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# **Merton Council**

## **Planning Applications Committee**

**22 September 2022**

### **Supplementary agenda**

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Planning Applications Committee  
22nd September 2022  
Supplementary Agenda  
Modifications Sheet.

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Page 10 - Changes/clarifications to the report:

Page 10:

2.8 Site area should be changed from 2.8ha to 3.09ha

Page 11:

3.4 The key differences are as follows:

- ~~Financial contributions towards sports facilities increased from £924,406 (£693,579 for the on-site tennis courts, resurfacing two of the existing tennis club courts and towards local football, cricket and rugby sites and financial investment of £267,000 to provide on-site open space and recreation facilities – MUGA, outdoor gym, LEAP, trim trail and walking/jogging routes) to £2,590,500 (£1,984,500 towards local football, cricket and rugby sites and £606,000 for tennis related investment on site and at the adjacent Club, the five-a-side football pitch and MUGA).~~

Replace with:

“The total sport facilities investment has increased from £924,406 to £1,836,000. Using a like-for-like comparison (between application 21/P4063 and 22/P2351) this means a net increase in investment into sports facilities of £760,594, including a net increase of £615,594 to off-site playing fields (which excludes the additional financial contributions on-site and to the adjacent tennis club which investment/contributions).

The financial figure for on-site sports and recreation, including financial contributions to the adjacent tennis club, now totals £606,000. This comprises construction by Bellway of the MUGA, the Gen2 5-a-side pitch and two new tennis courts, plus £90,000 s106 contribution to the tennis club.

The off-site financial figure for investment into playing fields totals £1,230,000. This is for the identified improvements to the Joseph Hood Recreation Ground of £1,100,000; OWRFC £100,000, and Borough wide girls rugby development fund of £30,000). This is a total on-site and off-site sports investment of £1,836,000.”

Officer comment

*Due to an error in calculating the total contributions the committee report is incorrect in terms of the overall contribution. However, the s.106 heads of terms are correct, it is simply an error in totalling the figures due to how they were presented. The conclusions of Officers remains as set out in the agenda.*

Page 12:

3.6 The text states that there are 45 three beds and 6 four beds. The scheme actually comprises 46 three-bedroom and 5 four-bedroom dwellings.

- 3.8 The proposed buildings would comprise of a mix of two 2-storey and 3- storey terraced town houses with private rear gardens and three 4-storey apartment blocks. The scheme would also involve the construction of 2 all-weather tennis courts with associated floodlighting, storage compound and car parking. A small-scale multi-use games area (MUGA) **and five-a-side football pitch** is also included. The existing equipped children's play area on the eastern part of Meadowview Road will be retained and is outside of the application boundary
- 3.9 The current schedule of accommodation states there is one 4-bed Shared Ownership dwelling. This is not correct, there's one 4-bed Social Rented unit and no 4-bed Shared Ownership units.

The affordable rented units are to be provided as Social Rented units

Page 13:

Schedule of accommodation:

Dwelling size/type	Market Units	Affordable Social rented Units	Affordable Shared Ownership Units	Total
1 Bed Flat	4	4	2	10 (9%)
2 Bed Flat	16	16	8	40 (37%)
2 Bed House	6	0	0	6 (6%)
3 Bed house	33	6	<del>6</del> 7	45 (42%)
4 Bed House	4	1	1	6 (6%)
TOTAL	63 (59%)	27 (25%)	17 (16%)	107 (100%)
AFFORDABLE HOUSING TOTAL:		44 (41%)		

3.11 The housing mix requires amending to reflect the above where there's 46 x three-bed dwellings and 5 x 4-bed dwellings.

The housing mix proposed is:

Unit size	Total number of units	Percentage %
1 bedroom	10	9%
2 bedroom	46	44%
3 bedroom	<del>45</del> 46	<del>42%</del> 43%
4 bedroom	<del>6</del> 5	<del>5%</del> 4%
	107	100%

Page 15:

3.22 There is a small typo in the calculation of the total parking spaces. The number of parking spaces overall should be revised from 123 to 122 (comprising 97 residential spaces and 25 tennis user spaces).

3.22 The proposal remains as per the previous application, 21/P4063 in relation to highway matters. The proposed development provides ~~123~~ 122 parking spaces comprising of 97 parking spaces for the residential units (0.91 spaces per dwelling, with each house having one space and around 0.5 spaces per flat), of which 40 would be unallocated, and a further 25 parking spaces for the new and existing tennis courts.

Page 126:

7.2.8 The table is not showing in the report:

Number of bedrooms	Percentage of units
One	33%
Two	32%
Three +	35%

Page 127:

7.2.12 The housing mix be revised to show that there 43% three-bedroom dwellings (not 42%), noting this reflects the changes set out above to the 3- and 4-bed mix.

7.2.12 The housing mix proposed focuses on family sized dwellings with the provision of ~~42%~~ **43%** of the proposed units being three bedroom. The site lends itself to family housing and the proposed mix is considered to be appropriate given the relatively low PTAL. It is noted that a number of other recently permitted schemes in the borough have provided a greater proportion of one bed units and less family sized units, therefore, this scheme will go some way to redress that imbalance and provide much needed family housing.

Page 128:

7.3.6 The image following this paragraph is not showing in the report. Below is the table showing the affordable housing provision (including 'Affordable Rented' changed to 'Social Rented Units').

Dwelling size/type	Market Units		Social Rented Units	Affordable Shared Ownership Units	Total
1 Bed Flat	4		4	2	10 (9%)
2 Bed Flat	16		16	8	40 (37%)
2 Bed House	6		0	0	6 (6%)
3 Bed house	33		6	6	45 (42%)
4 Bed House	4		1	1	6 (6%)
<b>TOTAL</b>	<b>63 (59%)</b>		<b>27 (25%)</b>	<b>17 (16%)</b>	<b>107 (100%)</b>
<b>AFFORDABLE HOUSING TOTAL:</b>			<b>44 (41%)</b>		



7.3.7 The 'affordable rent' tenure be amended to 'social rent' (as shown in the table above).

7.3.7 In terms of the tenure split of the affordable housing offering, 59% would be for ~~affordable~~ **social** rent and 41% would be for shared ownership (based on habitable room provision). The ratio proportions of low cost rent versus intermediate tenures are broadly consistent with Merton's adopted Local Plan. Officers note that the planning policy team has expressed a desire for the inclusion of a London Living Rent, as Merton's Strategic Housing Needs Assessment recommends that given the high level of need, based on households unable to buy or rent in the market the Council should consider London Living Rents (which can provide a route into home ownership) ahead of shared ownership as a preferred form of intermediate housing. However, the affordable housing offering as it stands is compliant with adopted policy.

Page 129:

7.3.8 This paragraph states that the applicant has indicated a willingness to further review the tenure split to provide London Living Rent units. Bellway did explore this with policy officers in the previous application, but it was referred and agreed that Social Rented units are to be provided alongside Shared Ownership. The heads of terms sets out that the affordable housing is to be provided as a split between Social Rented and Shared Ownership. Therefore, through the course of negotiating the application, it has been resolved and agreed with Officers that no London Living Rent tenure properties will be provided.

Page 144:

7.10.11 This scheme is now providing 100% active EV Charging.

7.10.11 In accordance with London Plan requirements 20% of spaces will have electric charging facilities with passive provision to allow the remainder to be easily equipped in future. **However, the applicant has increased this offer to 100% electric charging facilities.**

Page 151:

7.16.1 S106 heads of terms – the land for the tennis courts is to be provided to the tennis club under a very long lease and not transferred.

Page 154:

## 11. **RECOMMENDATION:**

The completion of a Section 106 Agreement covering the following heads of terms:

3. Carbon offsetting (£176,130 – to be confirmed).

12. Land transfer (or long lease – details to be agreed by LBM) to ensure that the tennis club land is passed to the club at nil cost (construction of the tennis courts to be carried out to the standard set out in the application documents and passed to the club at nil cost).

Page 170:

**Appendix 1: The image included is not showing in the report. The image is below for information:**

*Figure 2: Assessment of consultation responses received to LBM consultation August-October 2021*

Assessment	Specific consultees and/or responses received									
	Wimbledon United Cricket Club	AJ Coaching Cricket Academy	Willington Independent Prep School	Consortium: AJ/ Willington/ Wimbledon United CC	Raynes Park Little League	PFV Victoria London Ltd Land Interest	Old Emanuel Rugby Football Club	Wimbledon Club	Ursuline Prep School	Donhead Prep School
Latest date consulted	Aug-21	Aug-21	Aug-21	Aug-21	Aug-21	Aug-21	Aug-21	Aug-21	Aug-21	Aug-21
Date proposal 1 received	Sep-20	14-Sep-20	Nov-20	x	x	16-Sep-20	x	x	x	(2014)
Date proposal 2 received	As consortium			Sep-Oct 21 (3 separate responses, one from each party)	14-Sep-21	x	x	x	x	x
Land purchase offer	x	x	x	x	x	Note 4	x	x	x	x
Annual rent offered £	x	£20,000	x	£20,000	Note 3		x	x	x	x
Lease term sought (years)	x	10+	x	10+	x		x	x	x	x
Offer to purchase	x	x	x	x	x		x	x	x	x
Clear identification of community or club sports need		✓	x	✓	✓	x	x	x	x	x
Draft site masterplan provided with facilities listed	x	x	x	✓	x	✓	x	x	x	x
Draft site masterplan feasible	x	x	x	x	x	x	x	x	x	x
Capital cost estimated provided	x	x	x	x	x	x	x	x	x	x
Capital funds confirmed available	x	Note 1	x	Note 2	x	Note 5	x	x	x	x
Capital funding gap funding likely to be able to be closed	x		x	x	x	x	Note 5	x	x	x
Programmes of use, winter and summer	x	x	x	summer & school only	x	x	x	x	x	x
Outline business plan	x	x	x	x	x	x	x	x	x	x
<b>SUMMARY - PASSES POLICY TEST?</b>	<b>x</b>	<b>x</b>	<b>x</b>	<b>x</b>	<b>x</b>	<b>x</b>	<b>x</b>	<b>x</b>	<b>x</b>	<b>x</b>

- Note 1 Finance stated to be available but no confirmation provided  
 Note 2 £300,000 available towards estimated capital cost of >£1.5m  
 Note 3 Desire to hire on pitch by pitch basis only.  
 Note 4 Either 100 years @ £0 pa lease, or £150,000 purchase. Subject to grant of planning permission for development of commercial leisure proposal  
 Note 5 No evidence provided

**Additional information submitted:**

Additional information submitted in objection to the application on 14/09/2022 showing a potential site layout and costings for a Cricket Consortium led scheme.

