

## **Committee: Council**

**Date: 7<sup>th</sup> February 2018**

Wards: Abbey, Figges Marsh & Ravensbury

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

Lead officer: Director for Environment and Regeneration, Chris Lee

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

Contact officers: Future Merton strategic policy manager, Tara Butler

Principal Spatial Planner, Valerie Mowah

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### **Recommendations:**

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

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

## **2 DETAILS**

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

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

### **Plan preparation and inspector's report.**

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

### **Contents of the Plan**

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

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

### **Delegated authority**

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

## **3 ALTERNATIVE OPTIONS**

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

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

#### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

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

## **5 TIMETABLE**

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

## **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

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

## **7 LEGAL AND STATUTORY IMPLICATIONS**

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

## **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

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

## **9 CRIME AND DISORDER IMPLICATIONS**

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

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

## **10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

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

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

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