

PLANNING APPLICATIONS COMMITTEE
16th June 2022

Item No:

UPRN **APPLICATION NO.** **DATE VALID**

21/P4063

Address/Site Land at the former LESSA Sports Ground, Meadowview Road, Raynes Park, SW20 9EB

(Ward) West Barnes

Proposal: Redevelopment of part of former Lessa Sports Ground involving the erection of 107 dwellings, including affordable housing, associated landscaping, equipped children's play area and associated infrastructure, including flood mitigation, vehicular access and parking, plus the erection of 2 all-weather tennis courts with floodlighting, storage compound and parking.

Drawing Nos: See Condition 2

Contact Officer: Tim Lipscomb

RECOMMENDATION

Grant Permission subject to conditions and s.106 legal agreement

CHECKLIST INFORMATION

- Heads of s.106 Agreement: Yes
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes
- Site notice: Yes
- Number of neighbours consulted: 478
- External consultations: Yes
- Conservation area: No
- Listed building: No
- Tree protection orders: No
- Controlled Parking Zone: No

- Flood Zone 1 - 3
- PTAL: 1b

1. **INTRODUCTION**

- 1.1 This application is being brought to the Planning Applications Committee for determination due to the nature and scale of the scheme, the number of objections contrary to the officer recommendation and on the basis of a Councillor call-in.

2. **SITE AND SURROUNDINGS**

- 2.1 The site comprises the former The LESSA (London Electricity Sports and Social Association) Sports Ground located to the south of Meadowview Road, accessed from Grand Drive and surrounded by residential housing on Westway, Greenway and Grand Drive. The site has an area of approximately 2.8ha.
- 2.2 The LESSA Sports Ground was a private facility for the sole use of company employees. The grounds were closed in 2000. The site is currently fenced off and not accessible to the public. Part of the wider LESSA sports ground site was redeveloped to provide 44 homes and tennis courts for the Raynes Park Residents Lawn Tennis Club (RPRLTC), to the immediate north of the application site (ref. 08/P1869).
- 2.3 Raynes Park Residents Lawn Tennis Club is located to the north western corner of the site and comprises five tennis courts and a clubhouse, accessed via Meadowview Road. A footpath links Westway (to the west), with Meadowview Road.
- 2.4 The site surrounding is predominantly two-storey residential dwellings, to the east, west and south with a three storey, more contemporary, 2/3 storey residential development along Meadowview, to the immediate north of the site.
- 2.5 The site remains inaccessible, the applicant has set out that the site is secured to prevent it from falling into disrepair or being occupied unlawfully.
- 2.6 The majority of the site lies within Flood Zone 1, although a small part of the south west corner of the site is located within Flood Zone 3. The lowest part of the site is the south west corner (15.0m AOD). The highest part of the site is 17.2m AOD at the north east corner.
- 2.7 The site has a PTAL rating of 1b but borders a PTAL 3 zone, where Grand Drive meets Meadowview Road.
- 2.8 The site is designated as Open Space in the Council's Sites and Policies Plan 2014.

3. PROPOSAL

3.1 Planning permission is sought for the redevelopment of the former LESSA sports ground involving the erection of 107 dwellings, including affordable housing, associated landscaping to form a parkland area, equipped children's play area and associated infrastructure, including flood mitigation, vehicular access and parking, plus the erection of 2 all-weather tennis courts with floodlighting, storage compound and parking and a Multi-Use Games Area (MUGA) and outdoor gym area.

3.2 Housing

3.3 The proposed development comprises the erection of 107 residential dwellings (Class C3 use) comprising of 10 one-bedroom, 46 two-bedroom, 45 three-bedroom and 6 four-bedroom dwellings. Each dwelling would be provided with private amenity space.

3.4 Of the 107 total units proposed, 44 (41%) would be affordable housing. The affordable housing mix consists of 6 one-bedroom, 24 two-bedroom, 12 three-bedroom and 2 four-bedroom dwellings. The scheme proposes 10 dwellings to comply with regulation M4 (3) wheelchair user dwelling.

3.5 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) 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

3.6 The development would provide 44 affordable residential units, 41% of total residential units proposed.

Schedule of accommodation:

Dwelling size/type	Market Units	Affordable 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%)
TOTAL	63 (59%)	27 (25%)	17 (16%)	107 (100%)
AFFORDABLE HOUSING TOTAL:		44 (41%)		

3.7 In terms of affordable housing provision by habitable room, this would equate to a total provision of 439 habitable rooms, 283 (64.5%) of which would be private dwellings, 156 (35.5%) of which would be affordable dwellings

3.8 The housing mix proposed is:

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

3.9 Landscaping

3.10 A new equipped children's play area will be provided, available for new and existing residents to use. Outdoor gym equipment and a trim trail will also be provided to encourage health and activity. An attenuation basin is proposed in the southern area of the landscaped area.

3.11 The layout includes 1.3ha of new public open space, almost half of the site with:

- high quality landscaped public open space
- new children's play area (LEAP)
- footpaths
- 'arrival' area: a focus point with seating and other structures

- 3.12 Landscaping would be provided across the scheme, including new wildflower and new trees to provide increased leaf cover and ecological benefits.
- 3.13 Highways
- 3.14 The proposed development provides 123 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.
- 3.15 A total of 213 cycle parking spaces would be provided by way of covered communal cycle stores for the flats (38 spaces for each of Blocks 1 and 2, and 19 for Block 3). Stores (for 2 cycles each) would be provided in the back gardens of each of the 57 houses. In addition, 4 short stay spaces for visitors would be provided for the residential element, plus a further 10 spaces for the tennis courts
- 3.16 The residential element of the development is proposed to have vehicle access from a single point on Meadowview Road. This will necessitate the relocation of 6 existing car parking spaces (allocated to numbers 11-14 plus two unallocated spaces) and 6 cycle stands on the south side of Meadowview Road. The access arrangement would comprise a 6m wide carriageway with 2m footways on both sides. The access would cross the existing foot/cycleway running along the south side of Meadowview Road on a raised table.
- 3.17 The 25 new spaces (including 4 disabled spaces) in the proposed tennis court car park, which would be gated and for the sole use of RPRLTC (Raynes Park Residents Lawn Tennis Club). With these new spaces to be provided, the 18 spaces currently allocated to RPRLTC which will remain following provision of the eastern access will be given up by the Club. Of these, four will be reallocated to numbers 11-14 Meadowview Road to compensate for the loss of their existing allocated spaces on the south side of the street required to provide the eastern access. This means that the remaining 14 spaces currently allocated to RPRLTC will be given up to the Club and made available for use by both existing and future residents and their visitors. Currently use of the spaces by the Club is highest in the evenings and weekends when residential demand is also highest. An additional space will also be provided on the south side of Meadowview Road, to the east of the eastern access.
- 3.18 Five wider spaces will be provided within parking courts for the wheelchair-accessible flats (2 in each of Blocks 1 and 2, and one for Block 3) This exceeds the new London Plan requirement to provide disabled parking equivalent to 3% of total number of dwellings (i.e. only 3 spaces). In addition, there is scope for the plots with in-curtilage parking (numbers 58-78 and 96-107, i.e. 33 in total) to be provided with wider spaces for

disabled users in future; this equates to a further 31% so well in excess of London Plan requirements (minimum 10% of units).

- 3.19 20% of spaces would have electric charging facilities with passive provision to allow the remainder to be easily equipped in future
- 3.20 Meadowview Road would remain private and continue to be administered and maintained by the management company, however, it would be constructed to adoptable standards.
- 3.21 The development includes additional pedestrian access points from two points on Meadowview Road, linking to a footpath running around the periphery of the site. There would also be pedestrian and cycle access, which could also be used by emergency vehicles, from Greenway in the south western corner of the site, in the form of a 3.5m wide path with hinged lockable bollards to allow fire brigade access, if required.
- 3.22 The proposed scheme layout, in the form of a through link/loop, would enable Council refuse vehicles to drive through both the existing and proposed developments on the collection round without having to turn around in the turning head at the western end of the cul-de-sac, as it does at present
- 3.23 S106 agreement
- 3.24 As part of s.106 contributions, the development offers a financial s106 contribution of £693,579 for the on and off-site tennis facility and other playing pitch strategy priority works:
- local sports as identified as priorities for investment in the adopted Playing Pitch Strategy.
 - upgrading the surface of two of the existing courts at the adjacent Raynes Park Lawn Tennis Club.

Along with an investment of £267,000 to provide on-site open space and recreation facilities. (Although it is noted that £100K of this is towards walking and jogging routes, which do not amount to sport and recreation mitigation).

- 3.25 The s.106 financial contributions are shown below:

Sport & Leisure Investment	On-site	Off-site	Totals
<i>Playing field mitigation</i>			
• Tennis	£280,000	£45,000	
• Playing Pitch Strategy priority projects		£368,579	
Playing field mitigation Sub Total			£673,579
<i>Public open space facilities investment on-site (excluding tennis, landscaping and land value)</i>			
• Multi use games area	£80,000		
• Outdoor youth/adult fitness gym	£19,000		
• Children's play (LEAP)	£48,000		
• Trim trail	£20,000		
• Walking/jogging routes	£100,000		
New Public Open Space Total			£267,000

3.26 It is noted that the total of £673,579 has been miscalculated and should read: £693,579. S.106 financial contributions for sport and recreation would total £960,579.

3.27 Two new tennis courts are proposed that would be available for use by non-members of the tennis club through a 'pay and play' arrangement, that ensures the new sports facilities are available to the wider community (to be secured via a Community Use Agreement).

3.28 Draft Heads of Terms submitted and put forward by the application within the application to be controlled by way of a s.106 agreement are as follows (note – additional heads for terms have been put forward and agreed, see section 9.0 of this report for details):

- Affordable housing
- Air quality
- Carbon offsetting
- Travel Plan
- Local education, training and local employment during construction.
- Off-site priority sporting contributions

3.29 *Flooding*

3.30 The scheme involves re-profiling of the site's levels to seek to improve flood water storage. All dwellings would be constructed on land outside of flood zone 2 and 3.

3.31 The development's drainage strategy would apply SuDS techniques including the use of lined/sealed permeable, under piped swale systems, rain water gardens and an attenuation basin operating in a cascade system to provide water management and quality benefits to the site and downstream networks.

3.32 *Documents*

3.33 The application is accompanied by the following supporting documents:

- Application Form and CIL Form prepared by Savills
- Site Location Plan prepared by DHA
- Application Drawings prepared by DHA
- Design and Access Statement prepared by DHA
- Affordable Housing Statement prepared by Savills
- Sports Justification Report prepared by Nortoft
- Transport Assessment prepared by Ardent
- Framework Residential Travel Plan prepared by Ardent
- Flood Risk and Drainage Strategy prepared by Ardent
- Air Quality Assessment prepared by Ardent
- Noise Assessment prepared by Ardent
- Sustainability Statement prepared by Hodkinson
- Whole Life Cycle Carbon Emissions Assessment prepared by Hodkinson
- Dynamic Overheating Assessment prepared by Hodkinson
- Landscaping Strategy prepared by Murdoch Wickham
- Urban Greening Factor Map prepared by Murdoch Wickham
- Archaeological Desk Based Assessment prepared by Savills
- Statement of Community Involvement Update prepared by Savills and Your Shout Planning Statement Land South of Meadowview Road, Raynes Park, London, SW20 9AN January 2022
- Health Impact Assessment prepared by Savills
- Health Impact Assessment Summary Report
- Daylight and Sunlight Assessment prepared by Hodkinson
- Arboricultural Survey prepared by SJA Trees

Additional/Amended Documents:

- Agent calculated s.106 contributions 23.02.2022
- Sports Justification Report Amended 21.02.2022
- Tennis Court Lighting Assessment 10.02.2022
- Bellway and Tennis Club Agreement letter 23.02.2022
- Habitable room schedule 23.02.2022
- Detailed design amendments 28.02.2022
- Nationally Described Space Standards Compliance Schedule 09.03.2022
- Ecological Impact Assessment prepared by ECOSA Amended 24.03.2022
- Energy Statement prepared by Hodkinson Amended 24.03.2022
- Fire Statement prepared by AESG UK Fire Engineering Division 30.03.2022

3.34 Background to the Revised Application

3.35 The scheme currently before Members has been amended from the previous application, 20/P3237. The previous application still remains a live

case however the applicant has indicated it may be withdrawn following determination of the current application before Members. Feedback was provided by LBM's urban design officers during the application process and requests to amend the scheme were made which were considered to improve the layout, appearance, amount of open space and place-making of the proposal. Higher density development to optimise the site was sought utilising some taller buildings and townhouses across the scheme.

3.36 Merton's Design Review Panel also reviewed the submitted scheme and proposed additional amendments. The Design Review Panel requested that further amendments to the scheme were made which saw more focal points within the layout, reduced street widths to reduce the dominance of roads and parked cars and more greening of the scheme to improve the landscaping design.

