

**Re: Appeal by Redrow Homes**  
**Site Address: 265 Burlington Road, London, KT3 4NE**  
**in the London Borough of Merton**

**Planning Inspectorate Appeal Reference APP/T5720/W/20/3250440**

**RULE 6 PARTY – RAYNES PARK AND WEST BARNES RESIDENTS’ ASSOCIATION**

**CLOSING SUBMISSIONS – 13 JANUARY 2021**

**SUMMARY**

In summary, we submit on the evidence

1) that the residents are correct in their view, clearly expressed during the consultation process and since, that the proposed development is too high, too massive, is overbearing, and will do great visual harm. There is almost no benefit to the public realm. We ask you to give great weight to their view;

2) that this is because, as the urban design consultants agreed, the site is “inappropriate” for such a level of development within the terms of Merton’s local plans, and that no proper consideration was given to this at any stage by the Appellant;

3) that throughout the Appellant has sought to overdevelop the site by maximising the number of housing units, in the mistaken belief that this was necessary to meet Merton’s housing targets;

4) that the Secretary of State has now made clear that outer London boroughs need not and should not do so; and

5) that the pedestrian access, and car parking provision for potential residents would be wholly inadequate. We deal with this issue first.

**HIGHWAY MATTERS**

It is agreed between the highway experts that the site is in PTAL 3. It is also agreed that this means that Raynes Park Station is outside the distance that people can reasonably be expected to walk to.

Mr Savage, for the Appellant, quoted some evidence that people regularly in London walk greater distances to get to a transport hub. However, this takes no account of the fact that two of the towers are designated as affordable housing, and many of these residents, as well as some of those in the other towers, may either be parents with pushchairs, or elderly, a bit infirm, or perhaps disabled. They would already have had to negotiate the lifts or stairs to get out of their flats.

These people will then be forced back on the 131 bus service, which can be blocked in for up to 10 minutes at a time when the West Barnes Level Crossing gates are down. The gates are held down to allow up to 3 trains at a time, and occasionally more, to pass through. Traffic levels have been held down since March 2020 by the pandemic and are atypical and cannot be used as an indicator for the future.

He suggested an alternative route for able bodied people over the level crossing if it was open, but otherwise going over the bridge, along Linkway and Church Walk, down Grand Drive, and across the dual carriageways in Bushey Road, and along to the station. This route is not one that any local person would think of taking.

The other possible station, that is just within the PTAL 3 guidelines is Motspur Park, which is an 8 to 10 minute walk. However, this has the major deficiency that it is only accessible up and down a double set of outside metal stairs, and so would be inaccessible to many people. While money has been promised for step free access in the February budget, this must be doubtful in view of the many other demands now on Government expenditure. This has been promised before but was never forthcoming.

The K5 bus goes to Motspur Park, but it only runs every hour, and its timetable is greatly affected by how quickly it can get over the level crossing.

It was suggested that there were other bus routes out of the area, but these run from Shannon Corner which is itself a five minute walk from the appeal site, and go nowhere local. It is important to note that the appeal site is not at Shannon Corner but is a good way down Burlington Road. There are a few shops on the other side of the road but no other local facilities except the Tesco store.

Mr Savage attempted to suggest that New Malden was an alternative. While the 131 bus goes there in the opposite direction, no-one would choose to walk there. This would mean walking firstly to Shannon Corner, then crossing two major roads and under the flyover, before going past large out of town shopping developments, and then a lot of tertiary shopping before reaching the Fountain Roundabout where the high street starts. The station is at the end of that.

#### PARKING PROVISION

The site is ideally suitable for anyone with a car. It is just off the A3, with fast links to the motorway network. That is why the Tesco store and other big box stores were built at Shannon Corner.

However, the design of the development is such that it only allows for less than half of the permitted car provision. Only 220 car parking spaces are provided. Of these 14 are reserved for wheelchair access, and 2 for a car club. The car club would likely be available only for short term use.

Accordingly, there are only 204 other spaces for 456 apartments. These would be allocated on a yearly lease arrangement to those who wanted to pay for them. Those who did not want to pay, and those who did not have the choice, would have to park elsewhere.

It was argued by Mr Savage that car user in London was going down, and that this provision would be sufficient. Mr Lancaster, for the Council, disagreed, and his evidence should be preferred. In the real world there would still be a huge demand for cars from the residents of these apartments, situated ideally as it is for the road network, and with difficult transport links otherwise.