Officer comment:

*The Consortium has provided an indicative site layout, as was the case under the previous application, 21/P4063. However, a number of queries remain outstanding, which are directly relevant:*

- *The proposal does not indicate how it is proposed to deal with flood mitigation on the site. Relevant costs would need to be included in the cost schedule.*
- *The proposal does not indicate how it is proposed to lease/purchase the site from the landowner. If lease, the proposal does not detail the amount per year and number of years. This information would be required to enable initial discussions with the owner if the site were to be delivered for sporting use.*
- *Confirmation that there are no objections from the relevant sports bodies (ECB, RFU) on the proposed development e.g. do the proposed dimensions for the rugby and cricket pitches and the proposed ancillary facilities meet their requirements?*
- *The proposal does not detail the timeline for delivery and drawing down of funding available.*

*Officers conclude that insufficient information has been submitted by the consortium to show that their proposal is deliverable. While they definitely have an interest in the site, there are still a number of issues that they haven't addressed.*

**Agent – Community Use Agreement submitted 15.09.2022.**

Officer comment:

*This would be secured through the legal agreement should permission be granted.*

**Agent's additional flood risk information submitted**

- Microdrainage Calculations, received 08/09/2022
- Cross Sections, received 08/09/2022
- Drainage Strategy, received 21/09/2022
- Letter to LBM Flood Risk Officer, dated 08/09/2022
- Letter to Environment Agency, dated 08//09/2022
- 20 Year Change in peak depths, received 08/09/2022
- 100cc Change in peak depths, received 08/09/2022
- Thames Water Asset Plan, received 21/09/2022

Officer comment:

*Additional information has been submitted to demonstrate that issues of surface water runoff have been fully considered in the revised layout. The Environment Agency and the Council's Flood Risk Officer have reviewed this information and raise no objection on flooding grounds.*

**Agent’s summary of points raised by Members in relation to 21/P4063:**

<b>Comments Raised during Merton PAC 16.06.2022</b>	<b>Project Team Responses for Application 22/P2351</b>
<p>Raised concerns as to whether the tennis courts would be delivered as they would be constructed last due to the construction phasing of the site.</p>	<p>The S106 Agreement will legally require the developer to deliver the tennis courts as proposed within the submitted application.</p> <p>If the developer does not deliver the tennis courts as set out within this Legal Agreement, there would be legal mechanisms that the local planning authority can use to ensure the tennis courts are delivered.</p>
<p>It was suggested that because discussions with the tennis club had looked at providing two new tennis courts as part of the wider redevelopment at the site before the site was subject to additional marketing commencing July 2020, that other sporting uses were not on an “equal playing field” when the site was marketed.</p>	<p>The marketing exercise of the site was a requirement in the Playing Pitch Strategy to understand whether a club or community group would be able to purchase and viably deliver part, or all, of the site for sporting use.</p> <p>In their assessment of the previous application, officers stated that while there were a number of different groups who have shown an interest in the site, none of these groups provided the necessary information to show that a sporting scheme would be viably and practically delivered on the site. This was based on the information provided by relating to the type of sporting proposal, need for ancillary facilities, planning considerations, consideration of site constraints, including flood mitigation measures, funding availability, discussions and support from relevant sports bodies, delivery timescales and evidence that a viable sports use could be operated on site.</p> <p>Policy officers confirmed that a whole-site sporting scheme cannot be viably and practically delivered on all of the site, given such uses would not allow for the delivery of the housing needing to fund such uses. For example, cricket uses at the site would only be viable with additional financial input as officers have confirmed from the marketing exercise, but cricket uses would require a far greater land take than other sporting uses, and so would not allow for the delivery of the required residential development needed to fund the sports uses on-site.</p> <p>Therefore, a housing use of part of the site can provide financial contributions for off-site sporting uses in the borough along with the provision of on-site sporting uses, which includes two tennis courts for community use via a pay-and-play agreement, along with a multi-use games area and a 5-a-side football pitch.</p>

	<p>Without housing at the site to generate financial contributions, there would be no on-site sporting use (the MUGA, 5-a-side pitch and tennis courts) or off-site money for sports. The proposed on-site sporting uses, due to the size of their pitch areas, are compatible with housing at the site. Therefore, delivering residential development on part of the site allows for the provision of practical on-site sports facilities along with the funding off financial contributions for off-site sports uses.</p>
<p>Noted that the <i>My Merton</i> magazine identifies the Council's ambitions for improvement to, and maximisation of, the borough's green spaces, and that the proposals would contradict this objective.</p>	<p>Whilst noting the comments made in the My Merton article, it is important to note that the site is currently not accessible, and was formerly used by the London Electrical Sports and Social Association (LESSA) on a private basis. At this time, the site was also not accessible for the public.</p> <p>Noting the above, the development of the site will provide accessible open spaces for residents, including the provision of new sports facilities (MUGA, 5-a-side and tennis courts on a play-and-play basis) and an equipped play area. Financial contributions, to be secured by a S106 Agreement will support improvements to existing open spaces to improve their quality and maximise the green spaces available in the borough whilst also helping to contribute to off-site sporting facilities.</p> <p>The benefits of the scheme are seen to achieve the aims set out within the My Merton Article by maximising the borough's green spaces through the provision of these on-site and off-site contributions, and thus should be viewed positively in the wider planning balance.</p>
<p>Queried as to why the application is being brought forward at this point in time whilst sporting groups retain an interest in the site.</p>	<p>The LB Merton Playing Pitch Strategy requires a six-month investigation to understand whether a club or community group would be able to purchase and viably deliver part, or all of the site, for sporting use.</p> <p>Alongside this investigation undertaken as required by the Strategy, the applicant also undertook their own marketing of the site. Further to this, the Council then undertook its own assessment of the ability of sporting groups to viably deliver sport at the site when the application as live in August 2021 for over six-weeks.</p> <p>The exercises above have identified that there is no sporting scheme that would be viably and practically deliverable on the site, which would not allow for housing delivery to come forward in part also.</p>

	<p>Therefore, in terms of timing, investigations of sporting uses of the site have extended well beyond that of the requirements of the Playing Pitch Strategy. The council is to consider the application before it at this point in time. Whilst there is general interest in the site, there is no viable or deliverable sporting scheme for the site and other uses of the site are to be considered in accordance with the Playing Pitch Strategy and emerging submitted Local Plan allocation for the site.</p>
<p>Suggested there is the potential that approving this application would set a precedent for other applications to be approved.</p>	<p>Every planning application is to be considered on its own merits and based on the relevant material planning considerations specific to it. The material planning considerations relating to the subject proposals are clearly conveyed within the submission documents, concerning the undertaken marketing and subsequent justification as to the redevelopment of the site to provide residential development which subsequently unlocks the potential for on-site sporting facilities to be delivered whilst also providing a host of off-site financial contributions to enhancing sporting provision elsewhere within the borough.</p> <p>A detailed list of the relevant sporting contributions can be referred to in the Planning Statement and within this Committee Report, demonstrating the significant benefits associated with the scheme, for which residential development is required in order to fund such contributions.</p> <p>As such, noting the above there would be no precedent set if this application is approved, given the clear site-specific justification provided as to the redevelopment of the site set out in detail within the supporting application documents.</p>
<p>Suggestion that the site has not been used as it is fenced off and would set a precedent for other land owners if the application is approved.</p>	<p>The site was the former London Electricity Sports and Social Association (LESSA) sports ground which was a private facility for the sole use of company employees. The sporting facilities were not open to the general public. The site has been secured to prevent it from falling into disrepair, for health and safety reasons and to prevent it from being occupied unlawfully.</p> <p>As every application is to be considered on its own merits, this application would not set a precedent.</p>
<p>Queried the timing of the proposals given assessments</p>	<p>As set out in the submission documents and within the Committee Report for the previous application, there is a clear chronological timeframe of when various</p>

<p>undertaken during Covid-19 pandemic and potential implications upon interested parties preparing bids.</p>	<p>investigation and marketing assessments were undertaken.</p> <p>This timeline demonstrates that a significant process of investigation and marketing has been undertaken over an extended period of time, including recent marketing assessments undertaken by the local planning authority.</p> <p>In their assessment of the previous application, officers stated that while there were a number of different groups who have shown an interest in the site, none of these groups provided the necessary information to show that a sporting scheme would be viably and practically delivered on the site.</p> <p>The undertaken assessments all accorded with the necessary requirements and timescales set out in the Playing Pitch Strategy, and therefore are compliant in this regard.</p>
<p>Considered that sporting uses could potentially still be delivered on this site referencing interest and potential new bids and “evidence emerging”.</p>	<p>As stated previously, the undertaken marketing of the site was a requirement in the Playing Pitch Strategy to understand whether a club or community group would be able to purchase and viably deliver part, or all of the site, for sporting use.</p> <p>In their assessment of the previous application, officers stated that while there were a number of different groups who have shown an interest in the site, none of these groups provided the necessary information to show that a sporting scheme would be viably and practically delivered on the site. This was based on the information provided by relating to the type of sporting proposal, need for ancillary facilities, planning considerations, consideration of site constraints, including flood mitigation measures, funding availability, discussions and support from relevant sports bodies, delivery timescales and evidence that a viable sports use could be operated on site.</p> <p>The proposals must be determined in accordance with the evidence provided and assessed thus far – theoretical “evidence emerging” of potential future bids have not been assessed as no detailed information pertaining to these bids has been provided. Again, whilst interest has been shown by several groups previously, the undertaken assessments clearly demonstrate, as is agreed by the local planning authority, that none of these groups provided the necessary information to show that a sporting scheme would be viably and practically delivered on the site.</p>

	<p>Given no credible bids were received previously, it is considered unreasonable to delay the determination of the current proposals and hypothetical bids which may or may not emerge. There is no evidence to suggest these bids would be viable or practical, and as such noting this and the undertaken marketing previously, the proposals for the redevelopment of the site providing on-site sporting uses and off-site sporting contributions are considered to be appropriate and acceptable.</p>
<p>Does not consider that the provision of affordable housing on site and wider justifications for the redevelopment outweigh what is perceived to be a 'loss' of the site.</p>	<p>The proposals are considered to deliver significant planning benefits for the local area and to the borough as a whole and should be viewed extremely favourably in the wider planning balance.</p> <p>The proposals provide a policy-compliant level of affordable housing in the first instance, contributing to ever-growing housing need both in the borough and across London as a whole. This is a significant benefit of the proposals, redeveloping a vacant, inaccessible space for much-needed housing.</p> <p>The provision of residential development, as stated previously, also allows the delivery of significant off-site financial contributions to enhance open spaces and wider sports development in the borough, totalling circa £1.8 million (excluding Community Infrastructure Levy funding). The proposals are considered to be of significant benefit to local residents, providing enhanced sporting facilities and thus clearly and demonstrably improves sport development in the borough.</p> <p>Therefore, the proposals should be viewed favourably in the wider planning balance.</p>
<p>Concern that the redevelopment of the site would amount to loss of open green space on a greenfield site when the Council have established a cabinet role to improve sports development.</p>	<p>It is important to remember that the site is not currently publicly accessible. The site has been secured for several years for several reasons, primarily to prevent it from falling into disrepair, for health and safety reasons and to prevent it from being occupied unlawfully. Prior to this, the site was used privately by the LESSA group, and so by definition the space has not been 'open' and accessible for a significant period of time.</p> <p>Notwithstanding the above, it is important to consider that the proposals would create enhanced access to the site and would provide a suite of on-site and off-site contributions which are considered to be of significant benefit in the wider planning balance. These include the provision of on-site accessible green space and</p>



	<p>landscaping with play space accessible to all, along with the provision of new sports facilities on-site (two new tennis courts for community use with play-and-play, and two MUGAs) which significantly enhance the contribution the site makes to the wider area in terms of meeting sports development needs.</p> <p>The proposals also provide significant off-site financial contributions to enhance open spaces and support wider sports provision in the borough, totalling circa £1.8 million (excluding Community Infrastructure Levy funding). Therefore, the redevelopment of this site, whilst requiring some residential development to facilitate the on-site and off-site contributions, is considered to be of significant benefit to local residents, providing enhanced sporting facilities and thus clearly and demonstrably improves sport development in the borough.</p>
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Officer comment:

*The above is included for information purposes.*

**Page 22 - Additional representations and consultation responses:**

18 additional representations received (a total of 144 objections have been received), raising the objection on the grounds raised in the report and also the following new grounds of objection:

- Concern that the application is being rushed through during the summer holidays.
- Representations should be available to view online.
- The Council should decline to determine the application under S.70B as it is substantially the same as 21/P4063.
- It seems that the applicant's rush to register 22/P2351, and get it to committee, is a deliberate attempt to prevent the consortium being able to produce plans sufficiently detailed to impress officers
- Sir Joseph Hood Memorial Playing Fields (SJHMPF) is a public park; it is already heavily used by local sporting groups and by individuals. Even with improvements, such as drainage etc... it is unclear that this extra S106 inducement/bung/bribe would provide as many extra hours of sporting use for as many local children as using the LESSA site could under the management of a local sports consortium.
- For members to reach a conclusion, they need the analysis of current sporting provision at SJHMPF, and nearby pitches, and clear proof that the benefit the extra S106 monies would bring would be greater than could be achieved using the LESSA field.