3.37 Following officer advice and DRP feedback, the applicant revised their proposals and submitted a new planning application, which is the scheme before Members of the planning committee

4. **PLANNING HISTORY**

4.1 Relevant planning history is summarised as follows:

4.2 MER139/72 - PREFABRICATED STORAGE BUILDING ADJOINING THE TENNIS COURTS. 14-04-1972

4.3 MER140/72 - PREFABRICATED STORAGE BUILDING ADJOINING THE BOUNDARY FENCE OF NO. 9 GREENWAY. 14-04-1972

4.4 MER1108/80 - ERECTION OF 2 NO 20' HIGH COLUMNS WITH 1000W LAMP ON EACH TO ILLUMINATE TRAINING AREA. 12-02-1981

4.5 (Land to the north of the site) 08/P1869 – REDEVELOPMENT OF EXISTING PRIVATE SPORTS GROUND TO PROVIDE: -44 RESIDENTIAL UNITS (20 SEMI DETACHED [5 BEDROOM] HOUSES & 24 FLATS [6 ONE BEDROOM, 12 TWO BEDROOM & 6 THREE BEDROOM] ON 0.6 HECTARES OF THE SITE; -67 CAR PARKING PLACES & 74 CYCLE PARKING SPACES; -THE RETENTION & RE-USE OF 4.07 HECTARES OF PLAYING FIELDS PROVIDING TWO RUGBY/FOOTBALL PITCHES, CRICKET GROUND AND TENNIS COURTS FOR COMMUNITY USE; -ERECTION OF TWO SPORTS PAVILIONS (383 sq.m) AND REFUSE STORE/CYCLE PARKING BUILDING; -FORMATION OF VEHICULAR & PEDESTRIAN ACCESS FROM GRAND DRIVE (WITH DEMOLITION OF EXISTING PROPERTY AT 119 GRAND DRIVE) -PROVISION OF PEDESTRIAN AND CYCLE ACCESS FROM WESTWAY. Refuse Permission 20-02-2009. Appeal allowed 01-10-2009.

4.6 *The key findings of the Inspector were as follows:*

The main issues are:

- 1) whether the proposal provides sufficient community benefits to justify the loss of the open space.*
- 2) whether the provision and redevelopment of the playing fields satisfies the requirements of PPG17 and*
- 3) the degree of community support for the proposal.*

The proposal is to build an enabling development of 44 houses and to restore the sports ground to provide two junior pitches for rugby or football, a junior cricket ground, five all weather tennis courts, a children's playground, two new pavilions, associated car parking and amenity space.

The tennis courts and tennis pavilion will be leased at a pepper corn rate to the RPRLTC.

The sports field and a larger second pavilion would be leased to Kings College School for use as playing fields, at a pepper corn rate. The school must make the facilities available for community use a minimum of 500 hours per annum.

The sports ground was never a public facility, its use restricted to employees of the company. For almost ten years that gates to the ground have been locked and the only benefit arising is the outlook from surrounding houses.

16% of the entire site would be used for enabling development, with 4.07 hectares retained for sporting uses including playing fields

The proposed development would provide high quality sports facilities and playing fields which would be available to the public and therefore the proposal complies with PPG17.

Other matters such as traffic generation and impact on neighbouring amenity were deemed to be acceptable.

Conclusion: The community, sporting and recreational benefits arising from the proposed development significantly outweigh the loss of a relatively small part of this disused and derelict sports ground.

4.7 Officer comment:

It is clear that the acceptability of the development proposed under application 08/P1869 was dependent on the provision of the enhanced sporting offer, including the use of the playing fields.

A Section 106 Agreement attached to planning permission ref. 08/P1869, includes a number of clauses regarding the delivery of the retained sports

fields land. In 2012, a Deed of Variation (DoV) to the S106 was agreed. The DoV agreed with the Council enabled the landowner to grant a lease to the Trustees of Raynes Park Residents Lawn Tennis Club (RPRLTC). The tennis courts are currently leased solely to the tennis club.

The S106 included clauses which required lease options on the sports fields land to be exercised within specified timeframes by either the Council and/or Kings College School Wimbledon (KCS Wimbledon). These lease options were not exercised within the specified timeframes. There are no clauses within the S106 which cover the event that none of the lease options are exercised by either the Council or KCS Wimbledon.

- 4.8 10/P2367 - APPLICATION FOR DISCHARGE OF CONDITIONS 2 (MATERIALS) 4 (CONSTRUCTION METHOD STATEMENT) 5 (LANDSCAPING) 15 (ENTRANCE JUNCTION DETAILS) & 18 (LANDSCAPE MANAGEMENT PLAN OF PLAYING FIELDS) ATTACHED TO ALLOWED APPEAL (DATED 01/10/2009) FOR LBM PLANNING REFUSAL 08/P1869 (DATED 20/02/2009) INVOLVING THE REDEVELOPMENT OF EXISTING PRIVATE SPORTS GROUND TO PROVIDE: -44 RESIDENTIAL UNITS (20 SEMI DETACHED [5 BEDROOM] HOUSES & 24 FLATS [6 ONE BEDROOM, 12 TWO BEDROOM & 6 THREE BEDROOM] ON 0.6 HECTARES OF THE SITE; -67 CAR PARKING PLACES & 74 CYCLE PARKING SPACES; -THE RETENTION & RE-USE OF 4.07 HECTARES OF PLAYING FIELDS PROVIDING TWO RUGBY/FOOTBALL PITCHES, CRICKET GROUND AND TENNIS COURTS FOR COMMUNITY USE; -ERECTION OF TWO SPORTS PAVILIONS (383 sq.m) AND REFUSE STORE/CYCLE PARKING BUILDING; -FORMATION OF VEHICULAR & PEDESTRIAN ACCESS FROM GRAND DRIVE (WITH DEMOLITION OF EXISTING PROPERTY AT 119 GRAND DRIVE) -PROVISION OF PEDESTRIAN AND CYCLE ACCESS FROM WESTWAY. Grant Discharge of Conditions 23-05-2011.
- 4.9 10/P2908 - APPLICATION FOR DISCHARGE OF CONDITIONS 11 [CHILDRENS PLAY AREA] & 16 [CODE FOR SUSTAINABLE HOMES] ATTACHED TO PLANNING APPEAL APP/T5720/A/09/2102075 (DATED 01/10/2009) RELATING TO LBM PLANNING REFUSAL 08/P1869 (DATED 20/02/2009) FOR THE REDEVELOPMENT OF EXISTING PRIVATE SPORTS GROUND TO PROVIDE: -44 RESIDENTIAL UNITS (20 SEMI DETACHED [5 BEDROOM] HOUSES & 24 FLATS [6 ONE BEDROOM, 12 TWO BEDROOM & 6 THREE BEDROOM] ON 0.6 HECTARES OF THE SITE; -67 CAR PARKING PLACES & 74 CYCLE PARKING SPACES; -THE RETENTION & RE-USE OF 4.07 HECTARES OF PLAYING FIELDS PROVIDING TWO RUGBY/FOOTBALL PITCHES, CRICKET GROUND AND TENNIS COURTS FOR COMMUNITY USE; -ERECTION OF TWO SPORTS PAVILIONS (383 sq.m) AND REFUSE STORE/CYCLE PARKING BUILDING; -FORMATION OF VEHICULAR & PEDESTRIAN ACCESS FROM GRAND DRIVE (WITH DEMOLITION OF EXISTING PROPERTY AT 119 GRAND DRIVE) -PROVISION OF

PEDESTRIAN AND CYCLE ACCESS FROM WESTWAY. Grant Discharge of Conditions 23-06-2011.

- 4.10 10/P3174 - APPLICATION FOR NON-MATERIAL AMENDMENTS TO CONDITIONS 12 & 13 TO REFLECT NEW FLOOD RISK ASSESSMENT ATTACHED TO ALLOWED APPEAL (DATED 01/10/2009) 08/P1869 INVOLVING THE REDEVELOPMENT OF EXISTING PRIVATE SPORTS GROUND TO PROVIDE: -44 RESIDENTIAL UNITS (20 SEMI DETACHED [5 BEDROOM] HOUSES & 24 FLATS [6 ONE BEDROOM, 12 TWO BEDROOM & 6 THREE BEDROOM] ON 0.6 HECTARES OF THE SITE; -67 CAR PARKING PLACES & 74 CYCLE PARKING SPACES; -THE RETENTION & RE-USE OF 4.07 HECTARES OF PLAYING FIELDS PROVIDING TWO RUGBY/FOOTBALL PITCHES, CRICKET GROUND AND TENNIS COURTS FOR COMMUNITY USE; - ERECTION OF TWO SPORTS PAVILIONS (383 sq.m) AND REFUSE STORE/CYCLE PARKING BUILDING; -FORMATION OF VEHICULAR & PEDESTRIAN ACCESS FROM GRAND DRIVE (WITH DEMOLITION OF EXISTING PROPERTY AT 119 GRAND DRIVE) -PROVISION OF PEDESTRIAN AND CYCLE ACCESS FROM WESTWAY. Grant non-material amendment to planning permission 23-12-2011
- 4.11 11/P3196 - NON-MATERIAL AMENDMENTS TO PLANNING APPLICATION 08/P1869 ALLOWED AT APPEAL A/09/2102075 (DATED 01/10/2009) INVOLVING ALTERATIONS TO WINDOW AND DOOR POSITIONS. Grant non-material amendment to planning permission 14-12-2011.
- 4.12 12/P0807 - APPLICATION FOR DISCHARGE OF CONDITION 17 (20% REDUCTION IN Co2 EMISSIONS) ATTACHED TO LBM APPLICATION 08/P1869 DATED 14/09/2012 RELATING TO THE REDEVELOPMENT OF EXISTING PRIVATE SPORTS GROUND TO PROVIDE: -44 RESIDENTIAL UNITS (20 SEMI DETACHED [5 BEDROOM] HOUSES & 24 FLATS [6 ONE BEDROOM, 12 TWO BEDROOM & 6 THREE BEDROOM] ON 0.6 HECTARES OF THE SITE; -67 CAR PARKING PLACES & 74 CYCLE PARKING SPACES; -THE RETENTION & RE-USE OF 4.07 HECTARES OF PLAYING FIELDS PROVIDING TWO RUGBY/FOOTBALL PITCHES, CRICKET GROUND AND TENNIS COURTS FOR COMMUNITY USE; -ERECTION OF TWO SPORTS PAVILIONS (383 sq.m) AND REFUSE STORE/CYCLE PARKING BUILDING; -FORMATION OF VEHICULAR & PEDESTRIAN ACCESS FROM GRAND DRIVE (WITH DEMOLITION OF EXISTING PROPERTY AT 119 GRAND DRIVE) -PROVISION OF PEDESTRIAN AND CYCLE ACCESS FROM WESTWAY. Grant Discharge of Conditions 20-04-2012.
- 4.13 13/P1103 - APPLICATION FOR DISCHARGE OF CONDITION 7 (HARD LANDSCAPING WORKS) ATTACHED TO LBM PLANNING APPLICATION 08/P1869 RELATING TO THE REDEVELOPMENT OF EXISTING PRIVATE SPORTS GROUND TO PROVIDE:-44 RESIDENTIAL UNITS (20 SEMI DETACHED [5 BEDROOM] HOUSES &

24 FLATS [6 ONE BEDROOM, 12 TWO BEDROOM & 6 THREE BEDROOM] ON 0.6 HECTARES OF THE SITE;-67 CAR PARKING PLACES & 74 CYCLE PARKING SPACES;-THE RETENTION & RE-USE OF 4.07 HECTARES OF PLAYING FIELDS PROVIDING TWO RUGBY/FOOTBALL PITCHES, CRICKET GROUND AND TENNIS COURTS FOR COMMUNITY USE;-ERECTION OF TWO SPORTS PAVILIONS (383 sq.m) AND REFUSE STORE/CYCLE PARKING BUILDING;-FORMATION OF VEHICULAR & PEDESTRIAN ACCESS FROM GRAND DRIVE (WITH DEMOLITION OF EXISTING PROPERTY AT 119 GRAND DRIVE) -PROVISION OF PEDESTRIAN AND CYCLE ACCESS FROM WESTWAY. Grant Discharge of Conditions 02-08-2013

- 4.14 20/P3237 - REDEVELOPMENT OF PART OF FORMER LESSA SPORTS GROUND INVOLVING THE ERECTION OF 89 DWELLINGS, INCLUDING AFFORDABLE HOUSING, ASSOCIATED LANDSCAPING, EQUIPPED CHILDRENS PLAY AREA AND ASSOCIATED INFRASTRUCTURE, INCLUDING FLOOD MITIGATION, VEHICULAR ACCESS AND PARKING, PLUS THE ERECTION OF 2 ALL-WEATHER TENNIS COURTS WITH FLOODLIGHTING, STORAGE COMPOUND AND PARKING. Pending decision. (Agent has indicated it may be withdrawn subject to decision of application before Members).

5. **CONSULTATION**

- 5.1 The application was advertised by way of site notice, press notice and individual letters to nearby occupiers.
- 5.2 268 letters have been received raising objection on the following grounds:
- The number of units in the revised scheme has increased since the original application.
 - The land should be used as open space and sport as previously agreed under the 2009 appeal decision (ref. 08/P1869). It is unethical to do otherwise.
 - The previous housing scheme was allowed on the basis that the remainder of the land be kept open and made available for sports.
 - The site is listed on the Merton Green Infrastructure Study 2020 and should be used as green space not for housing.
 - Specific concerns over loss of space for cricket, rugby and football.
 - Sport England should be considered a Statutory Consultee.
 - The benefit to a small number of affluent tennis club users does not outweigh the loss of this green space for community use.
 - The David Lloyd Sports Club is 500m away, another sports facility (rather than open space) is not needed.
 - Bellway has fenced off the land and made it inaccessible for several years.

- Concern that the play areas would not be available for all children as Bellway has made the site inaccessible and has restricted access to the existing playground for Meadowview residents only.
- The site should be safeguarded from development and retained as green space and made available to the local community.
- Loss of outlook to green space, particularly for Meadowview residents, who would now no longer have a view of a meadow.
- Query whether the open areas and MUGA would be available for the wider public or just residents of the Bellway developments.
- Nearby residents were told by Bellway that this land would never be used for housing as it was green space and therefore protected. Concern that any assurances from Bellway lack credibility (including flood mitigation and marketing site for sports uses).
- Loss of vitally important green lung.
- Overdevelopment, overly dense and increase in local population.
- Cumulative impact on traffic and services from the Tesco permission and other recent residential developments.
- Suggest additional tree planting be incorporated
- More play space should be provided.
- Tennis courts and play area would not be used often.
- Several sporting groups have expressed interest in using the land and set out fully costed and viable proposals but these have not been taken up by Bellway Homes.
- Brownfield sites should be developed before greenfield sites are considered.
- Green space retained should be larger and the developed area smaller.
- Increased parking pressure and traffic generation/congestion during peak hours
- Adverse impact on child safety and general highway safety from increased traffic.
- The area has a low PTAL and should not be developed.
- Query why Bellway in their reports state that there will be less expected car trips (385) in a development of 107 homes vs 406 trips in their 2020 report for the planned development of 89 properties.
- Insufficient infrastructure to support new homes
- Pressure on local utilities
- Pressure on sewage network
- Pressure on local schools, medical facilities, libraries and other infrastructure (CIL contributions do not address the extra pressure from overdevelopment). There are already insufficient spaces at local schools.
- Pressure on local public transport, including trains
- Adverse impact on property prices and flood insurance.
- Noise disturbance throughout construction process and increased noise thereafter.

