the draft London Plan.
- Flood risk and sustainable urban drainage:** The outline drainage and landscaping proposals are broadly supported. A more detailed drainage strategy should be conditions which should fully explore the potential to incorporate additional above ground SuDS, such as green and blue roofs, rain gardens and street trees/pits, in accordance with the London Plan drainage hierarchy set out in London Plan Policy 5.13 and Policy SI13 of the draft London Plan.
- Urban greening:** This overall approach is strongly supported and would provide substantial net gains compared to the existing hard landscaping on site in terms of urban greening and biodiversity. The applicant should calculate the proposed development's Urban Greening Factor, as set out in Policy G5 of the draft New London Plan, and aim to achieve the specified target of 0.4 for residential sites.

- **Transport:** The proposed car parking levels accord with the maximum standards set out in the London Plan and draft London Plan. Conditions should be included in any decision noticed to secure disabled car parking provision, in accordance with the draft London Plan, together with a Car Parking Management Plan and Electric Vehicle Charging provision. Cycle parking should be increased to meet the draft London Plan and secured at detailed stage, in accordance with the London Cycling Design Standards. An appropriate financial contribution to mitigate the impact of the development on bus capacity should be secured, following the agreement of trip generation and modal share assessment. The scope for enhancements to the wider pedestrian and cycle network should be assessed in more detail and secured in accordance with the Healthy Streets criteria. Conditions are required to ensure that the design and landscaping proposed along Hallowfield Way does not compromise the delivery of the Sutton Link project, in accordance with Policy T3 of the draft London Plan.

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