Officer comment:

- *The application has been subject to the statutory notification process and additional time has been allowed for comments to be received.*
- *Representations are available to view on request.*
- *The application proposes a different layout in terms of the open space. In addition, the off-site contributions have been substantially increased. Therefore, notwithstanding the merits of the proposed development, it would not be reasonable to decline to determine the application.*
- *The original application was submitted in 2020. Therefore, various sporting groups have been aware of the proposals. In addition, the Council's questionnaire sought details of funding streams available to achieve the sporting use proposals.*
- *Members should make their decision on the basis of the information within the submission. The s.106 monies are indicative and ultimately the Council would retain control over what sports uses the money is spent on.*

**Councillor Andrew Judge 14/09/2022:**

I am responding as the cabinet member responsible for the planning process. As a cabinet we take our public responsibilities seriously and do consider sport to be a top priority. The application that you mention refers to land in private ownership that is not within the control of the council. Nor, so far as I am aware, has it been open to the general public for sporting use in the past.

The council's cabinet does not take a view on planning applications, which are the responsibility of the Planning Committee. This Committee is charged with dealing with all applications in a quasi-judicial manner taking account of all representations, planning policy and further to the advice of a planning officers. It must retain an open mind on all planning applications until the point of decision.

If the applicants are to succeed in obtaining permission for non-sport housing development on part of the land they have to demonstrate that there are no viable and deliverable whole site options for community and sport use in order to satisfy the tests set down in the Playing Pitch Strategy 2019.

Whether they are successful is a matter for evidence and objective decision-making.

**The Residents' Association of West Wimbledon 19/09/2022:**

I write on behalf of the Residents' Association of West Wimbledon (RAWW) to comment on this latest application for this site and its unusually hasty progress to Planning Applications Committee with a recommendation for approval. A similar application was refused in June 2022. The LESSA site is outside the RAWW area but an application to build 107 homes on a flood risk area and an area designated as Open Land is of wide concern. The Council's requirement, according to the draft Local Plan, is for all options for use of the whole area for sport to be pursued before other options are considered. It is not clear that this has been done.

We note that:

Approval of this application would be another **erosion of the importance given to land designations and site policies in the Local Plan** which are intended to protect our precious open spaces for future generations.

**This application was only registered on 2nd August** so the consultation period was during school holidays when many people would have been away. This is a complex application where careful analysis, especially on flood risk management, is required.

**The LESSA site is in a flood risk area. The Bellway Homes drainage strategy to overcome the problem of building on this risk area is highly reminiscent of the Berkeley Homes drainage scheme for the Wimbledon Hill Park (WHP) development, where nearly a decade after the first phase of the development was built the drainage system is still not installed, maintained or functioning according to approved plans.** Both drainage schemes rely on a series of attenuation tanks, an attenuation pond, flow control mechanisms, swales, and land drains. The Bellway housing development is relying on flood water attenuation capacity in the area left for sports use. Wimbledon Hill Park relies on attenuation capacity in the Council managed Morley Park which has become subject to regular and serious flooding since WHP was built.

The Environment Agency comments on the proposed Bellway drainage scheme include the requirement for a condition that “These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme’s timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.” Where is the Council going to find the resources to ensure that happens?

Has the Council’s Flood Risk Management Engineer, who is very familiar with the Wimbledon Hill Park drainage issues, commented on this application? How would the Council ensure there was no repeat of the WHP drainage failures?

**Public transport in this area is very poor.** It has a PTAL rating of 1. It isn’t appropriate for intensive development.

RAWW believes that insufficient time has been given for proper consideration of this application. It is not clear that all viable options for use of all this remaining area of the LESSA site for sport have been followed up by Bellway Homes. The application should be refused.

### **Raynes Park Residents Lawn Tennis Club Comments 19/09/2022:**

This letter is written on behalf of the Committee of the Raynes Park Residents Lawn Tennis Club. The letter sets out the views of the Club Committee in respect of the application 22/P2351, submitted by Bellway Homes Ltd.

#### **Background**

The Raynes Park Residents Lawn Tennis Club (“the Club”) moved to its present site in Meadowview Rd in April 2013. Prior to this, the club occupied a smaller site nearby, with just 3 tennis courts (two of which were floodlit). The new tennis facilities were provided by Bellway Homes Ltd. as a part of the now-completed Meadowview Rd

development. The new tennis premises were then leased to the club on a long lease. These facilities comprised five tennis courts and a new clubhouse. The Club then, through its own efforts, provided floodlighting on all five courts.

The Club has been extremely happy with the new club facilities, which have provided us with an excellent home. Our premises have attracted favourable comments from Club members, visitors and others. The club has benefitted hugely as a result of this move, expanding its membership and attracting talented new coaches. We believe that our experience demonstrates what can be achieved when a sports club works closely with a developer and with the Council, to achieve a community benefit.

The Club has recently been approached by Bellway Homes Ltd. in connection with proposals for the development of the playing field site at Meadowview Rd. As a result of that approach, an agreement has been concluded between the two parties, which offers the Club enhanced tennis facilities on part of that site. That agreement is included as appendix 2 of the "Sports Justification report – Appendices" document, and in para 127 of the "Sports Justification Report" document, in the application documents submitted by Bellway. Bellway has confirmed to us that this agreement will apply to this new planning application (22/P2351).

The Club's committee strongly supports the proposals submitted by Bellway in the planning application. The Club considers that a S106 agreement will be necessary to guarantee the delivery of all the tennis, parking and floodlighting facilities, as set out in the agreement concluded between Bellway and the Club. The Section 106 agreement will need to specify the timescale for the construction of these facilities, and we suggest that they be completed before the sale of any of the market dwellings in the scheme. Similarly, the agreement will need to ensure that the tenure of the land and the new tennis and associated facilities are offered by Bellway to the Club through a lease, again as set out in the agreement between Bellway and the Club. We suggest that that lease offer should be made by Bellway in accordance with the same timescale as that of the construction of the facilities. The Club also suggests that the payments referred to in the Bellway/Club agreement should be made at the same time as when Bellway and the Club, sign the new lease.

The agreement between Bellway and the Club permits the Club to have sight of, and to comment on, the Section 106 agreement. The Club would therefore ask the Council to facilitate this.

### **Why the Council should support the planning application (subject to an associated Section 106 Agreement)**

The Club has been very successful in attracting new members since 2013, and has also greatly expanded the tennis programme that it offers (social tennis, competitive tennis, club league tennis, coaching, and County league tennis). This has now reached a point where, at popular times of the week, demand for courts exceeds availability. This is resulting in a restriction of the capacity of some organised sessions, and limits the potential scope for further activities to be offered to members and the local community. The club now operates an on-line court booking system in response to this demand. The club membership has grown to 408 in January 2022, and because of the pressure that this places on the court usage, it has been necessary to put a hold on acceptance of new members. There is currently a waiting list of 47 players who are

wishing to join the club. This waiting list started from zero in July 2021 when the restriction on new members was introduced. The proposed increase in the number of tennis courts from 5 to 7 will therefore allow the Club to accept new members and expand the tennis programme for existing members, as well as offering more coaching for those looking to learn the game, or return to it.

The new tennis facilities will also include provision for a “pay and play” facility which will allow controlled access to the new courts for non-members wishing to play tennis casually, without the commitment of annual membership. This will be promoted by the LTA via a dedicated marketing and booking website, thus providing a new source of potential members, and also additional diversification of revenue to ensure the long-term viability of the Club.

The Club is not in a position to expand its tennis facilities through its own resources. The cost of such an expansion would be far beyond the Club’s financial resources or fundraising ability. Furthermore except for the land which is subject of this application, there is no land available to the club to locate such facilities. The proposed development therefore offers the only practical opportunity to secure the desired expansion.

The proposed development site has lain idle since the sports use run by London Electricity ceased some twenty or so years ago. Bringing at least some of the site back into active sports use will restore some of its historic sports character and will provide sports benefits for the area.

### **What the development would mean to the Club**

Two additional courts would allow the Club to continue to expand its membership and increase participation in its coaching programmes. The weekday evening Cardio tennis sessions currently operate at capacity and could be opened up to non-members seeking a weekly exercise class without commitment to tennis membership. Additional adult “beginners” sessions could be offered to introduce more people to the game, providing them with a healthy and sociable activity that they can enjoy for the rest of their lives. The Saturday morning junior coaching sessions could also be expanded, and there would be potential for more competitive matches.

Pre-covid, our midweek morning “club social” sessions were some of the most popular of the week, keeping people active in later life, as well as giving a chance for parents to enjoy some exercise and adult company while their children are at school. These “social” sessions, where players can turn up and play without prior arrangements, plus our club competitions such as box leagues, provide excellent ways for players to meet new people of similar playing standard or to improve their game. This is something that is not offered at courts rented by the hour such as in Merton’s parks or the AELTC Community Ground.

The creation of the two additional tennis courts will also allow the club to accommodate the anticipated demand for tennis facilities, that is likely to come from the residents of the proposed 107 new dwellings.

The agreement that the Club has entered into with Bellway Homes also includes provision to renew our existing courts which may suffer damage from the dust or from building works. Laid in 2012, the Club expects to have to renew our existing courts in 2023.

This agreement also makes provision for a payment to the Club which will enable the playing surface of 3 of our existing courts to be changed, from bitmac, to artificial clay. This latter surface is extremely popular with tennis clubs and with many players. The switch to artificial clay will widen the appeal of the club to potential new players by offering a choice of playing surfaces. This will help the Club to attract new members, and retain existing ones.

Finally, the Club will benefit hugely from the provision of its own dedicated car parking facility. While the majority of our members are local (many walking to the club or cycling), there is nevertheless a need for dedicated car parking spaces. Car usage remains important for families with young children, and for visiting players from other clubs who participate in competitions at the club. Some of our members live further away and they also require car access. The club is served by just one bus route (the 163) which is insufficient to permit many car users to switch to public transport.

While the Club has grown its membership continuously since 2013, there is also some attrition each year due to the natural progression of age, or moving out of the area. The long-term viability of the Club therefore requires us to offer an attractive package compared to the other near-by clubs, including David Lloyd and the AELTC Community Ground, both of which have large private car parks. The Club feels that being able to offer convenient car parking will be a major selling point in attracting members.

At present there are 20 car parking spaces in Meadowview Rd dedicated to sports users, the remainder being available to residents. This parking provision was specified as a requirement by way of a planning condition attached to the planning consent granted in 2009 for the development of the Meadowview Rd estate (Appeal Ref APP/T5720/A/09/2102075).

The Club has however found over the last 7 years, that spaces intended and labelled for sports users have largely been used by others, and are in most cases not available for use by our members or visitors to the club. The club is not in a position to introduce enforcement measures to prevent unauthorised parking.

In discussions with Bellway, the club therefore requested a dedicated car parking area, that it could control. The Club has offered to relinquish the 20 spaces in Meadowview Rd that are currently reserved for sports users. These 20 spaces could then be lawfully used by residents and visitors for whom there is no parking provision.

### **Background information about the Club**

The Club prides itself on being a very well-run, and community-centric organisation, which offers excellent tennis facilities to the local community, and deserves to be supported by the Local Authority.

- **Membership** has grown rapidly since the club moved to its present site in 2013. In 2012 the overall membership (adults and children) was 164, but by Jan 2020 it had grown to 329, and by January 2022 to 408.
- **The name of the club** refers to Raynes Park “Residents”, however being a resident of Raynes Park is not a prerequisite to membership.
- The cost of **subscriptions** for adult members is currently £140 per year. This cost has risen hardly at all over the last 10 years, in 2011 the equivalent subscription was £130. The Club Committee see low subscriptions as an important way to encourage the local community to participate in tennis. Our younger junior members currently pay a membership subscription of just £5 per year. The subscriptions charged by the club are markedly lower than those of other clubs in the area.
- The Club offers a wide-ranging **tennis programme**, including coaching programmes for adults and juniors, social tennis (non-competitive), competitive league and knockout tennis tournaments, and county level league tennis involving other clubs.
- The Club has an excellent relationship with our enthusiastic **Head Coach** who is always keen to develop new coaching initiatives for all members, and who helps us to attract and recruit non-members, both new players to the game as well as those returning to it after an absence.
- In the autumn term of 2020, there were 96 junior (under 18s) and 19 adults enrolled in group **coaching courses**. Members also take advantage of private coaching sessions paid by the hour.
- The number of teams which participate in the **Surrey Leagues** has grown from two in 2013 to seven today.
- The club is run by **unpaid volunteers**, whose ages span a wide range from mid 30s to early 70s, and whose motivation is the love of the game.
- The club is run on a **non-profit basis**, such that 100% of all club income is devoted to maintaining and improving the tennis facilities, and to no other purpose.
- The club produces a business plan each year to predict the financial future in the forthcoming years. This plan demonstrates that it is **financially secure** and sees a long-term future serving the community.
- The club is affiliated to the **Lawn Tennis Association (LTA)**.
- The club has a **safeguarding** policy and a **diversity** policy endorsed by the Lawn Tennis Association, which are aimed at protecting children and vulnerable adults, and at promoting inclusivity and avoiding potential discrimination.
- The club ensures that the **maintenance of tennis facilities** is to a high standard
- In the past the LTA ran an **accreditation scheme**, initially known as “Clubmark” and subsequently known as “Tennismark”. While these schemes were running, the club achieved both of these standards.
- The club also has “**Community Amateur Sports Club**” (CASC) status. This is something akin to charitable status, and is granted and recognised by HMRC.
- The club is widely seen as a **friendly and inclusive** club, welcoming to members of all ages and tennis abilities.
- The club serves as a **local community focus**, providing a place for local people to meet together, thereby strengthening community roots, and offering the community health and social benefits.