- Adverse impact on air quality from construction and increased traffic in the operational phase.
- Adverse impact on mental health and well-being from significant construction period.
- The one day survey in the Transport Assessment is not a true reflection of current traffic levels on Grand Drive.
- The transport assessment fails to identify that most of West Barnes is now speed limited to 20mph.
- The new proposed roads should have speed bumps.
- Pollution during and after construction
- Impact on fabric of surrounding roads from construction traffic and increased usage thereafter.
- More electric vehicle parking should be provided.
- Query where existing substation on site would be relocated to.
- Adverse impact on biodiversity and wildlife.
- Adverse impact on trees – proposed trees would be suffocated by the surrounding houses
- Light pollution from floodlights.
- Increased lack of security to the rear gardens of existing properties adjacent to the open space proposed.
- Concerns over security of bike shelters.
- More affordable housing should be offered.
- Query the lack of a north-south section drawing to show how tall the buildings are.
- Query lack of specific dimensions on plans and room sizes.
- The site is a floodplain and should not be developed in this way.
- The development may increase the risk of flooding to adjacent properties, where gardens have flooded in the past.
- Climate change impacts must be considered when considering developing on green space and a flood zone.
- A pump system is required for flood mitigation which would require specialist maintenance and could overload the drainage system in any event.
- Concern that underground water courses have not been identified in the Flood Risk Assessment.
- Four storey buildings are not in keeping with the surrounding area.
- The development would be visually overpowering.
- Overlooking to neighbouring properties.
- More screening should be provided to the boundaries to create a buffer zone between the site and neighbouring residential properties.
- Additional access routes into the site will compromise security.
- The cluster of tall buildings would block the skyline and reduce light to surrounding properties.
- Adverse impact on property prices locally.

5.3 5 letters have been received, expressing support for the following reasons:

- The site has been unused for several years and it would be an ideal development for the site.
- The development would complement the existing houses in the area.
- Request that provision will be made for numerous seats in the landscaped area.
- Cycle parking will not be used and more car parking spaces are required.

5.4 Councillors Bailey and Bokhari:

We submit this representation in response to the planning application 21/P4063 by Bellway for the development of 107 dwellings on the former LESSA Sports Ground.

The Bellway application replaces 20/P323 while increasing by 20% the number of dwellings in this earlier proposal. This new application could make a larger and unnecessary impact on our area. The previous application was overwhelmingly opposed by local residents, community organisations, Councillors, Sport England, the Environment Agency (flooding) and Merton's Urban Design Officer.

Please see below Cllrs Bokhari and former Councillor Bailey's reasons to object:

1. Permanent loss of a 'green space'.

- If the application were approved, it would result in the loss of a site (3.09 Hectares) that could easily be made into an excellent green and enjoyable refuge which would further enhance the borough.
- This area can still be used as a sports area if the LBM were motivated to do so. Otherwise, this site could be established as a 'green space' by planting trees, being landscaped, with grassed areas, paths, and a wetland zone to aid natural drainage from the site. Thereby further augmenting the establishment of symbiotic wildlife habitats in the area.

2. Local Infrastructure

- The infrastructure of this area is already extended, and cannot accommodate any further developments such as proposed in this application.
- The situation is already exacerbated by the approval of 450 dwellings on Tesco's site, which will have a significant impact on life in this area.
- As we understand it, the local schools are already at full capacity. There are only two local medical facilities, namely the Grand Drive and West Barnes Lane surgeries, both of which are barely able to

support the current residents, and there are insufficient NHS dentists in the area. The roads adjacent to the site are consistently congested with lorries, buses, vans, and cars and are always very busy.

- The local roads cannot absorb additional traffic, the business of Grand Drive is already forcing cyclists and scooters to travel frequently on the pavements, which in turn are already congested with pedestrians, parents with their baby carriages, young children, and mobility scooters.
- We cannot see any plans to alleviate these known local issues in the plans, and we believe that the development would be a detriment to the quality of life of those living in the area

3. Flooding

Part of the land in this application is on a flood plain. Any development will increase surface water flooding, thereby having a detrimental effect on the surrounding housing in the event of a dramatic weather event, which we have seen multiple a year in recent times.

Under the National Planning Policy Framework, when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. Merton's Strategic Flood Risk Assessment (SFRA) explicitly addresses how planning applications must approach flood risk. Development proposals must incorporate the recommendations of Merton's SFRA and ensure that the drainage on the site is improved and address the likelihood of fluvial flooding and the critical drainage area. Development proposals should protect the amenity of surrounding residents. Does Bellway's planning application do this?

Equally the SFRA makes it clear that the area close to the Lessa site is in the worst zonal level for flooding. The SFRA says that areas surrounding Raynes Park High School, Memorial Ground, Westway and West Barnes Lane are defined as Flood Zone 3 associated with the Pyl Brook. Flood Zone 3 is described as "High Probability" or "Functional Flood Plain". Much of Westway is the latter.

The risk here comes from both surface water and from river flooding.

Surface Water Flooding:

- According to the EA, the maps which we're using here identify the areas that are at risk, or have the most risk, and the approximate extent and depth of flooding
- The EA does add the caveats that its summary should not be relied upon for a local area and for identifying individual properties at risk. The maps do, however, give a broad picture which can be ascertained in more detail at the local, micro-level. The SFRA gives such detail for the area, but we wanted to show via these maps where our house is positioned in the risk area, i.e. right in the middle of the worst affected area.

- According to the EA, the area in the postcode SW20 is at high risk from surface water flooding. Surface water flooding, sometimes known as flash flooding, happens when heavy rain cannot drain away, is difficult to predict, as it depends on rainfall volume and location, can happen up hills and away from rivers and other bodies of water and is more widespread in areas with harder surfaces like concrete
- Turning a field into hard surfaces will only increase the risk of surface water flooding in this area, putting properties in Westway and Greenway at even greater risk.

4. National Planning Policy Framework breach:

The National Planning Policy Framework of 2021 states the following:

99. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by an equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Having read submissions in respect of this application it is our assessment that the conditions have not been met, in particular, condition 99a.

The original permission to build dwellings at Meadowview Road was granted on the basis that this would facilitate the use of the remainder of the site for sports and leisure for the benefit of the local community.

It appears that there are several organisations prepared to invest in the site for sporting purposes.

Therefore these opportunities should be pursued and planning permission for further dwellings denied.

5.5 Raynes Park Residents Lawn Tennis Club Comments

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 21/P4063, 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 (21/P4063).

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**.

5.6 *The Raynes Park and West Barnes Residents’ Association*

We are a Residents’ Association with 1800 members in our area. We have fought to keep the LESSA sports ground in use for sport for over 20 years. It is important that this application is considered in the light of the site’s history.

1. Site history

LESSA closed the sports ground in September 2000. It contained two full sized football pitches, an overlapping cricket pitch, four tarmac tennis courts, a pavilion, and a children’s play area, with parking for between 70 and 80 cars.

In 2002-3 we opposed a plan by Barratts Homes Limited to build 111 apartments in 2, 3 and 4 storey blocks on this land. The Council refused the application for outline planning permission on 17 October 2002, and a Planning Inspector refused the appeal entirely on 19 June 2003. We gave evidence to the Inquiry.

The land was then sold to a company called Doram Properties Limited. That company applied for planning permission on 4 July 2008 to build 44 units of accommodation. The application was for the retention and re-use of 4.07 hectares of playing fields, providing two rugby/football pitches, a cricket ground, and tennis courts for community use, and the erection of two sports pavilions. The Planning Applications Committee refused the application formally on 20 February 2009, and Doram appealed.

A different Planning Inspector upheld the appeal and so granted approval on 1 October 2009. It is very important to note that the Inspector fully expected that the plan should be completed as a whole, and that the permission to build the housing was dependent on the rest of the ground being made available for community use. These requirements were set out in a section 106 Unilateral Undertaking.

The evidence before the Inspector was that King's College School wanted to use the ground for their junior pupils and that it would be made available to other community users for a minimum of 500 hours per annum. A tennis club and pavilion would be provided on part of the ground at the owner's expense. It was, in his words, "an enabling development." He ruled that:

"The proposal would provide high quality playing fields, tennis courts and pavilions, which, unlike the original facilities, would be available for use by local people".

The Inspector concluded that:

"the community, sporting and recreational benefits arising from the proposed development significantly outweigh the loss of a relatively small part of this disused and derelict sports ground".

Doram sold the entire site to Bellway on 20 May 2010 on this basis. It built the 44 units of accommodation which are now called Meadowview Road, and provided tennis courts and a pavilion for the Raynes Park Tennis Club. They also provided a small play area restricted to the children from the houses and flats.

Officers and members of the Planning Application Committee are urged to read the application for building Meadowview Road (08/P1869), and in particular the reasons given by the Inspector who granted permission on appeal, before considering the current application.

However, King's College School decided not to take up the option of a lease of the land, which was secured by the Unilateral Undertaking.

Some of the properties on Meadowview Road are in private ownership. When the new owners bought them, they received, so we have been

told, assurances from Bellway that the balance of the land would be retained for sport.

Since that time, Bellway has done nothing more than maintain the hedges and mow the grass.

2. Policies

The site is listed in the Sites and Policies Plan and Policies Maps - 2014-2024 as Open Space.

This planning application should be refused because it is in contravention of the following policies:

2. i)The New Local Plan:

The London Borough of Merton's New Local Plan has been submitted to the Secretary of State and is undergoing the examination stage. Bellway's site is designated as RP6 and it is clearly designated as an open space:

The site location	
Impacts Listed Buildings or undesignated heritage assets	No
Impacts a Conservation Area	No
Impacts an Archaeological Priority Area	No
Impacts a Scheduled Ancient Monument	No
Impacts on flooding from all sources.	Yes, part of the site is within flood zone 3 and within a critical drainage area.
Is in a town centre	No
Is in an Opportunity Area	No
Impacts a designated open space	Yes, the site is designated as open space.
Impacts an ecology designation	No.
Public Transport Accessibility Level (PTAL)	PTAL 1, very poor access to public transport.

Ward: West Barnes
Site description: The site comprises a fenced off field, accessible from Meadowview Close. Within the north east corner of the site lies a small playground that is closed off to general the public use and described as only being available for the use of the residents living on Meadowview Road To the north of the site are 44 homes along Meadowview Road and Raynes Park Tennis Club, built by 2013 as part of a single scheme which allowed the redevelopment of homes on open space if the development funded sports facilities. The site is surrounded by short terraces line of a formal street layout with some grass verges and street trees. The rear windows and gardens of terraced houses or flats overlook the site on the eastern, southern and western boundaries.
Site area: 2.8ha
Existing uses: The site is currently fenced off and a vacant field. The consultee's submission states that the field has been secured to prevent it falling to disrepair, that there is no interest in the site being used solely as sports fields and that the legal obligations relating to the previous planning permission (2009) which required the field to be offered as a sporting facility, maintained or provided as open space have all expired.
Site allocation: Sporting or community use of the entire site will have to be proven as undeliverable before any other uses can be considered.
Site deliverability: Bellway Homes owners. Delivery 0-5 years
Design and accessibility guidance: The landowner submitted a planning application for a mixture of new homes and tennis facilities to Merton Council in October 2020 (reference 20/P3237). The site has an extensive planning history. It was part of a larger site that was granted planning permission on appeal in 2009 for the redevelopment of the site to provide: <ul style="list-style-type: none"> • 44 homes (along what is now Meadowview Road). • new tennis courts and clubhouse for the relocated Raynes Park Tennis Club – sports provision (on this site proposal) offered to Merton Council or Kings College School Development of the site may provide opportunities for entire site sports use. Development proposals for sports use or other uses compatible with the designated open space should be actively demonstrated prior to any alternatives being taken forward. Development proposals must incorporate the recommendations of Merton's Strategic Flood Risk Assessment. Development proposals must ensure that the drainage on the site will have to be improved and addressing the likelihood of fluvial flooding and the critical drainage area. Development proposals should protect the amenity of surrounding residents.

The description “vacant field” needs to be taken with a pinch of salt. This is Bellway’s description. It is only vacant because Bellway have turned down expressions of interest from local sporting groups. It is clear from the Local Plan that sporting use should be the priority for this site.

2. ii) The GLA London Plan (2021):

Policy G1 Green infrastructure

A London’s network of green and open spaces, and green features in the built environment, should be protected and enhanced.

Policy G4 Open space

B Development proposals should:

- 1) not result in the loss of protected open space
- 2) where possible create areas of publicly accessible open space, particularly in areas of deficiency.

It is clear that 21/P4063 should be rejected since it would result in a loss of open space, whereas allowing the whole sports field to be used by local community groups would increase the public availability of open space required by G4 B 2). The use of existing sports fields is clearly expected, as shown in Policy S5 Sports and recreation facilities.

3. Sporting use of the field:

We disagree with the findings of the Sports Justification Report's (SJR) findings. We believe that the requirements of Paragraph 99 of the NPPF have not been met in the Report.

Paragraph 18 of the SJR states

"In relation to the emerging Local Plan the Second Consultation proposed site allocation for the site (Site RP6) was: "Sporting or community use of the whole site will have to be demonstrated as undeliverable before any other uses can be considered".