The inevitable result would be that the occupiers of the flats would seek to park in the streets opposite. Most of these streets are in PTAL2, and many of these residents need cars as a result. It is clear from the evidence that parking on these streets is at a very high stress level. Cavendish Road already has a CPZ, and the two other streets nearest to the development have a stress level of over 90%. The other nearby streets have a stress level of over 80%.

The other inevitable result, as the residents see, is that the Council would seek to manage the parking by suggesting CPZ's over the whole area. Merton does not impose CPZ's. Many residents will not want to pay a heavy annual charge for parking in their area. They also realise, as the experts said, that the availability of parking space is reduced by CPZ's. The residents will not be thanking the Appellant for section 106 funding to enable Merton to implement a new CPZ.

Merton has insisted on a Unilateral Undertaking from the Appellant that no occupier of the development will be able to apply under a new CPZ scheme, except holders of a Blue Badge. Blue Badge holders historically in Merton have been able to park in any CPZ. This means that any occupier of the development who has a Blue Badge would be able to park on local streets if they so choose. There could be very many of these.

Given the lack of parking spaces on these streets, people will park on yellow lines and in dangerous places. This is already happening as the photos show, and as Mr West said in evidence. The Annex to the Secretary of State's letter to the Mayor dated 13 March 2020 states that: "Reducing parking spaces for homes risks residents being forced to park on street and causing congestion to London's road network and adversely impacting on the cyclability of roads in outer London."

One other failure of the scheme is that only 4 spaces are allocated for deliveries. In view of the huge increase in internet shopping this is woefully inadequate. Delivery vans will have to queue dangerously outside on the main road for a space, near the mini roundabout on a corner.

But the most astonishing lack of parking provision is for visitor parking. Only 3 spaces are provided for 456 apartments. Many residents will want relations and friends to visit, and stay on occasion. Where are they to park? Where are the doctors, health visitors, and the huge numbers of other callers to park? They cannot park on the main road, or for more than 3 hours in the Tesco car park, and so will be forced to try and park in the streets opposite. Mr Savage argued that the numbers visiting would match those leaving the allocated parking spaces. But this is quite unrealistic since a resident with a contractual parking space could not be expected to give this up for a visitor for an unknown and indefinite period of time.

We would ask that were any permission to be granted, it should be on the condition that the frontage of the site be pared back by a metre or so to allow for two lanes approaching the level crossing, as suggested by Mr Lister on behalf of Champions. We are aware that that the Council do not wish at present to buy or compulsorily purchase the frontages further back from the crossing which would enable two lanes to be created, but the possibility of this happening should be retained.

It would not only cure the blockage at the level crossing but reduce the amount of CO2 being pumped out by the queuing cars. And if CrossRail 2 ever happened, the level crossing would be closed for up to 10 trains an hour passing through.

## CHARACTER AND APPEARANCE

### TALL BUILDINGS

The proposal is for 7 tower blocks, from 7 to 15 stories in height. The Appellant's urban design consultant, Mr Pullan, said in evidence that the towers fronting Burlington Road would be 7, 8, and 9 stories in height when the podiums were taken into account. In our view, they would be intimidating at street level as one can see from his CGI images. From a greater distance, the various photo images prove that these and the larger towers behind would be visible over a very large area of Merton, and would dominate intrusively the local 2 storey suburban street scheme. The configuration of the towers is such that they will look like a continuous wall from many angles.

The Grand Drive Character Area studies clearly show the local street scheme. This development would be totally out of context with it.

Mr Pullan was of the opinion that they would do no "harm" and said that he and Mr Nowell, the Council's urban design consultant, could reasonably come to a differing view as to their visual harm. We ask you to give great weight to the views of the residents as to the harm that would be occasioned, as expressed through the 500 letters of objections, at the packed public meeting that we held in September 2019, and as put to you by Councillors Bokhari and Bailey and our MP. Our residents disagree profoundly with Mr Pullan's assessment at 1.35 of his Summary Proof of Evidence that "the proposed buildings will contribute positively to the street scene and make a powerful contribution to the quality and vitality of their setting".

The proposed design is totally contrary to Merton's Design Policy DM D2, a-i. The proposals "would not rate positively and appropriately to the siting, of rhythm, scale, density, proportions, height and massing of the surrounding area".

They "are inappropriate to the architectural forms and language of the wider setting": Policy DM D2, a-ii. They "would cause visual intrusion to existing development" in breach of Policy DM D2, a-vi.