- It is estimated that over 80% of our members are **Merton residents**.

### **LBM Climate Change officer 13/09/2022**

I've just had a look at the energy statement submitted for application 22/P2351 and it looks like it's very similar to the final energy statement agreed for application 21/P4063 (attached here again). It looks like the scheme is the same (107 dwellings) and the energy modelling and carbon offset contributions haven't changed (£176,130). Please let me know if I'm missing anything if the scheme has in fact changed as this will need to be reflected in the new energy statement. Otherwise, I think my previous comments attached still stand as the energy statement is the same apart from a couple of updated visuals.

### **LBM Environmental Health Air Quality 09/09/2022:**

No substantive changes from previous comments in relation to 21/P4063. (No objection subject to conditions and £30K contribution towards air quality management)

### **LBM Flood Risk Officer 09/09/2022:**

Based upon the now revised application and updated drainage strategy taking into account the sports pitches, I have no objection to the scheme on flood risk or surface water drainage grounds on the basis that the below conditions are included on any application granted approval and the scheme is implemented in accordance with all new submitted information.

The development will seek to make use of a SuDS management train approach (as per Merton's SuDS SPD) which will comprise of rainwater gardens and lined permeable paved areas, including driveways and parking courtyards, to managed primary surface run off from private roof areas and hardstanding driveway areas. A secondary system of under drained conveyance swales will be linked with a piped network to convey the surface water drainage to a SuDS storage basin located in the south of the site, as shown on the plans. The proposed drainage system provides a degree of treatment and water quality management in line with SUDs Guidance and Merton's SuDS SPD.

In terms of the sports pitches, the Tennis and MUGA pitches have been designed with 200mm deep single size free draining material subbase (MOT Type 3 (Type 1 x No Fines)) with void ration 0.3, with permeable membrane surround which will accommodate all storm events up to the 1 in 30 year. It should be noted that the final specification of the SuDS system, including that of the proposed sports pitches will be subject to detailed design and construction level hydraulic modelling, hence we need to ensure a planning condition as per below. The applicant has confirmed that subject to the detailed surface water drainage assessment, modelling and calculations at detailed design stage, the amount of attenuation

We held a number of meetings with the applicant and consultants to improve the scheme's proposed drainage system. We are pleased to note that the scheme will now provide an alternative discharge point for the tennis court parking area into the phase 1 relocated cellular tank system.



All roof surface water run off will initially be directed to adjacent rainwater garden systems to enable treatment and slow discharge rates prior to entering the main network cascade system.

Please include the following conditions should you be minded to recommend approval:

**Condition :**

The development shall be carried out in accordance with the submitted Flood Risk Assessment by Ardent Consulting Engineers Limited (ref: 161480-06A-FINAL; dated: 12 January 2022) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 15.75 metres above Ordnance Datum (mAOD).
  1. Compensatory flood storage shall be provided in accordance with paragraphs 7.5, 7.7, 7.8, 7.9 and 8.33 and the drawing in Appendix D.
  2. Provision of a safe access and egress for all uses from the site.
- Provision a flood warning and evacuation/response plan. All occupants of the Site are advised to register with the Environment Agency's floodline.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason :**

*To reduce the risk of flooding to the proposed development and future occupants. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. This is in line with Paragraph 159 of the NPPF (2021) and CS 16 Flood Risk Management of the Merton Core Strategy (2011).*

**Condition:**

Prior to the commencement of development, the applicant shall submit a detailed proposal and methodology on how drainage and groundwater will be managed and mitigated during construction (dewatering) and post construction (permanent phase) to ensure no increase in risk on or off site.

**Reason:** *To ensure groundwater and flood risk does not increase on or offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13.*

**Condition:**

Prior to the commencement of development, a construction level detail final scheme for the provision of surface and foul water drainage shall be submitted to and approved in writing by the local planning authority. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) limited to a greenfield rate of no more than 5.2l/s in accordance with drainage hierarchy contained within the

London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards. The final drainage scheme must be hydraulically modelled and must include all of the SuDS and attenuation measures, including those on the sports pitches set out within the Ardent Consulting Engineers Limited (Drainage Strategy Drawing (ref 161483-001-P3)). The required drainage details shall include:

- a. The results of any infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
- b. Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 +40% allowance for climate change) storm events and 10% for urban creep during all stages of the development. The final solution should follow the principles set out in the approved Ardent drainage strategy. Discharge rates and storage volumes shall be provided using a maximum site wide discharge rate of 5.2l/s.
- c. Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
- d. A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
- e. Details of drainage management responsibilities and maintenance regimes for the drainage system.
- f. Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

**Reason:** *To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13.*

**Condition:**

Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

**Reason:** To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS

**Informative:**

No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage

should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

No waste material, including concrete, mortar, grout, plaster, fats, oils and chemicals shall be washed down on the highway or disposed of into the highway drainage system.

### **Informative**

If proposed site works affect an Ordinary Watercourse, Merton Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website under flooding.

If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.

### **Sport England comments 12/09/2022:**

#### **Sport England - Statutory Role and Policy**

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years OR allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

I have previously referred you to legal advice around this matter and would refer you to it again in this instance in my email of 11<sup>th</sup> March 2022 regarding the previous planning application on this site.

Sport England has considered the application in light of the National Planning Policy Framework (NPPF) (in particular Para. 99), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

[www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)

## **The Proposal and Impact on Playing Field**

The proposal includes the erection of 107 dwellings, a children's play area, a multi-use games area, outdoor gym area and two tennis courts with lighting plus a five-a-side football pitch, a MUGA and outdoor gym. It involves the loss of the entire grassed playing field.

## **Assessment against Sport England Policy/NPPF**

I am aware that the Merton Playing Pitch Strategy (2019) has the following recommendation regarding this site:

*[LESSA] should be bought back into use (if viable) to meet current sporting needs and future demands. These sites should be subject to thorough investigation by the steering group and the landowners, to understand whether a club or community group would be able to purchase and viably deliver part, or all of the site, for sporting use. This investigation is subject to a time limit of no more than 6 months from the date this PPS is adopted by the council. Should the site not be delivered for sporting use, a Section 106 financial contribution will need to be agreed as part of any development on the sites, to reinvest in other sport facilities in the borough.*

Sport England previously provided a legal opinion on how much weight this paragraph should be afforded by the local planning authority. Sport England's legal advice is of the opinion that the PPS is not policy and its specific recommendations in this instance appear to have been somewhat superseded by the terms of the allocation in the emerging local plan (which does not include any time limit on proposals for use as a sporting facility). This allocation mentions deliverability rather than financial viability (though it is notable that paragraph 99 of the NPPF mentions neither).

It is important to note that, regardless of the site allocation in the Local Plan's requirements, paragraph 99 of the NPPF still applies. This does not fall away because of the site allocation in the Local Plan, which must be read in addition to the NPPF.

Following discussions with the relevant National Governing Bodies for sport, Sport England feels that the site is very much deliverable for sport in its entirety.

Sport England is aware that part of a previous application process involved requiring certain interested parties to fill out a questionnaire; this included requirements such as providing a masterplan and confirmation that capital funds would be available. I am not clear as to whether the information gathered as part of this process will be relied upon as part of this new application but for clarity I will repeat Sport England's previous position. Sport England feels that these requirements were an unreasonable and onerous burden to place on local clubs and groups, who will often not be able to confirm capital funding before, for example, a lease is agreed on a site. Such groups and clubs would also not necessarily have the resource to risk on developing a masterplan for a site they may never be offered. Furthermore, I understand such bids were at least partly assessed on whether clubs/groups could offer to purchase the site outright. Again, this is not considered to be a reasonable position to take, when generally most clubs will take on a site on a long lease, which I understand several potential interested parties requested.

In assessing this planning application I also consulted the relevant governing bodies for sport.

The ECB have confirmed that it objects to the loss of this site. The ECB has previously been in discussions with a local consortium that has the resources to bring the site back into use and the ECB is confident that this would be possible. The Sports Justification Report and appendices implied that a drainage scheme would be essential and therefore funds for this would be required. The ECB has also pointed out that it is unlikely that funds would be required for a drainage scheme for a non-turf pitch (NTP), particularly given that cricket takes place in the summer. Five new NTPs were installed in Merton in 2021 and none required a drainage scheme to support them. Car parking and net practice facilities, while welcomed by the ECB, would also not be essential for a recreational model.

- ECB have previously pointed out that the consortium of cricket users has emphasised repeatedly that they have the resources and capability to bring the site back into use for cricket activity, and to manage the site on a sustainable basis. The consortium has repeatedly sought to engage with Bellway and the Council on this basis.
- Since the site is specifically identified in Merton's Playing Pitch Strategy as an opportunity site for cricket, and the PPS concluded there is a significant deficit of cricket sites in the borough, it is a concern that Bellway and the council have not been actively engaging with the ECB and these users to explore the potential to bring the site back into use for community sporting activity, and instead is seeking to progress a housing development at the site, with limited mitigation provision for local sport.
- The permanent loss of LESSA as a playing field would not be satisfactorily offset by off-site investment into external sites, given the deficits identified in the PPS.
- In addition to the detailed redevelopment proposals provided by the consortium, ECB have also provided detail regarding a small-scale redevelopment of the site as a sustainable recreational/pay & play cricket site, which would require less significant capital investment.

Constituents of the consortium that expressed interest were Wimbledon United CC, Wilmington Prep School, and AJ Academy. They remain interested, to the extent they are now actively lobbying the council at the present time. I am aware that Wimbledon CC/The Wimbledon Club are no longer interested due to securing alternative premises.

The RFU has reiterated comments made previously. It had highlighted the potential partial solution that use of the LESSA site could provide regarding the displacement of Old Emanuel RFC (OERFC) from the Blagdons Sports Ground; planning to relocate to Raynes Park Sports Ground. The enforced move from Blagdons Sports Ground to Raynes Park represents a net loss of one senior rugby pitch (exacerbating an existing deficit in the borough), in addition to reducing the mid-week capacity for floodlit training. The OERFC Chair states;

*"Our negotiations are still ongoing around the Taunton Avenue site (Raynes Park Recreation Ground) which remains our primary focus. The plan at this site is for 2*

*grass pitches a net loss of 1 from what we had at Blagdons. Therefore if there was access to additional pitch (Even if only suitable for junior rugby) at Lessa it would be of considerable benefit, especially with the identified drainage issues at Taunton Avenue.”*

The ‘Sports Justification Report’ (July 2022) submitted with the application identifies this point at para 160, page 45 and at para 153, how the site “may act as a small satellite site for a club, if viable”. The RFU asked the question of viability in its communication of the 06/12/2021 in exactly this regard. It is noted that access to some of the sports provision in the application will be provided on a ‘pay and play’ basis.