We do not believe that this has been demonstrated, as shown below.

As an Association we have asked Bellway on a number of occasions to meet sporting bodies and schools who wanted to use the land for sport. In particular, we put them in touch with Donhead School.

As early as 16 May 2014 Bellway's Chief Executive wrote to Stephen Hammond MP that:

"There are no further planning obligations on Bellway as owner to enter into arrangements with other organisations for the use of the Sports Fields. I can confirm that Bellway has fulfilled the obligations set down in the Planning Approval and Unilateral Undertaking and that the London Borough of Merton chose not to take up the option of taking a lease for the Sports Fields. In the circumstances I have asked the Regional Managing Director to contact the Headmaster at Donhead Preparatory School to discuss the situation".

The correspondence between the Headmaster of Donhead School and Bellway can be found at pages 90 to 92 of Appendix 5 of their Sports Justification Report. The Headmaster wrote on 14 October 2014 to Mr Geoff France of Bellway Homes Ltd (South East) stating that:

"As you are aware for many months now I have expressed an interest in taking up a lease on the sports field at the old LESSA site in Raynes Park. That interest remains as strong as ever".

He sets out the background and says that it is clear from the thrust of the Inspector's comments 5

"...that the expectation of bringing the greater part of the site back into sporting use was THE justification for permitting the residential

component. As the Inspector viewed it, this was the way the “enabling” concept would be met. Sadly - need I say - the current situation falls well short of what was approve by the Inspectorate... A very significant element of what was intended and approved has not been delivered. This could now be rectified”.

He wrote that Schedule 1 of the S106 (08/P1869) specified the basic terms of a lease namely for a period of 99 years at a peppercorn rent.

There is now an opportunity to meet the intentions of the Planning Approval on the lines envisaged by the Officers’ Report to the PAC and the Inspectors Decision Letter. I, therefore, seek your agreement in principle to Donhead taking a long lease on the SFL for use by our pupils who are all under 14 and possible part share with another primary school. If a satisfactory lease could be agreed Donhead would lay out the sports pitches and construct a pavilion at our cost. The site is in a perfect location for us and would be developed by ourselves for our own sporting use, as well as for the use of other community junior sports groups. We are able to move on this immediately”.

Bellway’s Managing Director replied to this letter on 10 November 2014. He states that

“... there is no mechanism in the UU to cover the scenario that none of the three lease options are exercised. As it stands, there is no obligation on Bellway to enter into a lease arrangement with an alternative body for the use of the sports field for children and social/community groups. This is acknowledged in the Council’s Cabinet Report dated March 2010... In the event that Bellway decide to progress discussions with an alternative body to agree a lease for the use of some or all of the sports field land, a Deed of Variation to the UU would need to be negotiated with the Council.”

We believe that it was clear from this response to a viable scheme, which included the laying out of pitches and the provision of a pavilion, for sports for junior pupils from a well-established school, that Bellway then had no intention of allowing the whole of the balance of the land to be used for sports, as the Inspector intended.

On 12 December 2016 the Regional Director of Bellway Homes Ltd (South London Division) wrote to us that:

“we are under no further obligation to bring forward land for use as a sports field. We are fully aware of the interest in the sports field from other organisations who are willing to take over the management of the sports field. However, our intention is to seek a further release of the Sports Field Allocation for enabling development, in order to provide delivery of a high quality recreational/community use for the benefit of the local community. It is recognised that the Raynes Park and West Barnes

Residents' Association is a key stakeholder to any development of the site and will be contacted directly in early 2017 to ensure that the ideas of the Residents' Association can be discussed and included in any early proposals of the site".

We heard nothing from Bellway after that, and the Association was only made aware of their proposals (20/P3237) in August 2020 through a member of the Tennis Club. They have totally failed to consult us. They did not inform us of either of the marketing schemes they held in 2020, at the Council's behest. They put up no sign at all on the site telling people how to contact them, nor did they approach any schools or clubs in the area.

Despite their marketing exercises, Bellway has not complied with the terms of local plan RP6 and cannot demonstrate that sporting or community use of the whole site is undeliverable.

Accordingly, no other use should be considered. Under the section of RP6 "Opportunities" the plan states that

"The site may have opportunities for whole site sports use. Use of the site for sports use or other uses compatible with the designated open space should be actively demonstrated prior to any alternatives being taken forward".

We submit that Bellway is bound to establish this before the Planning Committee can go on to consider in any way the merits of the application. It is, to use legal terms, a condition precedent which they must meet and have not met. Bellway needs to prove to the satisfaction of the Planning Officers and the Committee that there is a justification for the intended departure from Merton's Local Plan.

In response to the submission of application 20/P3237, in the short period since early August 2020, we have identified a number of sporting associations and a school which are keen to use the ground, all of which have made this clear to Bellway. Their proposals are commercially viable, and include the provision of a second pavilion on the ground, as the Inspector expected should happen. Had Bellway consulted us earlier, as it promised to do, and, we assume, deliberately decided not to do, we could have identified sporting partners much sooner.

The AJ Coaching Cricket Academy has offered to take a lease for at least 10 years at £20,000 per annum and to build a pavilion. It coaches 180 boys and girls each year. The offer was made to Bellway's agents Haslams Surveyors LLP by letter dated 14 September 2020, following a letter of interest dated 7 September 2020.

Bellway's agents, Nortoft, made a Sports Needs and Viability Report, dated October 2020 for 20/P3237 which stated at paragraph 113 that the

Academy “*have been contacted*” to assess the viability of the scheme. We have been told by the Academy that no such contact was made.

The Wimbledon United Cricket Club made a detailed offer, setting out that they would finance the pavilion and re-lay the cricket pitch utilising lottery funding and providing the 50% balance of the costs from their own finance and sponsors. Paragraph 114 of the same Report dismisses this offer off hand as not “a compliant viable bid” when it has not been discussed with them.

Paragraph 122 of the same report is also inaccurate in stating that

“There were no viable, compliant bids from commercial operators, clubs, schools or other bodies to purchase, develop and operate the site as a whole”.

The footnote to that paragraph is also wrong in stating that Haslams had received no reply as at 4.10.20 of any kind from the AJ Cricket Academy or Wimbledon United CC.

Willington School, a junior school in Wimbledon now in its 136th year and which has recently taken in girls for the first time, has expressed an interest in buying the ground and has instructed a surveyor, intending to use it for junior sports in the week, and would ground share with the Cricket Academy and the Cricket Club at weekends and in the school holidays. The school first registered an interest with Haslams on 16 September 2020, though this is not acknowledged in the Report.

We note that the Haslam Marketing Report for 20/P3237 states in paragraph 10.9 that the decision not to place a marketing (for sale/to let) board at the site was taken deliberately.

The two cricket clubs and Willington School have now formed a consortium which will provide the restoration of the pitches and the building of a pavilion, and mean that both juniors and adults can again enjoy sport and recreation. The scheme is fully costed. The scheme is stated in Bellway’s more recent Sports Justification Report to be not viable and to take no account of the capital costs involved.

We understand that the three clubs submitted evidence to the Planning Officer strongly refuting this.

Old Emanuel Rugby Club are losing their ground off the A3, and need a new home from March 2022. They provide sport and recreation to about 250 local children, as well as adult teams. In their letter of objection, dated 7 December 2020, to Bellway’s previous planning application, they set out in clear terms how they attempted to contact Haslams and Bellway on a number of occasions to discuss the potential purchase or

lease of the ground, but neither of them “*returned a single telephone call*”. They conclude that

“the marketing of the LESSA site by Bellway and Haslams was neither meaningful or indeed genuine, but instead was a sham intended to support a later planning application by demonstrating that there was no viable purchaser of the LESSA site. This view is supported by the unrealistic price and other terms under which the LESSA site was marketing by Haslams”.

They add that the suggestion at paragraph 47 of the Report that they had been consulted simply did not happen.

While the Old Emanuel Rugby Club has now leased an alternative ground owned by Merton (together with the Wimbledon Club), their comments about 20P3237 are still of high significance as showing Bellway’s disregard for the need to explore fully any suggestions for sports use.

All these approaches needed to be explored fully by Bellway and found to be genuinely “undeliverable” before they can properly lodge a planning application. It has failed entirely to show that the offers made were not “viable”.

Paragraphs 7 and 27 of Nortoft’s Sports Needs and Viability Report for 20/P3237 state that

“No viable and compliant potential clubs or other users were identified in either the first NGB/Council led consultation, nor the second landowner led marketing consultation. Indeed, the NGBs specifically advised off-site investment into other priority sports locations, in line with the Action Plan of Merton Council’s adopted PPS.”

“It is noted that there has been no sports use of the site for well over 5 years, as aerial photo (Google) evidence shows no use between 2010 and the present day, and possibly no formal use since about 2004. The site is owned by Bellway and has been fenced off since 2011, for safety and management needs. There was at that time no planning or other legal need for the site to be used for sport, see below in relation to the section on the site’s 2009 planning consent and the linked s106 agreement (2010).”

These are highly misleading statements. The only reason why there has been no sports use on the field is that Bellway have prevented it. As shown above, there are currently several sports groups interested in the site as well as those who, in the past ten years have asked to use the site but been turned away. It is unclear what makes a sports club’s proposals “viable and compliant” but Bellway clearly do not want any sports on the field as it would prevent them realising more profit.

The inspector gave permission to build Meadowview Road as an enabling development to allow the sports field to be brought into use. The fencing was solely erected by Bellway to 8 further their long-term plans to disregard the inspector's decision and ultimately to build on the field.

Merton's Planning department's decision to survey local sporting groups is to be applauded as a way to get the facts about the various approaches made to Bellway and the responses received. The results of the survey, together with copies of correspondence can be seen in Appendix 5 of the Sports Justification Report for 21/P4063.

The results of the LBM survey do not seem to appear to be published on Planning Explorer, either for 20P3237 or 21/P4063. It is therefore to be hoped that the information in Appendix 5 of the Sports Justification Report is a full and accurate account of the correspondence and discussions between the sporting groups and Bellway, Haslams and Nortoft.

As well as several versions of the Nortoft "Sports Need and Viability Report" referred to above, another document a "Sports Justification Report", also produced by Nortoft, was submitted in November 2021 to 20/P3237.

This "Sports Justification Report" (SJR) has also been submitted for the current planning application (21/P4063). It repeats, yet again, that

"...there are no deliverable or viable schemes which could deliver community or club sport on all of the site..." (para 20, page 7).

Bellway seem to define "deliverable and viable" to suit themselves, i.e. it would only be "viable" if they could make as much profit from leasing, selling or renting to sports groups as from selling 107 dwellings.

This paragraph from the SJR (para 16, page 6):

"The conclusion of the assessment process is that there is no viable or deliverable scheme which would result in the entire site being used for sports and recreation use by a club or community group, or a consortium of such organisations. Even if there had been a bid with sufficient capital funds available, the site would still not have been made available for public open space but instead would have to be subject to development. This development would need to include the provision of a pavilion/clubhouse or at minimum a toilet building, car parking, security fencing, likely high ball strike nets, and possibly floodlights. This development may not have been acceptable in planning terms, not least because of the existing residential use adjoining. Furthermore, those that might use the site for pitch based sports are primarily male and aged under 45 years."

contains many controversial statements:

- i) The sporting groups mentioned previously have shown how they intend to finance their proposals.
- ii) The sporting groups can allow the public to use their facilities, as was previously intended in the original 08/P1869 application.
- iii) Application 08/P1869 included building of a pavilion on the field. Bellway reneged on their obligation to do this.
- iv) The sporting groups will apply for planning permission to build security fencing, nets, floodlighting in the usual way.
- v) The comment about field users being “primarily male and aged under 45 years” is bizarre. Girls’ and women’s cricket is becoming more and more popular and the need for coaching and match facilities is increasing. The sporting groups intend to use the field for children’s sports, including girls, as is made clear in the email sent from Ali Jaffer (AJ Coaching Cricket Academy, 15/02/2021) to Duncan Jenkinson (E&WCB). Willington in a mixed school giving girls and boys equal access to sports. AJ Coaching Cricket Academy (AJCCA) is also mixed.
- vi) The proposals from AJCCA would be of considerable benefit to the local community, as outlined in their letter to Haslams (14/09/2020):

“AJ Coaching has grown considerably since it was established in 2009 and now supports the sporting and social development of over 180 boys and girls each year from Wimbledon, Raynes Park and the surrounding area. We run winter, spring and summer coaching programmes, school holiday training camps, friendly matches against local clubs and have six age groups participating in the Surrey junior league.”

AJ Coaching also say they want to offer winter sports like Hockey, Netball, Basketball, Tennis to the community from September to April, thus ensuring the community benefits throughout the year.

Paragraph 20 of the SJR (page 7) is similarly misleading

“It is clear that although retaining all of the site for football, rugby or cricket may provide some new, but limited, sports opportunities, doing so would only have a relatively limited impact on Merton’s own targets to increase levels of physical activity, health and wellbeing in the Raynes Park area of the borough. More important is the fact that, despite a marketing exercise running from September 2019 to October 2021, there are no deliverable or viable schemes which could deliver community or club sport on all of the site, and therefore this element of the PPS policy test has been fully explored.”

Phrases such as “it is clear” are just attempts to muddy the water. If the proposals from Willington School, AJCCA and Wimbledon Utd CC consortium were adopted, hundreds of young people and adults would benefit from the fresh air, exercise and fun of practising and playing sport on the field.

The final point of the SJR's conclusion (para 22, page 7; and similar wording in para 242, page 64) states:

“Consenting the proposed mixed use development would secure on-site and off-site investment into sport and recreation, of about £1,000,000, plus a significant area of new high quality public open space. Refusal would mean the site stays as it is – a private fenced off area with the opportunity lost for much needed new housing and lost opportunities for sport.”