The urban design consultants on both sides agree that the siting of these tower blocks is "inappropriate" for tall buildings, as defined by the map on page 59 of Merton's Tall Buildings Background Paper 2010. Mr Pullan states this in terms at 4.48 of his proof of evidence.

Mr Nowell sets out in his proof of evidence at 4.2.7 to 4.2.11 that this Paper informs Merton's policy framework as to tall buildings.

Paragraph 1.4.2 of the Tall Buildings Paper defines a tall building as: "any building that has a significant impact on the existing scale and character of an area through height can be considered a tall building. In the context of Merton, where most of the borough is characterised by 2 storey suburban houses, any buildings of 4 storeys or higher could be considered a tall building in these locations".

Merton has only three tall buildings, all situated within a short distance of a tube station. These are in Colliers Wood, and in the town centres of Wimbledon and Morden. They are all commercial buildings and mark important areas.

Paragraphs 3.8.2 of this Paper states that:

"Areas where regeneration is proposed within the Core Strategy including Morden and Colliers Wood, offer some opportunity, through comprehensive redevelopment, to introduce higher building elements where this is consistent with the understanding of how the area will transform".

Paragraph 3.8.18 states that:

“Designated industrial areas including those of Shannon Corner and Morden Road Industrial Areas are sensitive areas of the borough where taller buildings may be appropriate where contribution to the regeneration and enhancement of employment uses, and where they will not have a detrimental impact on areas outside the designated industrial area over time”.

This sub-paragraph is clearly dealing with employment and not housing.

Mr Pullan argued, despite the appeal site being “inappropriate” that it was, nonetheless, a site fit for regeneration, and pointed to the permission given to Albany House and the B & Q Tower. He did not quote any policy guidance to justify such tall buildings on this site. Mr Murch in his Rebuttal Statement at 7 discusses Merton’s New Draft Local Plan but accepts at 7.2 and 7.10 that limited weight can be attached to its policies.

As we have made clear, we would accept that a considerable number of new homes could be built on larger sites closer to Shannon Corner as part of an optimised development, and we set out at the end of our submissions how this can be achieved without causing harm to local residents.

The height categories are defined in 3.5.3 of the Tall Buildings Paper as:

Suburban Low rise and undeveloped land (0-3 storeys)

Mid-rise (4-6 storeys)

High Rise (7-10 storeys)

Prominent high-rise towers (11+).

These towers are all high rise and above. They are all tall buildings as defined in Merton’s Draft Local Plan (October 2018, Stage 2 Consultation). Paragraph 5.1.12 at p 5-6 also states that tall buildings outside the town centres of Wimbledon, Colliers Wood and Morden are unlikely to be acceptable.

Mr Nowell, in his evidence, stated that in his opinion the site could be used for residential buildings of up to 5 or even 6 storeys but not more. In our opening submissions we agreed that the residents would not be opposed to the site being used for housing, provided that the stories were limited to 4 or at the most 5, be less dense, and have room for some play area.

The buildings around Burlington Road are low rise, as are the Raynes Park High School and the Sacred Heart Primary School. The highest buildings are Albany House at 5 storeys and the B & Q store which is only 4/5 storeys high. It is only the slender advertising turret of that store which is 7 storeys high.

The buildings are so high that they affect the light to the Raynes Park High School. We ask you to give great weight to the evidence of Mr Hogarth, the Deputy Head, on behalf of the school which has 1085 students, and employs 100 adults. He points out that the development will sit a mere 30 metres away from their buildings and would drastically exceed any building on their site or in the surrounding area. This would result in significant shading and shadowing, and in particular affect their Design and Technology classrooms during the whole of winter. It would also have a severely detrimental impact on their photovoltaic panels. The projected loss of natural light would also impact on the students’ ability to learn and their mental health and wellbeing.

We request, on their behalf, that the Conditions expressly include a requirement for liaison with the School over disruption during construction, even though neither the Appellant nor the Council consider this necessary.

We ask you to find that the siting is contrary to the planning policy for Tall Buildings adopted by Merton which is up to date.

Overall, the design has no redeeming features which would justify this breach. It has an overbearing appearance, there is poor provision of new public amenity, lack of permeability, and dead frontages.

#### CARBON AND CLIMATE CHANGE

Another indication is that the design is too tall and too massive is that the design only achieves 36.5% savings towards the GLA's zero carbon objective, which is just 1.5% better than their 35% threshold. The design did not have the initial objective of aiming for zero carbon.