OERFC has not identified any partial capacity solution at LESSA as being a floodlit AGP or floodlit, full size natural turf pitch – possibly only additional space for age grade activity which could be delivered in a flexible manner on site, still utilising the Raynes Park site as the club’s centre of operations. This was communicated by the RFU on the 06/12/2021. It would be disappointing to have the capacity needs of the OERFC discounted on the perceptions that only the facilities described at para 158 of the Sports Justification Report would suffice.

The Chair of OERFC also directly communicated the club needs to LBM officers on 20/12/2021.

The ‘Sports Justification Report’ also states at para 162, that “*None of the other proposals for the site, such as the one received from the consortium, included rugby as a main activity. To do so would significantly limit any other winter sports pitch use on the site*”. At no point has the OERFC suggested that rugby should be the main activity as outlined above. The RFU would ask what formal programme of use there is planned by other winter sports via the current masterplan?

Further to the commentary above, the masterplan indicates that the only potential use from a rugby union perspective could be the small-sided football pitch (shown as 40m x 21m) being utilised by U7 and U8 age grade groups. The latter would be compromised on the maximum pitch size utilised by this age group.

The RFU objects to the proposal until such time as further clarity is provided on the questions above and would request further detail and consultation on the potential S106 agreement.

The RFU would make reference to the following communications and commentary regarding the site; the RFU would also take the opportunity to re-iterate the request from the original MOU response of 19/05/20, for an holistic approach to understand the opportunities to address the shortfalls identified within the LB Merton PPS.

The need for alternative capacity due to the loss of the community facilities at Blagdons is well documented and OERFC continued to demonstrate this need through their engagement in the tender process for the council owned Raynes Park site. The LESSA site is identified previously, and within the Sports Justification Report, as offering only the potential for additional capacity and not a full ‘like for like’ replacement of the provision at the Blagdons site. Although a final lease agreement is awaited from the council, OERFC would appear to be part of the successful bid for the future of the

Raynes Park Recreation Ground. Whilst the masterplan for the Raynes Park site is awaited, it is highly likely that the additional capacity (not necessarily full-sized senior pitches) potentially afforded by LESSA will need to be utilised to accommodate some OERFC activity and any displaced Old Wimbledonians RFC activity, following the development of Raynes Park Recreation Ground.

With the draft agreement for OERFC at Raynes Park, the LESSA site could offer additional capacity for Age Grade activity for OERFC as well as other clubs. If used as a satellite venue can the definition of viable be clarified? Would it be on a pay and play perspective as a number of other local authority sites? There are many examples of clubs operating from multiple sites on this basis due to capacity constraints at their home site e.g. Battersea Ironsides in LB Wandsworth.”

The RFU would ask, again, that the future of the LESSA site is considered with the strategic vision for sport as a whole, highlighted within the PPS for the borough. This has particular reference to this site and the planning application consultation received for the Blagdon’s site (now approved by Merton Planning Committee), in light of the very recent news that the proposed (partial) solution for Old Emanuel RFC moving to the Raynes Park facility is now stalled. This is reportedly due to LB Merton legal dept reviewing the legality of the tender process to date. The result of this delay is unknown at the present time, however, the RFU has previously highlighted that the LESSA site could provide additional, informal, age grade pitch capacity for Old Emanuel RFC following the move to Raynes Park. This would be required due to (i) the reduced capacity of Raynes Park compared to Blagdons and (ii) the requirement to satisfy the needs of existing rugby users at Raynes Park following occupation by Old Emanuel RFC (Old Wimbledonians RFC).”

The Football Foundation have stated that the information previously provided by the Football Foundation (2020) regarding the strategic need for football facilities in Merton, specifically the deficit in 3G pitches and improvement required to natural turf pitches) has not altered. There have been no projects delivered through the Local Football Facility Plan and the lack of available community facilities still poses the same issues that is preventing the growth and development of football in the Borough.

The proposed MUGA/ball courts do not meet with FA size guidance and whilst providing an opportunity for community recreation football they would not service the affiliated game. It is also unclear if these facilities are due to be lit.

Until there is clarity from the London Borough of Merton regarding off site mitigation and progress on the sites previous identified in the LFFP and PPS the Football Foundation on behalf of the FA would object to this planning application.

England Hockey have stated that there is demand in the area for full sized sand based hockey pitches which would support community activity but at this time England Hockey can show no strategic need for small sided pitches (such as the one proposed) within the location. A sand based Gen2 MUGA can be used to deliver Hockey 5s. The minimum recommended size of a Hockey 5s court for community use is 32m x 18m. Local demand for a stand alone Hockey 5s court is unknown. Due to their size the pitches are unsuitable for most club-based training and matches other than low level junior training and Hockey 5s activity. It is unclear as to whether sports lighting will be

provided at the site, if not then usage will be restricted to day time use during most of the hockey season. England Hockey neither supports or objects to this development as this is not a strategic site to the sport.

I am aware that the LTA are supportive of the benefits to tennis provided by this application, which includes 2 new lit tennis courts which will offer community access. There are only three community access venues across Merton that offer floodlights and therefore year round play. Two further floodlit tennis courts would help alleviate current and future capacity issues for the local area and offer increased community access. As the courts will offer Pay and Play LTA highly recommend smart gate technology. One smart gate provided by CIA could be installed and linked to the Clubspark booking platform to enable a simple and easy customer journey. The smart gate requires users to input a unique pin code into the gate to allow access when a booking is in the system – this can also control the lights making the efficiency and process better.

In terms of the application's potential to meet the NPPF and Sport England's policy, the proposed tennis courts, five-a-side pitch and MUGA elements have the potential to meet E5, as they provide sports facilities – albeit the artificial pitches and MUGA cannot be said to be meeting a strategic need, which significantly limits their ability to meet E5. However, in any case, these relatively small elements alone cannot outweigh the significant loss of playing field on the rest of the site. The fact that the applicant has, in recent years, chosen to close off the playing field and deny the public access is irrelevant when determining whether there is demand for the site.

I acknowledge that the applicant proposed an increased S106 contribution to be spent on surrounding sites identified in the PPS and has set out heads of terms in the Planning Statement. While this would potentially be appropriate were Sport England satisfied that there is no demand for this particular site, given the potential to improve the condition (and therefore capacity) of surrounding playing fields, it cannot be considered appropriate while demand has been demonstrated (as outlined by NGBs above) when the existing playing field deficits are also taken into account.

With regard to the Sports Justification Report provided by the applicant, Sport England is of the view that this does not satisfactorily demonstrate that there is no demand for the site, nor that it is not viable to bring the site back into use for sport. Sport England would strongly disagree with the applicant's assertion that 'there are no deliverable or viable schemes which would deliver community or club sport on all of the site' when it is the opinion of NGB colleagues that this is not the case. The scenarios it considers are certainly not exhaustive of all potential options for delivering sporting or community uses here.

In addition to this, the report continues to make several assumptions that Sport England does not consider to be accurate – including (but not limited to) suggesting lighting will be necessary for sport to take place on the site. This document also makes assumptions about the level of available funds available however it is my understanding that the consortium continues to state that it has been able to secure largely sufficient funding via sponsors and investors.

## **Conclusion**



In light of the above, Sport England **objects** to the application because it is not considered to accord with any of the exceptions to Sport England's playing fields policy or with Paragraph 99 of the NPPF.

Should your Council be minded to grant planning permission for the development then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the Planning Casework Unit.

Officer comment

*Officers anticipated an objection from Sport England to be raised on similar grounds to the previous application. As with 21/P4063, Officers acknowledge that there is interest in the site from sporting groups but none of the sport proposals have sufficiently demonstrated that a sporting use of the entire site would be deliverable.*

**Agent's response to Sport England comments 16/09/2022:**

It is noted that despite the amended and enhanced on-site provision of sports facilities proposed within the scheme over and above the previous application comprising a 5-a-side football pitch and additional S106 financial obligations towards dedicated and identified sporting and open space facilities in the borough, Sport England's response is very similar to the previous application response.

- Sport England suggest that there should be no set timeframe for when a decision at the site for a use other than sporting use should be considered, thereby ignoring the adopted Playing Pitch Strategy which sets a timeframe of 6 months which has been extended well beyond this period (around 2 years) through additional investigation by the applicant and the local planning authority.
- Sport England suggest that the proposed on-site sports facilities and off-site sporting financial obligations are insufficient to balance out the loss of the area which was previously used as a playing field. However, the policy position is that it is required to demonstrate that a sporting or community use of the site is to be deliverable before another use of the site is to be considered. It has not been demonstrated that a sporting use of the entire site is deliverable, therefore an alternative use of the site is to be considered. As part of an alternative use of the site, sporting facilities on site and off-site sporting and open space financial contributions are proposed making the scheme acceptable in principle.
- Sport England suggest that not every sports opportunity has been explored. However, sporting use of the site has been explored as part of the Playing Pitch Strategy which has informed the Local Plan site allocations for over 2 years which is considered to be suitable time to explore all viable and deliverable sporting opportunities at the site. No viable and deliverable sporting use of the entire site has been identified.

- Sport England suggests that the site can be used for sport. However, it does not provide any evidence to back claims, instead relying on NGBs to back this claim, with the NGBs in turn partly relying on the Consortium's comments. The Consortium's comments have been responded to separately (copy attached to this email for reference) and it is concluded that the Consortium does not demonstrate a viable and deliverable sporting use for the entire site.
- The Consortium does not appear to have re-consulted either the ECB or RFU on their proposals as the NGB comments are inconsistent with the latest provided Consortium proposals and plan (copy attached to this email for ease).
- The ECB state '*it has repeatedly pointed out that the consortium of cricket users ... have the resources...*'. However, the ECB presents no evidence to justify this statement. It is the view of the applicant and LBM officer's assessment that the Consortium has not demonstrated a viable and deliverable proposal for the site.
- The ECB Recreational Model is the same one as previously considered and assessed in the Sport Justification Report (SJR) which concluded that it was not to be viable and not to be deliverable.
- Sport England has given very little weight to the off-site benefits that will be delivered at the Joseph Hood Recreation Ground through financial obligations of about £1.2m where the investment meets the Playing Pitch Strategy priorities for football and cricket.
- Sport England share the case that the RFU/OERFC will need the grass space for junior rugby. However, they are moving to the Raynes Park Recreation Ground. Whilst they set out that they will only be able to have 2 adult rugby pitches, it is clear from recent aerial photos in 2020 and 2021 that Raynes Park Recreation Ground can accommodate at least 3 adult rugby and/or football pitches plus several junior or mini pitches (please see the image at towards the end of this response). Therefore, it is not imperative that the LESSA site accommodates a junior pitch.
- Sport England suggests, as it did with the previous application, that if this application is approved, it is referable to the Secretary of State. The Sport Justification Report sets out how the tests for referral to the Secretary of State are not met which are set out at paragraph 6 in the Executive Summary and Sport England has not challenged the Sport Justification Report on this point. It is considered that if the application is approved, it is not referable as the required tests are not met.
- The extra non-turf pitch at Joseph Hood Recreation Ground that would be funded by S106 financial obligations if the application is approved fully mitigates and equates to ECB's recreational cricket model for LESSA which would have 1 pitch on site. In addition, the S106 financial contribution for the Joseph Hood Recreation Ground would also improve the changing facilities at that site, which would not be provided if the ECB put 1 pitch on the LESSA site.

- Sport England has support for the Consortium's latest proposals. However, as set out in the review of the Consortium's proposal which has been provided separately, the Consortium has failed to provide sufficient information to demonstrate that its proposals are viable and deliverable due to the following:
  - There is no certainty of sufficient capital available to the Consortium for the development of the site, including land purchase if appropriate.
  - There is no programming of site to show the many proposed uses would be suitable within the natural capacity of the grass.
  - No proper consideration of the acceptability of the Consortium's proposals in planning terms, including but not limited to matters on access and parking, clubhouse use (including the use of the bar for 260 days a year), use of floodlights, ball strike fencing, flood mitigation required at the site and impact on residential amenity from noise produced from sporting use at the site.
  - There is no certainty provided by the Consortium in its proposals for its commitment to of the 'informal community use' of the site as a public open space.
  - The Consortium's outline revenue budget is not considered to be robust, it has no programme of use, and has no operational costs set out with the exception that there is an aspiration that costs would be one-third of income.
  