Once again this is disingenuous: Bellway can, and should have, leased or rented the fenced off area to local sporting groups. They have also failed to build a sports pavilion on the field, as they were bound to do according to 08/P1869. Dangling a £1,000,000 carrot at the council cannot hide the fact that Bellway had a moral duty and responsibility to let the field be used for sport from 2010 onwards, which they failed to do.

We find the manner in which those wishing to use the site have been treated demeaning, for example Haslams' Chris Newman's remarks to the Headmaster of Willington School 10

“After that correspondence I got a rude email from Chris Newman and then I spoke with Chris on the phone and he told me that they would never sell it to us and would rather sit on the site if they couldn't get planning. To be honest I found Chris' manner threatening and intimidatory” (page 72 of the SJR Appendices)

We feel it is unnecessary to dissect every paragraph of the SJR in order to make the point, on behalf of our residents, that the field should only be used for sports.

We would submit that all the evidence shows that Bellway has sat on the land for the past ten years, without making any attempt to find sporting partners in clear contempt for the views of the Planning Inspector, and the needs of Merton children for extra sports facilities. Bellway clearly hopes that the lapse of time will enable it to make a further undeserved profit from the site.

IF THE PLANNING APPLICATION COMES BEFORE THE PLANNING APPLICATIONS COMMITTEE IT SHOULD BE TURNED DOWN SINCE BELLWAY HAS NOT SHOWN THAT SPORT CANNOT CONTINUE TO BE PLAYED THERE, AS THE INSPECTOR INTENDED.

4. This application (21/P4063) and its predecessors (20/P3237 and 08/P1869) Bellway made a previous application (20/P3237), and it is not clear whether this is still being pursued in any event, or whether the present application replaces it. It is noteworthy, however, that the previous application was only for 89 dwellings, and that this has now

increased to 107. We can only suppose that this is another way in which Bellway hopes to maximise its profit.

SPORT ENGLAND had originally not opposed that planning application, but were clearly not made aware by the applicants of the many expressions of interest. When we notified Sport England of the real position, they agreed to consult the governing bodies for cricket and rugby, and CHANGED THEIR POSITION TO ONE OF OPPOSITION.

We understand that the sporting bodies will also be strongly opposing the present application.

In the Planning Statement for 20/P3237, paragraph 5.8 states misleadingly that:

“It is clear that the site’s potential use is for “club or community use”, and so not for commercial leisure use. This excludes consideration of commercial operators at the site, e.g. 5-a-side football cages, adventure golf, or a private school’s sports ground. It is also clear that the land use to be tested is for “sporting use”, e.g. by a sports club or a community group wanting a sports site. It is not for general community use, e.g. a community centre without a dominant sporting use.”

The intention of the Meadowview Road development (08/P1869) was to allow children’s sports provided by a private school (Doram led Merton Council and the Planning Inspectorate to believe that KCS would be that provider); since there was no problem leasing the field to a private school then, why is Bellway now trying to create one? Five hundred hours of community use per year was also included in this provision, thus increasing its usage by local residents.

Bellway continues to have a duty to find an alternative organisation to use the field for children’s sports.

It is important to note paragraphs 12 and 13 in the s106 agreement for 08/P1869:

12 Restriction on the use of and buildings on the Sports Field Land

Doram undertakes to the Council:

- 12.1 Not to use or cause or permit the Sports Field Land to be used other than for playing football rugby cricket and other open field sports
- 12.2 Not to erect or cause or permit to be erected any building on the Sports Field Land other than:
 - 12.2.1 the Pavilion in the location and of the dimensions and design authorised by the Planning Permission (including any necessary approvals required pursuant thereto); and
 - 12.2.2 any addition to the Pavilion or building replacing the Pavilion (which may not be in the same location or of the same dimensions or design as the Pavilion) for which planning permission shall have been granted and in the location and of the dimensions and design authorised by such planning permission
- 12.3 Not to use or cause or permit the Pavilion to be used other than for sports changing rooms and for social and community uses
- 12.4 Save as is provided in Clause 12.2 not to erect or cause or permit to be erected any other structure or erection on the Sports Field Land except any such structure or erection which may be ancillary and incidental to the use of the Sports Field Land for the uses referred to in Clause 12.1 (and for the avoidance of doubt the erection of ball netting shall be deemed to be ancillary and incidental to the use of the Sports Field Land for the uses referred to in Clause 12.1)

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13 User

Planning Development C1

- 13.1 Not to use or cause or permit the Sports Field Land to be used other than for playing football rugby cricket and other open field sports by children under the age of 14.
- 13.2 Not to use or cause or permit the Pavilion to be used other than for sports changing rooms and for social and community uses

It is therefore clear that Bellway have no right to put any residential properties on this site.

The original Sports Needs and Viability Report for 20/P3237 quoted the Playing Pitch Strategy showing that there is a need for more Youth 11v11 and 9v9 football pitches for boys. This site is suitable for such provision

and equally suited to other sports, such as junior cricket, for both girls and boys.

There is also a growing awareness of the importance of sport for physical and mental health; it is especially important to foster the enjoyment of sports in childhood. Therefore, it is likely that the estimated number of pitches needed shown in the PPS is an underestimate. Given also the recent increase in publicity for women's football, cricket and rugby which is likely to continue, the PPS has also probably underestimated the need for pitches for these girls' sports.

We submit that the planning application is in conflict with Policy DM 01 Open Space of Merton's Sites and Policies Plan July 2014 and Policy CS13 of the Core Strategy July 2011 and also the Merton Open Space Study of 2010/11 on the grounds that, despite the Sports Justification Report, there is clear evidence that local sporting groups can make good use of the whole of this site. We believe that both 20/P3237 and 21/P4063 will also be in conflict with the New Local Plan, due to be adopted later this year.

5. Other comments:

We reiterate our objection to any building on this site, other than the long-overdue sports pavilion. However, we would like to address the following issues: flooding, transport, type of housing, play areas and other facilities.

5. i) Potential for flooding:

Whenever there are heavy rainfall events, e.g. on 12/07/2021, water pours down the footpath from Meadowview Road and floods into Westway; flooding also occurs in Greenway. The existing stormwater attenuation tank and granular fill trench and access to them are clearly insufficient and Bellway should resolve this problem. The excess rainfall overflows into the main sewers which is when the flooding occurs.

When the houses were built, there was flooding in the rear gardens. In order to remedy this, the underlying stream was re-rerouted, and this has resulted in a constant flow of water into the sewer.

Some mitigation measures were included in the 08/P1689 application that Bellway have never been put in place:

- i) a green roof on the Briers House flats;
- ii) a swale to the North of the gardens of the Greenway properties, near the junction with Westway (Flood Risk Plan 04 (08/P1689))

Westway and Greenway residents know that the water table is not far below the surface and that it only needs a day or so of rain in winter or spring for their gardens to be saturated. It is therefore unsurprising that they are worried about the effect of extra hard surfacing resulting from

this proposed development and feel that the proposed SUDS will be insufficient.

When the Flood Risk Assessments of the Meadowview Road application (08/P1869) and the current application are compared, it will be seen that the boundary of the 1 in 100 years +35% flood zone is different. This is because the Environment Agency have updated their plans and must now be using different methodologies. Given that we are seeing more frequent severe weather events due to climate change, it seems odd that far less of the field now falls within the 1 in 100 years +35% flood zone.

We note that the Applicant's Flood Risk Assessment is a highly detailed document, citing the National Planning Policy Framework, DEFRA Guidance and referencing Environment Agency (EA) data. However, as such, it is a purely theoretical "desk top" study and is deficient in its omission of any local knowledge or the actual experience of residents nearby.

Why did not the Applicant seek to remedy this deficiency by consulting with local residents?

As shown in Parts 05 to 09 of the Applicant's Assessment, many local residents, particularly those living close to the Applicant's site, have homes with a significant risk of flooding. This is particularly true for those residents in Brook Close, Westway and Westway Close, parts of Greenway and Linkway and the northern section of Wests Barnes Lane.

Paragraph 5.13 of the Applicant's Assessment states, "According to the Level 2 SFRA produced by AECOM in January 2017, there are a few recorded flooding incidents located to the south and west of the Site. No historic flooding records are shown on Site".

This demonstrates that the data upon which the Assessment is based is deficient in local knowledge. Our Association, which was formed in 1928, was partly instigated due to local concerns over flooding and has a written record of a major event on 6 August 1981. This is now becoming a more regular occurrence. Most recently, there have been two rain storm events causing local flooding, in July 2021 and January 2022.

On these recent occasions, heavy surface water run-off from Meadowview Road pours down the footpath/cycle-track into Westway, causing the sewers to overflow into the local road network, flooding into gardens and threatening homes. Whether the run-off from Meadowview Road is caused by inadequate design, poor construction or lack of maintenance is not clear. What is clear is that a significant source of surface water pouring into Westway emanates from the Applicant's site.

The risk of local flooding is so concerning that Thames Water is taking steps to address the problem. This commenced with a "Road Show" in

order alert residents and garner local knowledge. This event took place in Raynes Park on 12 January 2022.

We note that, paragraphs 4.7 – 4.10 of the Assessment refer to the design of the existing sewer networks serving Meadowview Road, without any consideration of whether this design has actually proved to be fit for purpose.

Our experience, described as above, is that this is not the case.

We also note that properties in Meadowview Road have problems with ground water within their gardens, which have resulted in post-completion modifications to the existing surface water drainage system. This matter is omitted from the Applicant's Assessment.

Additionally, the local water course, the Pyl Brook, runs in a culvert just 80m from the Applicant's Site. However, the EA is unsure of its underground route, as evidenced by recent letters sent by the EA to residents who live close to it. Again, this uncertainty is not addressed within the Applicant's Assessment.

We note that the Applicant's outline design for its Drainage Strategy is principally a repeat of the existing design for Meadowview Road. As such, it runs the risk of exacerbating the inadequacies that are already evident.

For the above reasons, we do not consider that the Applicant's Flood Risk Assessment properly addresses local concerns, either in terms of its theoretical basis or proposed drainage strategy. Based on our practical experience and historical records, we therefore consider that the Applicant's proposals will increase the flooding risk for residents.

5. ii) Transport:

The London Plan (2021) states in Policy H1 Increasing housing supply that

a) sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m distance of a station or town centre boundary

are most suitable for residential development. TfL's PTAL map shows that the majority of the site is PTAL 1.

This low PTAL suggests that there will be more car-usage than predicted by the developers. This will impact on traffic flow in Grand Drive, in particular at local congestion points, such as the junction with Bushey Road.

5. iii) Type of housing:

The proposed density of housing on this site seems greater than that of the surrounding areas. The present application achieves a greater density than the previous one, by the building of a number of 4 storey blocks, which would be totally out of keeping with the surrounding area of Grand Drive, Westway and Greenway. They would also be taller than the houses and Briers House flats on Meadowview Road.

The proposed houses are designed with steep roofs, so it is likely that in future, owners may wish to add loft rooms which will a) increase housing density and b) create problems of privacy by overlooking neighbouring gardens.

There is confusion in the documentation about how the houses will be heated. Paragraph 1.10 of the Air Quality Assessment contradicts the Energy Statement (para 7.9)

“1.10 The proposed development will not include an energy centre. It is anticipated that all properties will be served with individual gas fired boilers and these would be low NOx with a rating of less than 40 mg NOx/kWh....”

“7.9 Air source heat has been selected to provide space heating to the development, they are a very efficient and effective source of providing space heating and hot water. In addition, a significant reduction in CO2 emissions can be achieved with the air source heat pump”

We understand that, from 2023, developers will not be allowed to build new homes with gas boilers: <https://www.building.co.uk/news/gas-boiler-ban-in-new-builds-by-2023/5109121.article> We therefore presume that the Energy Statement is correct. However, given the area available and the amount of infrastructure that will be needed, we feel that GSHPs would also be of use, especially for the apartment blocks.

5. iv) Play area and other facilities:

Section 1.6 of the Planning Statement states:

“...A new equipped children’s play area will be provided available for new and existing residents to use. Outdoor gym equipment and a trim trail will also be provided to encourage health and activity.”

Does “for use by existing and new residents” imply that the facilities would only be for residents of Meadowview Road and the new development or does it mean that any West Barnes resident would be able to use them? If the former, then the wider West Barnes community would not gain at all from the development and therefore this planning application should be refused. Paragraphs 3.14 and 5.29 are similarly unclear:

“5.29 The proposals offer new public open space, and incorporates this open space along with play areas, landscaped features, new on-site sport and recreation (tennis, trim trail, outdoor gym)... It safeguards the existing playground and provides a new equipped play area for existing and new residents to use. It is therefore considered that the proposals meet the overriding provisions of adopted Policy CS13 which supports proposals for new and improved facilities.”

When the Meadowview Road development went to appeal, it was stated that the children’s play area and landscaped area would be available for the wider community – not just for residents, as shown in the appellant’s Appeal Statement and the inspector’s Decision Notice:

5.4.4. While the appeal scheme would result in a nett loss of approximately 0.603 ha of the site (13% of the total open area as defined in Schedule 2 of the UDP), a smaller, but newly-accessible public open space would be arguably of much greater community value. It would provide not only high-quality open sports facilities, but also areas of informal recreation, a children’s playground and a pedestrian/cycling route between Westway and Grand Drive. This is in marked contrast to the site’s current function which is essentially as a passive visual amenity.

15. By comparison, the proposal would provide open public access to and through the site for the first time, substantially upgraded sport and recreation facilities to which an element of community use would be guaranteed and wider use of the landscaped amenity area and the children’s playground. I consider that the improved recreational provision with increased public access would satisfy the requirements of Policy L7, criterion (ii).

The references in the documentation to a MUGA are also vague. There seem to be no details of who would be able to use it (residents of the development or the wider community who do not live on this site)? Who would manage and maintain the MUGA? How would local teams book it for matches? This does not appear to have been properly thought through.