With regard to the separate matter of Embodied Carbon, we are pleased that the Appellant has agreed to a Condition that would explicitly require the Whole Life Carbon and Circular Economy Assessment to be carried out, and we would expect this assessment to inform and influence the detailed design process.

#### THE VIEW OF THE SECRETARY OF STATE

Indeed, Merton's policy has recently been reinforced by the Secretary of State. In his letter dated 10 December 2020 to the Mayor he states that he was issuing a new Direction regarding Policy D9 (Tall Buildings). He writes that: "There is clearly a place for tall buildings in London, especially where there are existing clusters. However, there are some areas where tall buildings don't reflect the local character. I believe that boroughs should be empowered to choose where tall buildings are built within their communities...I am issuing a further Direction to strengthen the policy to ensure such developments are only brought forward in appropriate and clearly defined areas as determined by the boroughs whilst still enabling gentle density across London. I am sure that you share my concern about such proposals and will make the required change which will ensure that tall buildings do not come forward in inappropriate areas of the capital". These changes are set out in his proposed direction DR12.

As Mr Pullan accepts on behalf of the Appellant that the site under appeal is "inappropriate", that should be in itself enough to determine this appeal and dismiss it.

Other proposed updated changes by Direction to the London Plan are that: "Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site" and requires a design led approach. "Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport walking and cycling". That is not the case in this development.

#### MEETING HOUSING NEEDS

The Secretary of State continues: "The optimum capacity for a site does not mean the maximum capacity". We rely on Mr Nowell's evidence that the Appellant has sought to build the maximum and not the optimum capacity. This is said to be necessary to provide housing that will go to meet Merton's target. But we agree with the Council that this can be met from a smaller scheme, and from other schemes for which approval has already been given, or is likely to come forward for approval.

In his Written Statement dated 16 December 2020 he set out proposals for assessing local housing need to ensure that all local authorities plan to build enough new homes. He stated that the previous standard method did not go far enough, and that the current levels needed to be increased by 35% and that London needed to build more homes.

He expected to agree the London Plan with the Mayor early in the new year which would meet this need. He said: "We now need to focus on the medium and long term and create a plan to better address London's housing needs, whilst protecting the character of London's communities, particularly in outer London, and London as a place for families".

We submit that this is a clear indication that boroughs are to plan for more housing in the medium and long term, and that he does not expect outer London boroughs such as Merton to be required to fulfil much greater targets now; and particularly that inappropriate development that would impact adversely on local communities should not be allowed.

#### PRE-APPLICATION MEETINGS WITH THE GLA AND MERTON

No reference was made to the Tall Buildings Policy in the consultations with the GLA. In the GLA pre-application meeting report on 22 October 2018 at paragraph 5 it is said that "The site has no local planning policy designations". This was incorrect.

It is said in paragraph 31 that the proposal, which was then for about 430 residential units exceeded the top of the guidance ranges for density. It says that "The applicant should positively engage with the Council's design review process, in addition to design review with GLA officers". The Applicant did not so positively engage.

The GLA advised in paragraph 33 that: "Whilst officers acknowledge that the wider Tesco site is not locally allocated, a masterplan-led, comprehensive approach to redevelopment should be considered."

It was open to Tesco to consider and put forward such an approach, as we understand that they own the whole of the surrounding site. This opportunity was not taken.

The GLA also produced an application stage report on 9.9.19 (Core Document 7.3) which makes no mention of tall buildings at all.

#### ARCHITECTURAL STATEMENT PREPARED BY MR BACON

Mr Bacon notes at 4.1 that: "The site is comparatively unconstrained in the sense of not being next to designative heritage sites or sensitive residential properties".

At the first pre-application meeting with Merton on 13 September 2018 at 6.7.16 it was said that LB Merton did not have any policies relating to building heights for this area to act as a constraint, so the application would be assessed on a design qualify basis... This was completely incorrect. The Tall Buildings Paper, on page 59, shows the appeal site in an area designated as "inappropriate" for tall buildings. To repeat, this has been acknowledged by both design consultants during the Inquiry.

The question of the heights of the buildings was not raised in the following 3 pre-application meetings with Merton.

## THE DESIGN REVIEW PANEL

Mr Bacon discusses the Design Review Panel at 8.0 of his report and was heavily critical of its proceedings. Despite this, he was not called by the Applicant to give any evidence so that he could be cross-examined.