- Sport England suggest the emerging Local Plan test is *deliverability* rather than viability per se. Looking at the comments above, along with the commentary in the Sport Justification Report, the site is considered to be neither deliverable or viable for sport. Planning policy officers conclude that whilst there is interest in the site and bids have been made, the level of investment required and the gaps in funding identified in the proposed bids, is such that officers conclude that the application process has demonstrated that the delivery of the entire site for sporting uses is not deliverable.
  
- The benefits of the £1.8m financial package proposed with the Bellway scheme for on and off-site community sports investment, and the new on-site high quality public open space, is considered to outweigh the loss of a private, fenced-off area of open space that has never been used for community use.

**Below:** Extract showing Raynes Park Recreation Ground has space for junior rugby pitches as well as 2 OERFC adult pitches: 2020 Aerial map

Officer comment:

*As set out in the report, Officers consider that a reasonable case for the proposal has been set out. However, Members should consider the comments of Sport England in their assessment.*

**Additional/Amended conditions**

6. Notwithstanding the submitted plans, the respective dwelling shall not be occupied until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The agreed cycle parking shall be

provided and made available for use prior to the first occupation of the respective dwelling. These facilities shall be retained for the occupants of and visitors to the development at all times.

8. Electric vehicle charging points (EVCP) shall be provided for 100% of the car parking spaces shown on drawing 091803-BEL-SL-01 Rev D. The location of the EVCP spaces and charging points shall be submitted to and approved in writing by the local planning authority before any of the residential units are first brought into use. The EVCP shall thereafter be constructed and marked out and the charging points installed prior to any of the residential units being brought into use and thereafter retained permanently to serve the vehicles of occupiers.
  
24. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:
  - A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
  
  - B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.
  
27. All hard and soft landscape works, including tree planting shall be carried out in accordance with the approved details as shown in the Landscape Masterplan (ref. 1587/001 Rev H). The works shall be carried out in the first available planting season following the completion of the development or prior to the occupation of any part of the development, whichever is the sooner, and any trees which die within a period of 5 years from the completion of the development, are removed or become seriously damaged or diseased or are dying, shall be replaced in the next planting season with others of same approved specification, unless the Local Planning Authority gives written consent to any variation. All hard surfacing and means of enclosure shall be completed before the development is first occupied.
  
29. No above ground floor slab works shall take place until details of all boundary walls or fences (including wire mesh fencing for the five-a-side football & MUGA to a height of 2.4m) are submitted in writing for approval to the Local Planning Authority. No above ground floor slab works which are the subject of this condition shall be carried out until the details are approved. The walls and fencing shall be erected prior to the first use of the MUGA or five-a-side pitches and shall be permanently retained thereafter.

35. Prior to the commencement of development, a construction level detail final scheme for the provision of surface and foul water drainage shall be submitted to and approved in writing by the local planning authority. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) limited to a greenfield rate of no more than 5.2l/s in accordance with drainage hierarchy contained within the London Plan (and SPG) and the advice contained within the National SuDS Standards. The final drainage scheme must be hydraulically modelled and must include all of the SuDS and attenuation measures set out within the Ardent Consulting Engineers Limited Flood Risk Assessment (ref: 161483-05; dated July 2022). The required drainage details shall include:
- a. The results of any infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
  - b. Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 +40% allowance for climate change) storm events and 10% for urban creep during all stages of the development. The final solution should follow the principles set out in the approved Ardent drainage strategy. Discharge rates and storage volumes shall be provided using a maximum site wide discharge rate of 5.2l/s.
  - c. Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
  - d. A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
  - e. Details of drainage management responsibilities and maintenance regimes for the drainage system.
  - f. Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

### **Member Questions**

*Comparably have there been in recent memory applications with 100% electric car charging, 41% affordable housing and sporting facilities put to the planning committee?*

This is quite a specific set of issues so it is unlikely that there are directly comparable applications. I think to be a fair comparison it should be limited to other schemes that are on Open Space, which require mitigation.

The Wimbledon Sports Stadium provided 9.6% affordable housing (and sporting facilities) but a different set of issues involving land regeneration and a host of other benefits.

*What is the current status of the borough's land supply for new homes and how does it impact as a material consideration?*

The Council cannot currently demonstrate a 5 year housing land supply and therefore, as set out in the report, paragraph 11d of the NPPF is engaged and the weight to be given to the provision of housing should be increased. This scenario is known as the 'tilted balance'

The decision maker then turns to Part (d)(ii), which in this instance is engaged and provides that the presumption in favour of sustainable development applies. As such, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

*Are the electric car chargers quick chargers or standard chargers?*

It is proposed that the charging units will be 7kW units. This is a standard charger. As every dwelling will have a charger, residents' cars can be charged over-night.

*Is there an application for appeal to the first decision filed with the courts?*

An application for an appeal under s.78 of the Town and Country Planning Act does not go through the Courts. It is handled by the Planning Inspectorate, an Executive Agency sponsored by the department for Communities and Local Government.

No appeal has been submitted at this point.

*What does the 41% affordable homes mean for families seeking a home in the borough?*

The provision of affordable housing meets the Council's housing objectives and would contribute to meeting housing demand. It is of note that the Council cannot currently demonstrate a 5 year land supply and as such the delivery of housing is particularly important.

*Has any alternatives been put forward by any sports consortiums or sporting bodying to repurpose the site for sports use?*

Yes, as with the previous application, 21/4063, a Cricket Consortium has provided indicative site layouts and costings for a sport use on the site. However, a number of queries remain outstanding, which are directly relevant:

- The proposal does not indicate how it is proposed to deal with flood mitigation on the site. Relevant costs would need to be included in the cost schedule.
- The proposal does not indicate how it is proposed to lease/purchase the site from the landowner. If lease, the proposal does not detail the amount per year and number of years. This information would be required to enable initial discussions with the owner if the site were to be delivered for sporting use.

- Confirmation that there are no objections from the relevant sports bodies (ECB, RFU) on the proposed development e.g. do the proposed dimensions for the rugby and cricket pitches and the proposed ancillary facilities meet their requirements?
- The proposal does not detail the timeline for delivery and drawing down of funding available.

Officers conclude that insufficient information has been submitted by the consortium to show that their proposal is deliverable. While they definitely have an interest in the site, there are still a number of issues that they haven't addressed.

For Members information, the applicant has responded to the Cricket Consortium proposal as follows:

- *“The proposal does not include site programming to demonstrate how the site’s capacity can cater for the uses proposed by the Consortium.*
- *There are no details provided on the Consortium’s outline revenue expenditure plan, and there remain concerns and queries over the summary of proposed income level.*
- *The Consortium has not provided confirmation or certainty of the available capital funding it has set out.*
- *There is no confirmation or commitment on the use of the public open space by the general public, including when it will be available and how it will be managed.*
- *There is no consideration of the Consortium’s plans in terms of the acceptability of the proposed sporting uses at the site in planning terms – including the need and specification of ball strike nets, the use and opening times of the proposed bar in the club house, impact on residential amenity due to noise associated with the proposed sporting uses and traffic generation.”*

*Are the funds provided by the applicant available to be utilised to develop a cricket pitch and associated infrastructure on Joseph Hood Recreation Ground?*

The funds would be secured by way of s.106 agreement. The spending plans are indicative and the Council would retain control over which off-site sporting facilities to contribute towards.

The £1,100,000 for the Joseph Hood Recreation Ground, to be legally secured by S106, is identified to go towards the following:

- new/refurbished changing rooms (football, cricket and other pitch sports). The Cost of new 4-team changing rooms: £720,000
- Pitch drainage improvements (The final figure to be confirmed by LBM - £345,500 allocated)
- New non turf cricket wicket on second pitch: £10,000 to £12,000
- Non-Turf Pitch maintenance: £1,000-£1,500/pa , includes pitch marking; for 15 years being: £22,500.

*Do we know or have an indication of the housing need in this part of the borough vs what is being provided by this application?*

The proposed quantum, tenure / type/split/ affordable housing offer has been discussed with the Council's Planning Policy Team and subject to some clarification over whether some specified units would be 'affordable rented' or 'social rented units', the Policy Team support the proposed housing offer. Therefore, the proposal would reflect the housing needs of this part of the borough.

**Questions from Cllr Susie Hicks:**

1. *Has the Planning Department confirmed with Legal that this is not an overlapping application, given the similarity to the previous application refused in July?*

The issue of overlapping permissions arises when there are multiple planning permissions on one site. If some of the permissions are implemented it can then frustrate the implementation of another permission, or create confusion over which planning obligations are triggered at various stages of the development. In this case, the issue does not arise as there is currently no planning permission granted on site. Had multiple applications been granted on site then this could be a consideration. Therefore, the legal team has not been contacted on this matter.

2. *Please can you confirm that the land has been rendered totally inaccessible to anyone (even dogwalkers) for 11 years, by the applicant.*

That is Officers' understanding.

Bellway has stated that the site was closed off due to health and safety reasons.

3. *Please can you clarify what "safety and management needs" (p42) required this.*

This comment is included in the report under: "Comments in relation to 21/P4063: The Raynes Park and West Barnes Residents' Association", which quote the applicants Sports Needs and Viability Report for 20/P3237. This document asserts that "The site is owned by Bellway and has been fenced off since 2011, for safety and management needs". Officers cannot offer assurances on why Bellway has taken the decision to make the land inaccessible.

Bellway has stated that "Safety and management includes health and safety, to restrict access to private land to prevent members of the public injuring themselves whilst on the land."

4. *How much of the new 5 a side pitch shown on the plan (p176), 40 x 21m is going to be covered in Astro turf?*

There is no Astro turf. The whole of the 5-a-side pitch will have a high quality needlepunch sand dressed Gen2 compliant synthetic turf.



5. *How much of the MUGA five a side and multi sport pitch (32 x 21`m) going to be covered in Astroturf?*

None will be Astroturf. The whole of the MUGA will be surfaced in a different specialist material – porous macadam.

6. *Are both these pitches on the area prone to flooding?*

Yes, the pitches are both partially within Flood Zones 2-3. The Council's Flood Risk Officer and the Environment Agency both requested some additional information to confirm that issues or surface water runoff were acceptable. This information has been provided and both the Council's Flood Risk Officer and the Environment Agency raise no objection.

The surface of the sports pitch could flood on occasion. Sport England has confirmed that it is content that the surface material can be flooded on occasion. Any temporary flooding has been accounted for in the flood management proposals.

The subbase will have a storage for storm events up to the 1 in 100 year + 30% flood event.

7. *What work has been done to establish the impact of these on the analysis of flood risk?*

Please see the documents on the website titled: "Surface Water Runoff (additional information) 08.09.2022 & Surface Water Runoff (further additional information) 08.09.2022.

The pitches have been included in the flood and drainage analysis and strategy at the site. The Environment Agency and the Lead Local Flood Authority have both raised 'no objection' to the proposed flooding and drainage strategy which includes these pitches.

8. *Please confirm that, the site being open space and under stage 3 of the Merton Local Plan Site allocation RP6, the burden of proving that sporting and community use of the entire site is undeliverable rests with the Applicant, not, as your report implies at p.56, p124 and elsewhere variously, with sporting groups?*

The developer is under the obligation to demonstrate that a sporting or community use of the entire site is undeliverable. The applicant has provided information to demonstrate this position. However, Officers have made further enquires by way of a questionnaire investigating potential sport uses on the site, under application 20/P3237. Policy officers have concluded that the use of the entire site for sporting purposes is not deliverable.

9. *Please confirm that the site area is 3.09 hectares, and if permission is granted, the new public open space will be 1.03 hectares, which is 33% not, as your report suggests at p13 'almost half of the site'.*

The report sets out at para 2.1 that the site has an area of 2.8ha, however, this should read as 3.09ha,

The red line site boundary area is 3.09 ha. This includes the existing Meadowview Road access road. The open space across the site is 1.2782 ha. This equates to 41.65% of the total site area (including the existing access road) as open space. (The location of houses has not changed only a 5-a-side pitch has been included but still within the open space area).