Clearly clarification about the play areas and MUGA would be needed if the application were to be granted. The London Borough of Merton would need to get a legal undertaking from Bellway that public access would be allowed in perpetuity, with a guarantee that the land and equipment would be properly maintained by Bellway. By “public” we mean open to all residents in the area, not restricted to those living in Meadowview Rd or in the new development. This point is made in 21P4063_Comments_LBM Social and Green Infrastructure_24.01.2022.pdf

These are just some of the many reasons why the Raynes Park and West Barnes Residents' Association object to this planning application on behalf of local residents. We urge the Planning Application Committee to refuse application 21/P4063.

Officer comments:

The points raised are considered in the round in this report. In relation to the results of questionnaires sent out in relation to 20/P3237, these are shown on the Council's website and have been available to view since before the current application was submitted.

5.7 Internal consultees:

5.8 LBM Policy Green and Social infrastructure:

The site is designated as Open Space (Playing Pitch - London Electricity Sports Ground) on the Sites and Policies Map 2014, with policies CS13 and DM01 of relevance. The site is located within 160m of Prince George's Playing Field SINC (MeBII13) and 330m of Cannon Hill Common SINC (MeBI10) and Local Nature Reserve.

Urban Greening Factor (UGF)

The applicant has provided an Urban Greening Factor Map, which illustrates that the proposed development meets the minimum 0.4 UGF requirement in the London Plan.

Children's Play Area

It is encouraging to see that the proposed development includes a specific children's play space, in addition to a MUGA and other open spaces such as outdoor gym equipment. The newly proposed children's play area on site should remain available for public use in perpetuity to increase play and informal recreation access for children and young people. This could be set in a s106 agreement. Also refer to my comments below relating to keeping the southern part of the site as designated open space.

Open Space, Sports and Recreation

As the site is designated as open space, Policies CS13 and DM01 are applicable, in addition to NPPF para 97. The draft Merton Local Plan was also submitted to the Secretary of State in December 2021 and should therefore be given an appropriate amount of weight, as this site is Site Allocation RP6.

Currently, the grassland site is fenced off, providing no public access. Although the site is designated as open space for use as a playing pitch, it is not currently being used as such, and has not for a number of years. The site remains predominantly undeveloped and continues to have the potential to offer public value as an amenity area.

The proposed housing would be between 430 and 670m walking distance to Cannon Hill Common, the nearest publicly accessible open space. The proposed development includes a large area of public open space to the south and west of the site with a new pedestrian and cycling access point off Greenway. This is supported as it would open up the site and improve public access to open spaces.

Should you recommend approval for the proposed application, I would suggest that the new tennis courts, MUGA and the open spaces to the south of the site are retained as designated 'open space' on the Local plan policy map. I would also recommend a discussion with the s106 team to ensure that the s106 agreement ensures that these areas of open space and recreation remain in perpetuity and cannot be built on in future years. Refer to document titled "Public Open Space" submitted with the application.

The draft Merton Local Plan Site Allocation RP6 (submitted to the Secretary of State in December 2021) states "*Sporting or community use of the entire site will have to be proven as undeliverable before any other uses can be considered.*"

A Playing Pitch Strategy (PPS) was adopted by the council in October 2019. The PPS provides an up to date analysis of supply and demand for playing pitches across the borough. It was prepared in accordance with Sport England guidance and was agreed through a Steering Group with a number of national governing sport bodies and Sport England. With reference to the Recommendations set out in Section 5:

"Recommendation G1: The council's draft Local Plan Site Allocations include the following former playing fields:

- *Site RP6 - Land at the former LESSA Sports Ground (Grand Drive, Raynes Park SW20 9EB).*

This PPS indicates that these sites 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."

The site is also identified in the Recommendations and Action Plan for specific investigation for the "*possibility of installing a cricket pitch and ancillary facilities and parking at this site.*"

The PPS and Indoor Sports Study highlight that the borough has demand (and will continue to have demand as population grows) for a variety of

sports pitches including football, cricket, hockey, tennis (indoor and outdoor) and AGPs (specifically for football, rugby and hockey). A number of conversations have taken place between the applicant team, Sport England and the NGBs about this site and I understand an agreement has been reached with the Raynes Park Lawn Tennis Club for the provision of tennis courts on part of the site. This is supported as it will retain a sporting element on site.

The principle of development for this proposed development has been the subject of lengthy discussion between the council and applicant over the past 18 months. I've put some of the key points and dates below (although this is only a brief summary):

- October 2019 - Merton Playing Pitch Strategy adopted by the council. This included regular meetings and discussions with council officers, Sport England and sporting NGBs, in consultation with land owners and sports providers and users in the borough. The Lessa site is included in the PPS.
- February 2020 - Pre Application submitted for the site. Limited information was provided to demonstrate sporting uses on site had been fully explored. The Pre App also did not meet the policy tests set out in the NPPF and Merton's policies. Council officers and Sport England were both not supportive of the proposal in its form at the time and highlighted a number of changes and further information.
- June 2020 - Revisions made to the Pre-App, with two further options proposed for the site, including the provision of some open space and tennis facilities on site. Subject to the provision of further information and s106 contributions, the council and Sport England were supportive in principle of the option with the tennis courts. A number of incorrect statements were made in the Sports Needs Report and correspondence, which were made clear to the applicant team.
- November 2020 - Planning application 20/P3237 submitted. This included the provision of 2 on site tennis courts and ancillary facilities, plus s106 contributions to mitigate the loss of the playing pitches.
- January 2021 - Sport England commented that the proposal has potential to be acceptable in terms of meeting Exception 4, provided that suitable mitigation is agreed and formalised in a Section 106 agreement. The applicant proposed £924,406 (including on site tennis facilities), calculated using the Sport England facility cost guidance, Playing pitch calculator and Sports facility calculator. Council officers were also supportive of the proposal at this time in terms of the principle of development, subject to s106 details.
- February 2021 - Sport England received new information from the local community that interest from a local cricket club (as part of a consortium) had not been taken into consideration by the applicant team. The ECB and Sport England therefore changed their comments to object to the proposal. Council officers reviewed the

new information and agreed that the applicant had not robustly demonstrated that there were no deliverable proposals for sporting uses on the site, as not all offers had been considered by the applicant team.

- July 2021 - Meeting held between applicant team and council officers to discuss principle of development. Council officers made it clear that more detailed information was required, particularly from the cricket consortium to enable a complete assessment of whether any sporting uses could be reasonably delivered on site. While a lot of information had been received from various parties, it was not in a form that enabled a thorough assessment of the different offers.
- August 2021 - A standard questionnaire was sent to all interested parties requesting confirmation of proposals, funding and timescales.

Responses received from the parties who have shown an interest in bringing the site forward for sporting uses has enabled a robust assessment of all the proposals put forward. Officers are of the view 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, funding availability, discussions and support from relevant sports bodies, delivery timescales and evidence that a viable sports use could be operated on site.

Determination of the principle of development should take into consideration the above, with sufficient information provided that sporting or community use of the entire site has not been shown to be deliverable. However, this is also subject to the s106 requirements set out in the Site Allocation RP6 and Merton's Playing Pitch Strategy. Therefore, as was the case with the previous application, the applicant will need to provide sufficient information relating to the s106 contributions they propose for mitigation. This should be calculated using the Sport England facility cost guidance, Playing pitch calculator and Sports facility calculator.

I note that Page 63 of the Nortoft Sports Justification Report dated November 2021 provides some broad figures including £610,000 off site contributions in addition to the £350,000 cost for the on site tennis facility. As the residential element of the proposal has changed since the previous application, these figures will need to be recalculated and provided by the applicant for agreement as part of the s106 agreement.

NB. Para 234 of the Nortoft report makes reference to £100,000 cost for the outdoor gym, trail trim and walking paths. While these elements all positively contribute to a healthy lifestyle for new and existing residents,

they are not considered to fall within the mitigation costs for the playing pitch and should not be included as such.

I also have a few additional comments on information submitted/not submitted with this Planning Application:

- Please ask the applicant to review the draft Agreement with the Raynes Park Lawn Tennis Club dated 11th August 2020 and make the relevant changes required to reflect the new planning application e.g. point 14 refers to a drawing number which has now been superseded.
- While the Public Open Space plan submitted with the application shows a MUGA to the west of the site, there are no details provided to indicate what this MUGA is to be used for and how it will be managed. Please request further details from the applicant, including intended sports, usage times, levels of community accessibility, proposed management etc.
- As an aside, I note that there remain a number of incorrect statements in the Planning Statement and the Sports Justification Report, as previously mentioned to the applicant team.

Officer comment:

The Agreement with the RPLTC has now been updated to reflect the current application documents.

Details for management of the MUGA have been provided. Importantly the MUGA would be publicly accessible and whilst it would be fenced, it would be not locked at any point.

For on-going management of the MUGA, an Open Space Management Company can be secured via the s.106 process.

The s.106 calculations have been updated to reflect the current proposal.

5.9 LBM Policy (Housing):

Housing target

The published 2021 London Plan sets Merton's annual strategic housing target is 918 homes for the period 2019/20 - 2028/29. This target is a significant uplift to Merton's previous one of 411 homes. The scheme proposes 107 additional homes which will provide just under 12% of Merton's annual strategic target and is supported, given its significant housing provision contribution to meeting Merton's housing target.

Affordable housing

Fast Track Route

The 2021 London Plan (Policy H4) sets the strategic target for affordable housing provision at 50% and supersedes the target of 40% sets out in Merton's 2011 Core Planning Strategy (policy CS8). London Plan (policy H5) sets out the Fast Track threshold approach applications must follow to not be required to be accompanied by a Viability Assessment. This scheme proposes affordable housing provision of 41% (units). To be eligible for the Fast Track route schemes such as this type would need to provide a minimum affordable housing requirement of 35% (habitable rooms).

The case officer has requested information to be provided by the applicants on habitable rooms proposed including percentage split by private / affordable homes and, affordable tenures split i.e. shared ownership / affordable rented proportions. At the time of writing these comments receipt by the Council of this information from the applicant is outstanding therefore cannot confirm at this stage whether the proposal accords with the Fast Track route eligibility requirements.

Affordable housing tenure split

The 2021 London Plan Policy H6 sets out the appropriate affordable housing tenure split proposals need to comply with. This includes a remaining 40% proportion to be determined by the borough as low-cost rented homes or intermediate products (defined in Part A1 and Part A2) based on identified need. Supporting par. 4.6.2 states that for the remaining 40% proportion the appropriate tenure split should be determined through the Development Plan process or through supplementary guidance.

The Core Strategy was adopted in 2011 and sets out in policy CS8 that an affordable housing tenure split of 60% low cost rented and 40% intermediate tenure. Merton's 2014 Site's and Policies and Policies Plan (S&PP) clarifies the council's requirement further by stating: "Where affordable housing is to be provided in accordance with the Mayor's London Plan and Merton's Core Planning Strategy Policy CS.8 Housing choice, 60% of the affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale".

The emerging draft Local Plan in accordance with the 2021 London Plan and informed by Merton's 2019 Strategic Housing Needs Assessment (SHNA) sets out an updated affordable tenure split requirement of 70% low cost rented and 30% intermediate tenure. The emerging draft Local Plan was submitted to the Secretary of State in December 2021 and is a material consideration with significant weighting. Whilst the draft Local Plan sets out an updated 2021 London Plan compliant affordable tenure split requirement, as it has not been adopted as yet, it is advised that this scheme have regard to the Core Strategy affordable tenure split. The scheme proposes an affordable tenure split of 61.36% affordable rent and 38.64% shared ownership. Whilst the ratio proportions of low cost

rent versus intermediate tenures are broadly consistent with Merton's adopted Local Plan, the types of homes proposed under the respective affordable tenures is less clear regarding coherence with planning policies and addressing identified local housing needs as set out in Merton's SHNA. It appears that the proposal does not include any social rented as part of the low cost rented offer and no other intermediate tenures such as London Living Rent as part of the intermediate offer.

Merton's 2019 Strategic Housing Needs Assessment (SHNA) identified overwhelming housing need totalling 2,516 households in Merton (2017 - 2035) and that any household with an income below £38,400 would not be able to afford a lower quartile rent without some degree of subsidy. Merton's SHNA identified a need for around 878-1,084 homes per annum – this is for subsidised housing at a cost below that to access the private rented sector (i.e. for households unable to access any form of market housing without some form of subsidy and at a household income below £38,400).

Merton's SHNA recommends that given the high level of need shown, 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. Merton's SHNA also recommends that if, for viability purposes shared ownership is included this should not make up more than 10% of homes on any individual site. Whilst London Shared Ownership is classed as an affordable tenure (in line with both the London Plan and the NPPF) it is likely to be the tenure that is available to the fewest number of households with a need in Merton due to having higher housing costs.

The applicant is advised to consider revisions to the affordable housing proposed aimed at providing an offer that more effectively contributes to addressing the aforementioned housing needs in Merton than currently proposed.

Housing mix

Merton's S&PP sets out an indicative housing mix of 32% one-bed, 32% 2-bed and 35% three plus bed. The scheme proposes (irrespective of tenure) a mix in total of 9% 1-bed, 43% 2 bed, 42% 3 bed and 6% 4bed which is considered acceptable.

The applicant's affordable housing statement states (para 2.2):

Merton's Strategic Housing Market Assessment (July 2019) Housing Figures notes that Merton seeks the following mix of affordable dwellings: 28% x 1-bedroom dwellings, 36% x 2-bedroom dwelling, 24% x 3-bedroom dwellings and 12% x 4-bedroom dwellings....

It should be noted that this represents the size of housing required concerning affordable home ownership tenure only rather than being representative or sort by the Council for all affordable housing tenures types.