The Panel was on 22 November 2018. It included two, at least, of the Councillors on the decision making Committee, including its Chair. There were three architects, a chartered planner, and another landscape architect. It appears that there was a 10 minute presentation followed by 30 minutes of discussion, when the Applicant must have been present, at least in part. The comments made by the Panel were comprehensive and detailed, and showed a clear understanding of what had been presented to them.

We submit that it would have been obvious to the Panel in a few minutes that the height and the massing of the scheme on this site were totally inappropriate.

The Panel noted at 8.10.102 that there was: "No proper rationale for the chosen storey heights, whether they be the proposed 7-14 storeys or any other range. There was no townscape or contextual justification for the heights chosen, and if this was considered acceptable".

There were detailed criticisms of the Podium Typology, the Apartment Mix, Permeability, Density, and Dual Aspect. As to dual aspect we ask you to find, in accordance with the evidence of Mr Wingrove, that many of the flats qualify for this description in name only, and fail to deliver the benefits that dual aspect homes should provide.

Mr Nowell agrees entirely with these criticisms at 4.2.31 to 4.2.35 of his proof of evidence, and in particular at 4.2.33 writes that "No reasonable or acceptable justification for this proposed height is presented in the Appellant's Design and Access Statement".

We submit that the reasons given by the Appellant for not making substantial amendments to the scheme to take account of the very reasonable view of the Panel are not justifiable or acceptable.

The Supplementary Statement of Common Ground states that: "notwithstanding any concerns regarding the design of the proposal officers considered greater weight could be attached to the benefits of the housing delivery in drafting their conclusions on the scheme and any recommendation to members". We submit that the Committee members were right not to follow the recommendation for approval, but to give instead greater weight to the overbearing nature of the design, and its effects on residents.

## PRE-APPLICATION CONSULTATION WITH THE COMMUNITY

At 2.33 of Mr Murch's first proof of evidence he sets out the pre-application consultations. The results of those show that the main concern of the consultees, as it was with the DRP, was the height and massing of the towers. The same concern was expressed at the meeting with the Raynes Park and West Barnes Residents' Association which was held on 8 January 2019. It was attended by Mr Bacon and five other representatives of the Appellant. They presented the scheme to the Committee and Councillors Bokhari and Bailey, and there was a long discussion. When asked why the proposed heights could not be reduced, they said that Merton's housing targets have been increasing and the proposed specifications have to reflect this. They were told that there was widespread concern about the inappropriate nature of the higher blocks and the lack of play spaces for children.

The design changes made as a result of these consultations were minimal, and did not address the fundamental concerns of the residents.

#### HOUSING NEED AND SUPPLY

Overall, we would submit that the Appellant have sought to gain the maximum number of units of accommodation possible on a smallish and unsuitable site. This has resulted in a development totally out of context with the surrounding area. It is not necessary to build so many units on this one site.

While we do not wish to add to the debate between the Appellant and the Council as to Merton's housing needs and supply, in our experience Merton has always met its housing targets, including from windfall and small sites.

#### WHAT SHOULD HAPPEN NOW

We submit that, on the evidence, the appeal should be dismissed. The Council's decision was right.

The dismissal of the appeal will allow for what should have happened in the first place. The Council's preferred planning policy for the Shannon Corner area was for a development of the whole of the Tesco site, including the appeal site. It is an opportunity for a landmark development which should have been taken. A properly designed scheme would include a new Tesco store, which should match in height and design the successful B & Q store opposite. This has parking on the ground floor, with entry and exit off a slip road, with two floors of shopping above, accessed by escalators and lifts.

Behind this screen there should be residential housing in blocks but in a much lower, less dense and open way. It should allow parking for up to the permitted limit, and provision for visitors parking.

The present scheme does not meet Merton's planning guidance for the Housing Mix, Sites and Policies Plan of July 2014 DM H2 and the draft Local Plan Policy H 4.3 of one third each of one, two and three bedroom units. Instead, 117 (26%) of the flats are one bedroom, 290 (64%) are two bedroom) and only 49 (11%) are three bedroom. A new scheme could remedy this imbalance and help to meet Merton's borough-wide objectives.

There should be provision for a play area, and ideally for a medical centre. There should be public parkland along the Pyl Brook.

The concrete surface should be replaced by a more permeable solution, to slow water run off and ease flash flooding which is increasing in our area. We do not share Thames Water's confidence that foul sewage from 456 new homes can be accommodated within the existing sewer network, which is prone to overflowing into our streets.

John Elvidge