*10. Of this 1.03 hectares how much would be available for public sporting use?*

The open space across the site is 1.2782 ha, not 1.03 ha. The site layout plan shows the layout of public space, including the tennis courts, MUGA and five-a-side pitch. All the open space would be available for public use, whether it be a sporting use or recreational use.

The formal sporting space comprises the MUGA at 32m x 21m (672sqm), the 5-a-side pitch which is 40m x 21m (840sqm) and two tennis courts (1,227sqm) are also provided. Therefore, the total pitch area on the site is 0.2739ha (or 21.4% of the open space area across the site). There is also an outdoor gym, trim trail and jogging routes.

*11. Has the Applicant provided any explanation of why it has not engaged with any of the groups who would like to use the site, since the hearing in July 2022?*

The applicant concludes that the previous application was refused as planning committee members considered that the benefits of the proposed development did not outweigh the loss of open space. Therefore, the applicant has sought to provide further on-site sporting benefits including a on-site 5-a-side football pitch and further financial contributions towards off-site sporting and open space uses. The applicant states that "This is considered to be a material change and benefit over and above the previous application". However, Officers are of the understanding that there has not been further contact with the sporting groups from Bellway since the previous application.

The applicant has set out that they have reviewed the responses provided by groups made to the formal consultation on the application and provided a response.

*12. Do you share the concerns expressed by LBM Public Health that the proposed design is obesogenic (p66), the proposed cycle parking is not good enough (p82-83) and the proposed children's play area is in the wrong place, away from the natural surveillance of the housing and across a road in contravention of London Plan Policy S4 5.4.3, and Merton's Policy DM (Policy S4 B2b)?*

Officers conclude at para 7.6.7 that:

"The proposed development provides substantially in excess of the minimum requirements for provision of external amenity space in the form of parkland, equipped play space (423sqm), trim trail, a MUGA (784sqm), 'five-a-side football and multi-sports' pitch (840sqm) and pay per play tennis courts (1243sqm). The comments from the LBM Public Health section are considered to be useful in terms of future aspirations for policy requirements, however, in terms of the current proposal, the level of natural

surveillance to the play area is considered to be adequate. It is noted that the play area is separated by a road, however, this does not represent a barrier in the usual sense due to the very low traffic levels and traffic speeds anticipated along this road. The existing site is not accessible to the public. However, the proposed layout would provide public access to parkland, trim trails, tennis courts and play areas, which is clearly a benefit in terms of public health.”

- The layout of the site allows for walking routes and provides treelined avenues in addition to the parkland area. The comments of the Public Health team are useful in terms of aspirations for approaches to development management, however, there is no planning justification to object to the layout as proposed.
- The cycle parking provided is in excess of London Plan standards – there are some concerns over the detailed layout of cycle parking but this matter can be addressed by condition (condition for details of cycle parking to be added via the mods sheet).
- Whilst it would be ideal to have the play area surrounded on all sides by housing, the play area would benefit from natural surveillance from south facing units 76-78 and 96-99. The road in question is not a through route and would not create the same form of barrier as a more heavily trafficked road.
- The proposed design has been led by LBM’s design officer comments and design review panel feedback to be landscape-led and to reduce roads as much as possible and encourage pedestrian priority and traffic calming. Visitor cycle parking as well as resident cycle storage is provided. The location of the equipped play area has been dictated by the location of newly included the 5-a-side pitch which is along the western part of the site. However, the equipped play area is located with houses fronting on to it to provide overlooking and natural surveillance and is considered acceptable.

## **Item 6 - 242 Morden Road South Wimbledon London SW19 3DA 22/P0653**

### **Contents**

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- Member Questions

### **Changes/clarifications to the report:**

Page 263:

7.11.2 The applicant confirms that the three ground floor units (11.5% of the development total) will be fully wheelchair adaptable, designed to meet the Building Regulations Standards M4 (3), with the remaining upper floor apartments designed to meet the standards of M4 (2). Therefore, the

development would comply with the 10% wheelchair user dwellings threshold required by Policy D7 (Accessible housing) of the London Plan 2021.

Replace with:

“The accessible housing is one dwelling is M4(3) (wheelchair) and the remaining eight are M4(2) (wheelchair adaptable). Therefore, the development would comply with the 10% wheelchair user dwellings threshold required by Policy D7 (Accessible housing) of the London Plan 2021.”

Page 264:

7.13.3 The Climate Change officer has now confirmed that the Carbon offset contribution would be £10,620.

Page 266:

7.19.1 A section 106 legal agreement is required to secure the various planning obligations proposed. The required Heads of Terms are as follows:

- Restrict parking permits.
- Carbon offset financial contribution (**£10,620**).
- Travel Plan monitoring fee over 5 years (£2,000) and cost to Council of all work in drafting S106 and monitoring the obligations.
- ~~Affordable housing contribution for £190,831 (a planning benefit offered by the application)~~
- S278 agreement (to control any works to the public highway)

Page 267:

#### 11. RECOMMENDATION

Grant planning permission subject to s106 agreement securing the following:

- Restrict parking permits.
- Carbon offset financial contribution (£10,620).
- Travel Plan monitoring fee over 5 years (£2,000) and cost to Council of all work in drafting S106 and monitoring the obligations.
- ~~Affordable housing contribution for £190,831~~
- S278 agreement

#### **Page 229 - Additional representations/consultation responses:**

Two additional representations has been received, making a total of 28 objections, objecting on the following new grounds:

- The appearance of the proposed development has not been assessed from the rear (West) elevation. The impact is materially harmful when viewed from Daybrook Road property Numbers 39, 41, 43, 45 and 47. This does not appear to have to have been considered or addressed in Planning Considerations.
- Amended plans address the impact on Daybrook Road property No's 29 and 31 only and do not address the impact on Daybrook Road property No's 39, 41,

43, 45, 47. Please clarify how the impact on Daybrook Road properties has been assessed as an inspection of the sectional elevation at No.45 Daybrook Road indicates material harm results from the adoption of the proposed Attic storage building position and height.

- The change to outlook for Daybrook Road property No's 39, 41, 43, 45, 47 is materially harmed. The attached image shows the existing outlook to the rear of Daybrook Road No.47. The existing traditional brick building is fully cloaked in green foliage resulting in a pleasant natural outlook. In contrast, the proposed plan will result in an unscreened façade not in-keeping with surrounding buildings. Tree screening, similar to that added in amended landscaping plans to the rear of Daybrook Road property numbers 29 and 31 should be provided to the rear of Daybrook Road property No's 39, 41, 43, 45, 47.
- The proposed plan results in a materially harmful reduction in Security due to the ease of access into rear gardens of Daybrook Road properties backing onto rear of storage facility.
- The proposed boundary from the side of No.31 to rear of No.47 is a close board timber fence of only 2.1m in height adjacent to a small area of low-level landscaping and a perimeter footpath. A fence of this height with easy access offers a much-reduced deterrent to intruders than the current site which does not allow any access to the rear fences of Daybrook Road gardens. The attached image shows the existing outlook to the rear of Daybrook Road No.47. The proposed boundary fence would be lower than the height of the garden shed shown in the image and should be considered in contrast to the existing high boundary seen in the image.
- Residents are very concerned about the materially harmful reduction in Security arising from the proposed boundary details and request the new 3.6m high section of wall, currently proposed between the rear of No.17 to rear of No.31, be extended to include rear of properties No's 39, 41, 43, 45, 47.

#### **Agent comments 20/09/2022:**

We write regarding planning application ref. 22/P0653 at 242 Morden Road, that is due to be determined at committee on 22 September with an officer recommendation for approval.

You have recently advised that Merton is no longer enforcing its adopted Core Strategy Policy CS8, which seeks a 20% affordable housing financial contribution for schemes of 1-9 homes. You are attaching significant weight to a Ministerial Statement on 28th November 2014, (WMS) (HCWSS50), which suggested small sites should not contribute to affordable housing.

We were unaware of Merton's position on this matter when we submitted the application, which committed to a 20% contribution that amounted to £190,831. Regrettably, and having given this full consideration, we left with no choice but to withdraw this offer. The paying of this contribution cannot be justified from a planning perspective having regard to the legislative guidance laid down in The Community Infrastructure Levy Regulations 2010, and by which both LB Merton and the applicant must be bound in relation to negotiating the terms any S106 Agreement.

For avoidance of doubt, the proposed development is still otherwise still compliant with the development plan. The contribution, which you reported as a planning benefit (which it can no longer be seen as) did not tip the balance in terms of your planning judgement and its acceptability. The proposed development, even without this contribution, would be wholly acceptable.

We trust that our position will be accurately reflected within an addendum report to committee.

Officer comment

*See response to Member questions below – there is no requirement for the applicant to provide an affordable housing contribution.*

**LBM Climate Change Officer 16/09/2022:**

The carbon reporting spreadsheet has been updated in response to my previous comments which has resulted in a change to the final carbon emissions and carbon offset contributions compared to those presented in the latest version of the residential energy statement and the covering report. **The reports should be updated to reflect the latest version of the carbon reporting spreadsheet given that the planning condition will need to refer to an up to date version of the energy statement.** E.g. carbon offset contributions of £10,620 rather than £10,500.

Apart from that, the main outstanding comment is that the applicant has not fully demonstrated that the risk of overheating has been mitigated for the residential element of the scheme. 6 out of 24 rooms do not meet the overheating criteria under the DSY1 weather file (which is the easiest weather file to meet of those required to be tested by the GLA). The GLA's energy planning guidance states that *It is expected that the CIBSE compliance criteria is met for the DSY1 weather scenario.* However, the applicant appears to have included the passive measures we would expect to see short of installing active cooling which would increase the energy demand of the development: dual aspect units, mechanical ventilation with heat recovery, low G-value glazing to reduce solar gains working alongside internal blinds to offer solar shading. Openable windows will provide purge ventilation when necessary.

The applicant has stated: *The cooling hierarchy has been followed and detailed within the report, this has reduced the severity of overheating risk significantly, however, some spaces do fall short of compliance assessed against DSY1 weather file (6 of 24 rooms). Despite this, we feel significant passive works have been carried out to mitigate the risk. Incorporating mechanical cooling or mechanical air tempering will be a costly strategy and lead to more on-site energy consumption and associated emissions, which would require increased plant space meaning more material use etc. We feel the negatives of mechanical cooling would outweigh the benefits of incorporating mechanical cooling. It should be further noted that the internal gains simulated are dictated by the TM59 document and may not be fully representative of actual occupancy usage patterns. They are likely allowing for longer periods of occupancy which would increase gains and discomfort levels.*

Officer comment

*Overall, the proposal is considered to be acceptable in terms of climate change considerations. It is noted that the Climate Change Officer has identified that some of the rooms would not meet overheating guidance, however, the provision of mechanical ventilation would create a greater demand on energy use and on balance, as only a limited number of rooms are affected, the approach is considered to be acceptable.*

**Transport for London (additional comments 06/09/2022):**

Thank you for providing the amended plans. Of interest to TfL is the EV parking and cycle storage. This all looks acceptable and TfL have no further comments.

**Page 268 - Additional/amended conditions:**

29. A Secured by Design Certificate shall be submitted to and approved in writing by the Local Planning Authority and is to cover: (a) Self-storage unit part of site (b) residential flats part of site. One or more Secured by Design Certificate is to be submitted separately or together to cover parts (a) and (b), and must be approved by the Local Planning Authority before occupation of that particular part.

35. Should demolition of the existing building not occur within 12 months of the date of this permission, a repeat bat emergence survey shall be submitted to and approved by the local planning authority. The repeat bat survey shall incorporate details of mitigation in the event bats are found and the development shall be carried out in accordance with such details.

**Additional conditions:**

38. A scheme of security lighting and CCTV to cover the self storage unit part of the site shall be submitted to and approved in writing by the Local Planning Authority before the first use of the self-storage unit hereby approved. The scheme shall be installed and be operational prior to first occupation of the development. The scheme shall be retained for the life of the development.

39. No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing, to cover a) Self-storage unit part of site (b) residential flats part of site. One or more WSI is to be submitted separately or together to cover parts (a) and (b), and must be approved by the Local Planning Authority before occupation of that particular part. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. Where appropriate, details of a programme for delivering related positive public benefits.