The following extract from Merton's SHNA indicates the size of housing required concerning the different affordable housing tenure types

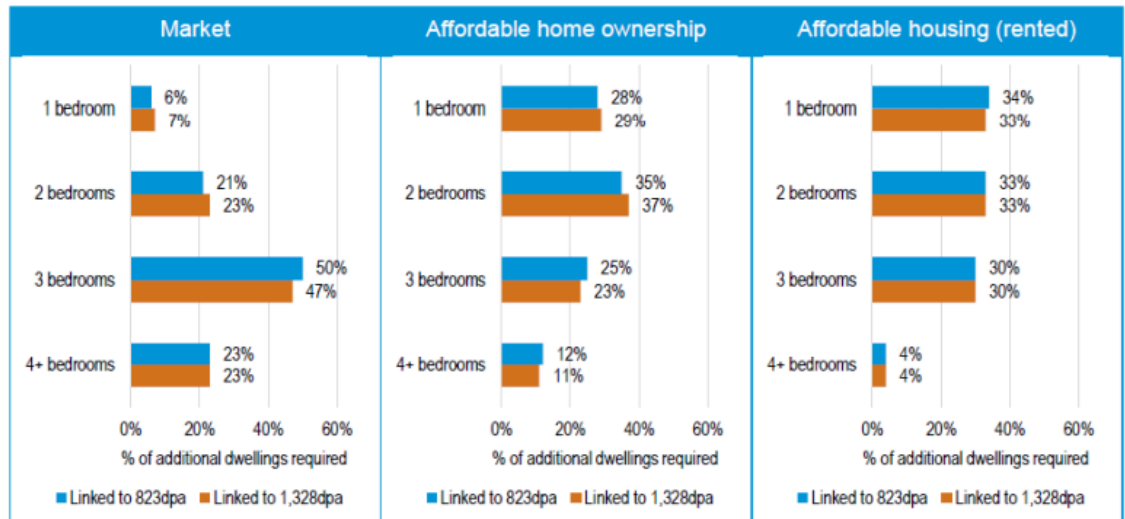


Figure 4.3.1 Size of housing required 2017 – 2035

The scheme proposes a housing mix for the 44 affordable homes of: 13% 1-bed; 55% 2-bed; 27% 3-bed and 5% 4-bed and it is unclear how this proposed mix has taken account of the affordable housing mix needed as identified in the Merton's SHNA.

The housing mix proposed for the market tenure housing appears broadly in line to that set out in Merton's SHNA, save for the number of 4+ homes proposed.

Wheelchair user dwellings and accessible and adaptable dwellings

London Plan Policy D7 and Building Regulation Requirements M4(2) and M4(3) require new housing schemes to provide 90% of all new housing to be accessible and adaptable dwellings and 10% to be wheelchair user dwellings. In accordance with this, the scheme proposes 10 wheelchair units. However there is no indication provided for this scheme concerning the accessible and adaptable dwellings provision proposed and therefore further information and clarity concerning this matter is requested to be able to assess whether this requirement will be met.

Officer comment:

The applicant has provided additional information in relation to the affordable housing offer to seek to demonstrate compliance with the

relevant policies. This matter is addressed in more detail in the body of this report.

5.10 Additional comments from LBM Policy Housing

Bed unit mix:

To clarify, the planning policy housing comments were supportive of the proposed bed unit mix with regards to the market tenure but requested clarification on how the bed unit mix for the affordable tenures aligned with Merton's SHNA. Having carefully considered the response given by the applicants on this matter it is considered that a point of difference between the two parties on this matter remains. However, having regard to the overall merits of this scheme from a housing delivery perspective it is not considered that this difference justifies raising any further objection on this point.

Affordable housing tenures proposed:

The requested information / clarifications provided by the applicants is noted.

The outstanding issue concerns consideration by the applicants of inclusion of London Living Rent homes as part of the intermediate tenure offer and Social Rented homes as part of the low cost rented tenure offer to better align with addressing identified local housing needs subject to viability. However, noting the positive and constructive discussion between the council and applicant yesterday on this matter further comments are reserved until receipt and consideration of the tenure options scenarios kindly proposed by the applicants to resolve this matter.

5.11 Additional comments from LBM Policy Housing

Having carefully reviewed the two options both are a marked improvement on what was originally proposed concerning affordable housing provision.. On balance option 1 is considered comparatively preferable than option 2 and also aligns effectively with the feedback provided previously by Elliot to maximise opportunities for new build social housing. It is acknowledged that whilst affordable shared ownership minimally addresses identified local housing needs, it does in this option cross subsidise viably provided much needed social rented new homes in Merton.

5.12 LBM Waste Services

New roads that have been constructed in accordance with the council's guidelines are normally adopted by way of an agreement between the developer and the council.

Access for waste collection shouldn't be a problem on the condition that the private road is brought to an adoptable standards with necessary regulation of parking put in place to enable the efficient functioning of the access way –there shouldn't be any obstruction on the access road on collection day/ time which will result to non-collection.

Waste services currently have 2x locations (one off Grand Drive) where access via private road is significantly restricted resulting in continued missed waste collection and obvious complaints.

Access for waste collection will only be possible on the condition that the private road is brought to an adoptable standard with necessary regulation in place. The reference to parking is a highlighted example as this is a major area of concern from my teams perspective.

The Environmental Protection Act 1990 clearly discharges the responsibility of collecting household waste to local authorities. As a unitary authority, LBM have the legal duty to collect and dispose of household waste, hence the condition that the private road is brought to an adoptable standard.

5.13 LBM Public Health:

Note: There will be an impact experienced by existing residents whose health has benefited greatly from the presence of an unused greenspace opposite their homes (in terms of views, noise and access). This loss should not be underestimated, nor the mental health impacts/ perceptions of added traffic on the local streets.

The applicant has kindly provided a Health Impact Assessment, which is commendable and welcomed. However, the following are points to highlight where the proposed does pose population health impacts that can addressed in the early stages of the design process which we encourage the applicant to consider. As such the following points have provided solutions to support the Applicant's to be successful and achieve a robust and healthier design solution for all.

1.Issue: Site plan is obesogenic.

This site is well served by public transport, including a direct 10 minute walk or 5 minute cycle to Rayne's Park rail station. Three bus stops exist between the above mentioned station including one located at the site's main access road. Therefore, the PTAL rating is 3-4, which is in line with the London Plan requirements for car-free development. The current plan is car dominated whereby the ratio of hard surfacing allocation for parking and vehicular movement and access dominates the urban design, preventing nudge opportunities for residents to be as active as possible.

In addition, the current layout and ratio of vehicular access and parking removes the perception of safety for vulnerable users, and thereby further restricts the freedom for mobility and capability amongst young, old and vulnerable residents thereby creating an obesogenic design. The use of kerbside rubbish collection for each home reinforces the reliance for higher vehicular infrastructure access for the refuse vehicles across the site. Thus exacerbating the perception of safety and increasing threat, noise and vibrations which could be avoided with the use of a development wide waste management system. The system will ensure all units are provided with internal kitchen bins fitted with a chute system (tri-segregator for residual / recyclables/ food waste) collected at a single, designated location where refuse collection is limited to one location rather than across the site. The reduction / elimination of vehicular access will increase the health and long term wellbeing of residents. Therefore, to optimise the site capacity a localised Gravity Chute System and collection hub will resolve the need for vehicular access, increase the carbon neutrality of the development and allocate more land for multigenerational community uses such as physical activity and social engagement via increased density.

Merton Policy CS 18 (a) "Prioritising for the access and safety of pedestrian, cycle and other active transport modes; (b) "Support schemes that will reduce conflicts between pedestrians, cyclists."

Merton Policy CS 19 (a) "Prioritising development that demonstrates innovative and intelligent design which promotes public transport and/or reduces the need for private vehicle travel."

Merton Policy DM D1 6.5 "Appropriate uses in appropriate locations will be the basis of a successful public realm".

London Plan Policy S5 A 3. Maintain, promote and enhance networks for walking, cycling and other activities including the Walk London Network.

London Plan Policy S5 B 1. Increase or enhance the provision of facilities in accessible locations well-connected to public transport and link to networks for walking and cycling.

2. Issue:

2a) Children play space is unfit and lacks community facilities suitable relating to young people ages 11-18.

The only play space for children is located away from the natural surveillance of the housing, separated by a road. Play space for children 0-5, 5-17 should always be within view of a child's home to ensure safety and access is prioritised. A reconfiguration of the current plan should 1) place children's play space at the centre of the development and or 2) convert all the road surface into a 'homezone' where child friendly designs suppress vehicular movements to guarantee safety of all pedestrian activity taking place in these surface areas (preferably dominated by permeable paving to offset urban heat island effects).

Merton Policy DM C2 linked to CS 11 infrastructure) "Can be accessed safely from the street by children and young people independently" (Policy S4 B2b).

2b) This should be designed to encourage interaction amongst all ages, using non-toxic, natural materials and should, “encourage children and young people to move around freely.” Policy S4 5.4.2

London Plan Policy S4 5.4.3 “Formal play provision {...} should not be severed from the rest of a neighbourhood by physical barriers such as {...} roads.”

3.Issue: Current design of envelop (roof design (pitched) and elevation materials) surface design of the homes and materials choice demonstrate a threat for internal overheating and contributing to the heat island effect.

Merton Policy 15, 23.26 “Merton will apply London Plan policies to address overheating and cooling, urban greening (such as tree planting, green wall, roofs and landscaping.)”

Policy 5.3 C(b) {...} “Increase green in the envelope of the building, {...} including its roof and environs.”

4.Issue: 9% shortfall of affordable housing.

Easily achievable should the design reflecting the optimum site capacity (increased density)compromised by the car dominance.

Policy DM H3 (Merton Local Plan 2014), Policy H4 A. The strategic target is for 50% of all new homes delivered across London to be genuinely affordable.

5.Issue: lack of any provision of social infrastructure for residents aged 11-17.

Policy S1 5.1.10 Shared use and co-location of facilities should be encouraged to align service provision and use land more efficiently and facilitate opportunities for different groups of people to come together, encouraging further inclusion and community participation

6. Issue: Access to private greenspace is not uniformly provided, a reconfiguration is recommended to utilise density and removal of car parking to support a design that enables multiple levels to allow for all dwellings to have access to private outdoor space (Balcony, mezzanine, terrace, roof garden)

Policy D6, 9 (London Plan 2021)

Where there are no higher social standards in the borough development plan documents, a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant. This does not count towards the minimum gross integral space area standards.

5.14 LBM Climate Change:

The applicant has provided an updated energy statement and the GLA’s carbon reporting spreadsheet using the SAP10 carbon factors with the additional clarifications requested in my email below. Based on

the updated energy statement provided (dated 9th March 2022), the proposed development will achieve a 56.7% improvement against Part L 2013 using the SAP 10 carbon factors.

The updated carbon offset requirement is £176,130; this will need to be secured via S106 agreement.

I am satisfied that the proposed development meets Merton's minimum standards and recommend that these requirements are required through the proposed condition wording below.

(Conditions relating to CO2 reductions and water use, 'Be Seen' energy monitoring and whole Life-Cycle Carbon Assessment)

5.15 LBM Biodiversity:

The applicant has submitted an Ecological Impact Assessment Report carried out by Ecosa Ltd, dated 17th November 2021. However, the field survey was undertaken in August 2020 and the reptile survey was undertaken in September 2020. While the report has been updated to include details of the latest planning application (107 housing units etc), no updates have been made to the ecological surveys themselves since the previous planning application was submitted.

Para 6.2 of the Ecosa report states:

"Updating Site Survey - If the planning application boundary changes or the proposals for the site alter, a re-assessment of the scheme in relation to ecology may be required. Given the mobility of animals and the potential for colonisation of the site over time, updating survey work may be required, particularly if development does not commence within 18 months of the date of the most recent relevant survey."

Please request that the applicant confirms any requirements for a new survey with Ecosa Ltd in line with this paragraph above. This is required given the time period between this current planning application being submitted and the last field survey undertaken in August 2020.

Officer comment:

The applicant's ecologist has carried out a further site visit and has formally responded to set out that site circumstances have not significantly altered since the previous surveys.

5.16 LBM Urban Design Officer:

- Overall the form, massing, scale and density are appropriate for this location. It is a suburban location of 1930s housing and the development proposes what is a good example of 'gentle intensification', where the density and heights are greater than the

surroundings but not overly so. This is in line with London Plan policy.

- As previously stated the site layout is considered responsive to the site and provides a legible network of well surveyed streets that have clear street-like characteristics. There should be a local, intimate feel to the area if other aspects of the proposal are improved.
- I am less convinced by the architectural quality and local distinctiveness. Not enough has been done to identify local characteristics to build a contemporary style on. Whilst the beige brick and grey concrete roof tiles, with the steep pitched roofs are contemporary, and the development is possibly large enough to justify its own style, there needs to be a stronger nod to the surroundings (the Blay Houses). For example where there is brick, it is not beige, and roof tiles are usually orange clay.
- There are a lot of blank elevations and the opportunity should be taken to have side windows as long as they do not compromise internal flexibility - the applicant should consider this.

Officer comment:

The applicant has sought to respond to these comments with the submission of amended plans relating to materials and architectural detailing. This matter is addressed in more detail in the body of this report.

5.17 LBM Flood Risk and Drainage Officer:

I have reviewed the revised Flood Risk Assessment and Drainage Strategy for the LESSA site (21/P4063), following our previous comments/concerns and subsequent meetings with the applicant and consultants, Ardent Ltd.

In terms of flood risk and drainage, I now do not object to the proposal but seek that all of the mitigation measures outlined in the FRA and drainage strategy are implemented and secured by way of planning conditions below should you be minded to recommend approval.

The site is allocated and therefore does not require a full sequential test in accordance with the NPPF.