C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Additional informative:

Inf 11. Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

**Member Questions**

*How has the relationship been between the developer and residents?*

This is not a matter that Officers can comment on directly. It is noted that the applicant has amended the bulk and massing to seek to minimise the impact on neighbouring occupiers. The application is accompanied by a Statement of Community Engagement (see page 13 of the Planning Statement: [1 \(merton.gov.uk\)](https://www.merton.gov.uk), which sets out the pre-application engagement with local residents).

The applicant sets out that they believe that they have had a good relationship with local residents. Consultation was undertaken with properties close to the application site on Morden Road and Daybrook Road, in November 2021, before the application was submitted.

During the application, the applicant reviewed comments from neighbours and the planning officer and made an amendment to the self-storage building to set back the roof of the third-storey, where it faces Daybrook Road.

*Does the developer need to provide CIL funding under current policy?*

Yes. CIL is payable in Merton for the residential floorspace (at £305.61 per sqm, indexed at 2022) but not the self-storage floorspace.

Mayoral CIL would be applicable for both uses (at £60.36 per sqm, indexed at 2022).

*Under the current site specifications, is there any requirement to build homes?*

No, the site is an employment site and whilst there is a need for housing in the borough, there is no policy requirement to provide homes on this site.

The provision of homes at the site was done so because planning officers requested that the site be optimised as much as possible (whilst having regard to amenity of existing neighbouring residents) to deliver housing on brownfield land and in a sustainable location.

*Has the applicant made a commitment for 100% electric charging on the site?*



No, the proposed vehicle parking for the self-storage building would be provided in the form of 12 spaces, 5 of these spaces would be electric vehicle charging bays.

Operational loading bays would not be suitable for charging as these are not for parking for extended periods and would cause delays if vehicles were left charging in loading bays.

The applicant has reviewed this query and is willing to propose the disabled bay provided for the residential part of the development as an additional electric space, should Members require.

For storage uses, London Plan Policy T6.2 requires “*appropriate provision*” of electric charging spaces. The applicant has sought to provide the maximum reasonable amount of electric charging spaces and five active spaces are proposed as part of the customer parking. This amount has been agreed with TfL during the application and is in excess of Building Regulations Approved Document S: infrastructure for charging electric vehicles (which requires one electric charging space).

Additional electric vehicle spaces, beyond the five provided, are not considered feasible by the applicant and it is their experience that they would likely remain unused.

As for site layout plan 0104 Rev B, it shows the five electric spaces to be provided and the text reference to two electric spaces is an error. An updated version of this plan (Rev C) is attached. It also shows the residential electric space.

*Are the homes adaptable for users with access needs?*

Condition 33 requires at least one dwelling unit to be constructed to be wheelchair accessible throughout or easily adaptable for residents who are wheelchair users and to be retained as such unless otherwise agreed in writing with the Local Planning Authority. This would meet London Plan policies.

The DAS sets out at 4.10:

“The residential building is similarly accessible with level thresholds and the inclusion of a lift to all levels. Overall 10% (one unit) is designed to be fully wheelchair compliant with Part M4(3) of the Building Regulations which includes turning circles, an enlarged kitchen and wheelchair storage. All other units are designed to be accessible and adaptable as is required in M4(2).”

The layout allows for one wheelchair accessible unit and all others to be capable of being adapted if need be.

**Questions from Councillor Susie Hicks:**

1. *How many letters to neighbours were sent out, and did these include the residents of Daybrook Road;*

55 letters were sent out. Yes, these included neighbours on Daybrook Road. The list of neighbours notified is publicly available on the website here: [Online Standard Details \(merton.gov.uk\)](https://www.merton.gov.uk/online-standard-details)

2. *What is the distance between the 7.6m high end of the proposed self storage building, and the nearest point of the gardens to the rear of the Daybrook Road Houses;*

4.5m.

3. *At what distance from the end of the proposed self storage building does the building height drop from 10.4m to 7.3m;*

9.8m.

4. *How far are the balconies and terraces overlooking the bins and cycle parking from Morden Road (which is a heavily used red route)*

The ground floor terrace would be set back from the road by 9.8m.

The winter gardens at first floor level and the balconies at second floor level would be set back by 11.7m

5. *What if any consideration has been given to recent research presented on 10/9 to the European Society for Medical Oncology, establishing a causal link between fossil fuel air pollution and lung cancer - (scientists at Francis Crick institute and UCL – pm2.5 particles associated with non-small cell lung cancer, accounting for 250,000 lung cancer deaths per year globally).*

This would be a specific matter to be taken up with the Council's Air Quality Officers. In terms of planning policy, this application meets the relevant policy tests set out in the London Plan.

In terms of the planning policy requirements, air quality has been considered and an Air Quality Assessment has been submitted. It explains how the proposed development would be air quality neutral.

In particular, building emissions would be neutral because the heating and hot water would be provided by air-source heat pumps and PV panels. Traffic from the proposed development would reduce in comparison with the existing use of the building, as fewer trips would be made

6. *Has the second of the two assessments within the core the bat-active period (referred to at p238) been undertaken? If not, is it now too late for the second one to take place this year? If it is, how does condition 35 meet the problem?*

Yes, confirmed on page 239 – the further bat survey has been provided (carried out in May 2022) and indicates that there are no bats using the building.

7. *Has the preliminary investigation recommended by Historic England (p249) been undertaken, and if so what were the findings;*

No, this would be secured by condition as recommended by Historic England GLAAS.

*8. How much is the commuted sum referred to at p255?*

Set out in para 7.4.3 – the amount is £190,831. However, since the agenda has been published the applicant has set out that they were unaware that affordable housing contributions were not required (as the Core planning strategy still includes policies to this effect). Therefore, this offer has been withdrawn by the applicant for the reasons set out below. Notwithstanding that, Officers did not consider that the contribution was required under planning policy but had treated it as a 'planning benefit'. However, there is no policy requirement for this contribution and it cannot be supported if not voluntarily offered by the applicant. Officers conclude that the application is wholly acceptable without this offer.

**Item 7**

**Item 8 - 42 Station Road SW19 - Colliers Wood Ward – 21/P1907**

Page 306 - Introduction.

Insert at end of para 1.4.

A second matter concerns the delivery of car club bays and highways works on which this report also provides commentary.

Page 307 - Planning Considerations.

Insert after para 2.7

2.8 Car clubs offer an alternative model to private car ownership for individuals and businesses. Car clubs reduce the need for private parking and can help more Londoners give up their cars while allowing for occasional car travel within London and this is acknowledged in guidance from transport for London ([Car clubs - Transport for London \(tfl.gov.uk\)](http://tfl.gov.uk)). Officers recognize the importance of encouraging car club membership and the delivery of car club bays as an element of delivering more sustainable forms of development and have in this instance sought to make provision for this in the S106 agreement.

The applicant has advised that their proposed car club provider (Zipcar) is agreeable to provide the spaces in the vicinity of the development, as opposed to on Station Road itself. Zipcar do not wish to provide the proposed two car club bays on the application site but are willing to provide membership with space in the vicinity of the site. The S106 would still contain a requirement for the applicant to provide residents with five years' free membership to a car club in the vicinity of the Development but not as previously shown on Station Road.

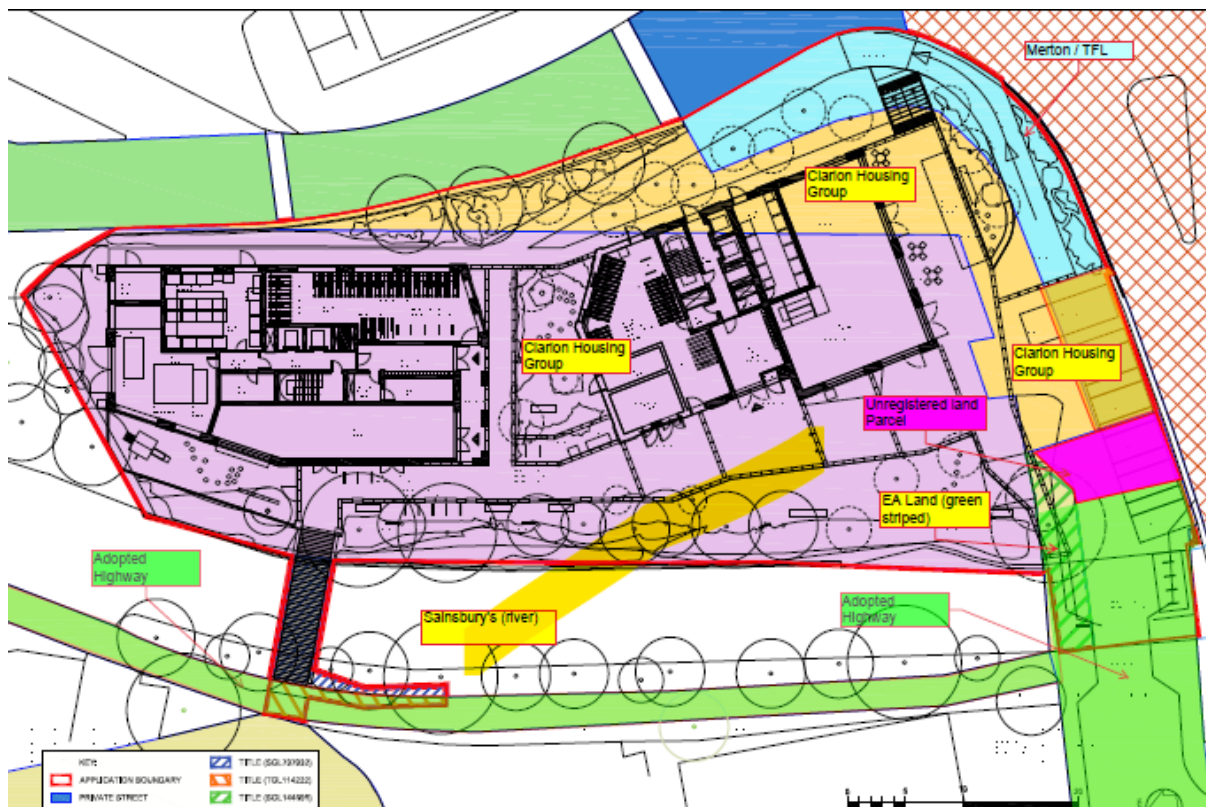
Like the conclusion above regarding the delivery of the bridge, officers consider that the proposed changes would continue to promote more sustainable modes of transport and raise no objection to the change as membership of a car club will still be provided for use by residents of the development. The applicant is providing an updated site layout plan to amend annotation and delete reference to car club bays.

Page 307 – Ownership issues.

Insert after para 3.3

The draft highways works obligations have been revisited so as to separate out works the highways works the applicant commits to on their land, works on the public highway and the provision of the car club bays, which were embedded in the overall scope of highways works.

The applicant has advised that tarmacking works, and the formation of a kerb will be carried out on land that is not public highway and which the Council does not intend to adopt before occupation of the flats. These obligations will be separated from the works to be carried out on the public highway.



*N.B Officers note that land has been transferred from Colliers Wood Propco Limited to Clarion Housing Association Limited since the Committee resolved to grant planning permission.*

Similarly, the draft S106 would also have an obligation that works on the public highway would be carried out before occupation.

Finally, the undertaking to provide car club membership and to facilitate of car club bays off site would also entail adjustments to the draft S106.

Page 307 - S106 Draft

Insert after para 4.7.

Draft obligations with regards to highways works are to be adjusted. The obligations would be drafted such that the Owner and the Council shall use reasonable endeavours to enter into the Highways Agreement within eighteen months of the Commencement of Development. They would continue to separate out works on the public highway and on the applicant's land but contain a separate set of clauses relating to car club membership and the delivery of the car club bays in the vicinity of the site.

Page 309 – Summary and Conclusions.

Insert after “unforeseen delay” in para 6.1.

Officers again acknowledge the approach now proposed may reasonably be considered pragmatic and practical. With regards to the car club membership and improved accessibility locally, the proposed changes would not compromise the key objectives in terms of promoting more sustainable modes of transport.

Then continue as per para 6.1

**Item 9 Planning Appeal Decisions**

**Item 10 Planning Enforcement**

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