Site specific ground investigation has been undertaken previously. The site Investigation report indicates that groundwater was not encountered during the site investigation works, however shallow perched groundwater was record at a depth of 0.54m (PH2) within the installed wells during the monitoring events. The consultants, Ardent, considers that this is not considered to be in continuity with local groundwater and is likely to be associated with heavy rainfall entering the installed wells through the made ground. It should be noted that groundwater (perched or not) will be subject to seasonal fluctuation and therefore I would

recommend that more extensive ground investigation is undertaken over a longer period of time, throughout the winter/spring, before construction and final designs are submitted.

The latest (fluvial) river flood mapping shows that the south western part of the site is located within the 1 in 100 year+35% climate change outline. Ardent undertook fluvial hydraulic modelling to better assess flood risk to the site due to the site falling partially within Flood Zone 3a and 3b. The flood modelling outputs were sent to the Environment Agency for review previously and they indicate that the maximum predicted flood level for the 1 in 100 year+35% climate change event is 15.45m AOD at the south western part of the Site.

The maximum predicted flood levels for the 100yr+70% CC event is 15.50m AOD at the south western part of the Site. The FRA shows that the ground levels on site are approximately 15.00 to 15.20m AOD at this location. Therefore, worse case flood depths in the south western corner of the site for the 100yr+70%CC could be in the order of 500mm to 300mm deep. This area is not shown to have any proposed residential dwellings and we are pleased to see that the previously proposed foul water pumping station has been removed, for the more sustainable solution of gravity drainage.

The site incorporates the following mitigation measures to reduce flood risk and mitigate against any residual risk:

- The integration of Sustainable Drainage Systems (SuDS) to restrict the runoff from the site to that of the pre-developed Greenfield rate and to provide attenuation for storm events up to 1 in 100 year (plus 40% for climate change) (refer to Section 8). Proposed SuDS will also provide levels of water quality treatment consistent with CIRIA (Construction Industry Research and Information Association) document C753;
- Providing floodplain compensation on Site;
- Raising Finished Floor Levels above the flood level; Finished Floor Levels (FFLs) for Living and Sleeping accommodation being set above the 100yr plus 35% CC flood level plus a 300mm freeboard ($15.45 + 0.30 = 15.75\text{m AOD}$). This is also higher than the predicted 1 in 100yr plus 70% Climate Change level.
- Providing safe access and egress for all uses from the site; and
- Providing a flood response plan. All occupants of the Site register with the Environment Agency's floodline.

Due to the flood plain compensation strategy and areas set a side to flood as shown on the submitted plans, all proposed dwellings will be located outside the 100yr + 35% CC outline.

The tennis courts will only flood during extreme flood events, as shown in the FRA and they will remain dry for the lower order events. It is noted

that some surface water attenuation is shown here (which could be affected by flood water in extreme events) and we would suggest that this reconsidered in detailed design of the drainage strategy and that above ground SuDS are maximised.

The flood modelling indicates that there is some betterment off site as a result of the proposed compensation for both flood events assessed.

Surface Water Drainage

Based upon the now revised latest site layout and proposed impermeable areas of 1.153Ha, the site will be restricted to a peak discharge of 5.76l/s in all storm events up to and including the 1 in 100 + 40%.

The development will seek to make use of a SuDS management train approach (as per Mertons 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 drianage system provides a degree of treatment and water quality management in line with SUDs Guidance and Merton's SuDS SPD.

It should be noted that the final specification of the SuDS system will be subject to detailed design and construction level hydraulic modelling, hence we need to ensure a planning condition as per below.

We held a number of meetings with the applicant and consultants to improve the scheme's proposed drainage syetem. 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.

Additional storage will be provided using a series of under drained conveyance swales, leading from the north of the site to the south, upon which discharging into a basin, providing approximately 937.7m³ of storage volume.

Based upon the preliminary drainage strategy and baseline hydraulic modelling a provision of circa 937.7m³ in basin attenuation along with a total of 53.6m³ additional storage within the swale networks, plus the permeable paving storage and a series of rain water gardens across the

site, provides a system which manages all storm events up to and including the 1 in 100yr + 40% with an overall peak restricted discharge rate of 5.2l/s.

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).
- 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.
- 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 set out within the Ardent Consulting Engineers Limited (ref: 161480-06A-FINAL; dated: 12 January 2022). The require 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.

5.18 LBM Environmental Health Officer (contaminated land):

We recommend two-conditions regarding contaminated land:

- 1) A preliminary risk assessment, then an investigation shall be undertaken to consider the potential for contaminated-land, and if necessary, a detailed remediation scheme to bring the site to a suitable state for the intended use by removing unacceptable risks to health and the built environment, and submitted to the approval of the LPA. Reason: To protect the health of future users of the site in accordance with policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's sites and policies plan 2014.
- 2) The approached remediation shall be completed prior to completion. And a verification report, demonstrating the then effectiveness of the remediation, subject to the approval of the LPA. Reason: To protect the health of future users of the site in accordance with policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's sites and policies plan 2014.

5.19 LBM Environmental Health Officer (noise):

Should you be minded to approve the application then I would recommend the following planning conditions:-

- 1) Due to any potential impact of the surrounding locality on the development the recommendations to protect noise intrusion into the residential dwellings as specified in the Ardent Consulting Engineers, Noise Assessment Report Ref: 161480-08 Project Number 161480, dated January 2022 shall be implemented as a minimum standard. A post completion noise assessment to ensure compliance shall be undertaken and submitted to the LPA.
- 2) The use of the tennis court shall be restricted to between 8am and 21:30 hours
- 3) Any external lighting, associated with new development, shall be positioned and angled to prevent any light spillage or glare that will affect any existing or new residential premises.
- 4) No development shall take place until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period.

The Statement shall provide for:

- hours of operation
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative - displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of noise and vibration during construction/demolition.
- demonstration to show compliance with BS5228
- measures to control the emission of dust and dirt during construction/demolition
- a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To protect the amenities of the occupiers in the adjoining residential premises and future occupants.

5.20 Environmental Health (Air Quality):

I have no objections subject to the following conditions and agreements

Air Quality for Future Occupiers

The applicant has submitted an Air Quality Assessment report ref.: 161480-09 dated January 2022 and completed by Ardent Consulting engineers.

The potential air quality impacts associated with the proposed residential development on Meadowview Road have been assessed. The impact of local air quality on future residents of the development has been considered. It is considered that air quality for future residents will be good, no mitigation is therefore required in terms of new exposure.

Air Quality Neutrality of the development

Transport Emission

Assessment of the development against the London Plan has found the proposals **would not be “air quality neutral” in terms of traffic emissions** (627.0 Kg/annum of NOx exceedances in comparison to benchmarked Emissions and 107.6 Kg/annum of PM10 in comparison to benchmarked Emissions). Appropriate mitigation is therefore required to reduce transport related emissions.

In line with Policy 7.14B (c) and Policy SI 1 (E) of the new London Plan 2021, a mitigation strategy has been submitted in order offset additional transport emissions.

The following **on-site measures** should be agreed with the applicant within the scheme and we welcome:

- Travel plan – incorporating measures to:
 - Promote walking, cycling and public transport, plus car sharing;
 - Promotion of home working, internet shopping and deliveries to reduce trip generation;
 - Appointment of a Travel Plan Co-ordinator to undertake baseline surveys to identify targets to reduce single occupancy car use;
 - Introduction of remedial measures where targets are not being met following subsequent surveys;
- 20% of parking spaces will be provided with active electric vehicle charging points, with passive provision for the remainder for easy adaption in the future;
- Cycle parking will be provided in accordance with the requirements of the London Plan

Further offsetting measures, should be secured through the Section 106 agreement.

The Regulatory Service Partnership (RSP) currently have the responsibility to regulate the environmental impact of development in Merton including ensuring compliance with legal objects and the planning consent. It is a devolved service that has a number of responsibilities both proactive and reactive.

These responsibilities include, but are not limited to:

- Review and implementation of a number of important Site Management Plans including ensuring compliance and reporting.
- Dealing with complaints about, and requests for information about the site and its impact upon the surrounding areas.
- Monitoring and reporting activities during the development of the site.
- Compliance monitoring of site equipment in line with the NRMM requirements.
- Site liaison, communication and partnership working.

Largescale demolition and construction sites, particularly where these have attracted a large number of objections can have a significant impact on staffing in the RSP.

Therefore we seek additional resourcing to deal with the managing of any the environmental impact from the site that falls upon the local authority. This cost should fall to the developer and not the tax payer.

Based on the size of the site and in accordance with the Air Quality Neutral Planning Support Update guidance (GLA 80371), **we would recommend a contribution of £30K towards:**

- the regulation of the site during the demolition and construction phases as defined above.
- actions within the Air Quality Action Plan.

Building Emissions

Pollutant emissions associated with the building emissions were not compared to relevant benchmarks therefore I would suggest to include a condition related to the control of building emissions:

Condition: Prior to the commencement of the use the applicant shall provide details of all domestic boilers/communal plant installed demonstrating that the rated emissions of Oxides of Nitrogen (NO_x) do not exceed 40 mg/kWh, in writing for the approval of the Local Planning Authority.

Construction

It is expected that there will be noise, dust, and vibration disruption to local residents and businesses. Consequently, the

applicant/client/principle contractor is expected to detail mitigation measures to ensure that any disruption is kept to a minimum.

This can be controlled by pre commencement conditions detailed below.

Condition – Construction Management Plan/ Dust Management Plan

1. Prior to the commencement of development, including demolition, a Demolition and Construction Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority. The DCEMP shall include:

a) An Air quality management plan that identifies the steps and procedures that will be implemented to minimise the creation and impact of dust and other air emissions resulting from the site preparation, demolition, and groundwork and construction phases of the development. To include continuous dust monitoring.

b) Construction environmental management plan that identifies the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and other air emissions resulting from the site preparation, demolition, and groundwork and construction phases of the development.

2. The development shall not be implemented other than in accordance with the approved scheme, unless previously agreed in writing by the Local Planning Authority.

Reason: To ensure the development does not raise local environment impacts and pollution.

Condition – Non-Road Mobile Machinery (NRMM)

All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: To ensure that the development would not result in a deterioration of air quality.

5.21 LBM Transport Planning:

Proposed Development

The application is for the development of 107 residential dwellings plus two additional tennis courts for RPRLTC with its own separate 25- space car park, cycle parking, equipment store and hardstanding viewing area.

The proposal entails the construction of 107 residential units (10 x 1 bed, 46 x 2 bed, 49 x 3 bed, 2 x 4 bed) and a tennis club maintained by the management company, and will not be offered for adoption by LBM.

Site Location

The application site is located on land to the south of Meadowview Road, Raynes Park. Meadowview Road is a cul-de-sac which runs west for 220m from the B279 Grand Drive.

PTAL

The site lies within an area with a PTAL 1b, which is considered poor. A poor PTAL rating suggests that only a few journeys could be conveniently made by public transport.

However, the eastern end of Meadowview Road has a score of 3, since this is within 960m of Raynes Park station with frequent train services.

Existing

Meadowview Road currently serves a total of 44 existing dwellings (24 flats and 20 houses) which were granted on appeal in October 2009. It also serves Raynes Park Residents' Lawn Tennis Club (RPRLTC) which comprises 5 outdoor surfaced and floodlit courts plus a clubhouse with a small area for car parking.

Meadowview Road

Meadowview Road is a private 6m wide single carriageway cul-de-sac, running west from a simple priority junction with Grand Drive, with which it forms the minor arm. It is unadopted, being owned by Bellway and administered/maintained by a management company, lit and subject to a 10mph speed limit. There is a footway on the north side of Meadowview Road, and a foot/cycleway (which continues through to Westway) on the south side, which is separated from the carriageway by perpendicular car parking bays for the existing houses/flats on the north side of the road.

Grand Drive

Grand Drive is designated the B279 and runs north-south. It is a wide single carriageway with central hatched strip, lit, subject to a 30mph speed limit, with footways and residential frontages (with in-curtilage parking) on both sides, and is a bus route. There are yellow box hatched

markings on the northbound lane across the Meadowview Road junction. There are no on-street parking restrictions in the vicinity of the site.

Existing Parking

Four of the 44 dwellings (two pairs of houses each side of the access) front onto Grand Drive (no's 119/121/123/125), with driveways accessed from Meadowview Road. Each of the 16 houses fronting onto Meadowview Road has one in-curtilage car parking space and in addition, there are a total of 49 car parking spaces on the south side of the road, of which 25 are allocated to dwellings, with 20 for use by RPRLTC under the terms of their lease. Informal parking associated with the Tennis Club also occurs within the turning head. There are also 34 Sheffield cycle parking stands on the south side of Meadowview Road.

Parking Strategy

Car Parking

A total of 97 car parking spaces will be provided in courts and lay-bys within the development, giving an average of 0.91 per dwelling, of which 40 (41%) will be unallocated.

All of the houses will each have one space, with around 0.5 spaces per flat. The total new residential provision excludes the 25 new spaces (including 4 disabled spaces) in the proposed tennis court car park, which will be gated and for the sole use of RPRLTC. With these new spaces to be provided, the 18 spaces currently allocated to RPRLTC which will remain following provision of the eastern access will be given up by the Club. Of these, four will be reallocated to nos. 11-14 Meadowview Road to compensate for the loss of their existing allocated spaces on the south side of the street required to provide the eastern access. The remaining 14 spaces currently allocated to RPRLTC will be given up the Club and made available for use by both existing and future residents and their visitors. Currently use of the spaces by the Club is highest in the evenings and weekends when residential demand is also highest. An additional space will also be provided on the south side of Meadowview Road, to the east of the eastern access.

The proposed level of car parking is in accordance with the London Plan maximum standards, and ample to accommodate the projected demand based on car ownership data for the local area by dwelling type, tenure and size.

Disabled provision

Five wider spaces will be provided within parking courts for the wheelchair-accessible flats (2 in each of Blocks 1 and 2, and one for Block 3) This exceeds the new London Plan requirement to provide

disabled parking equivalent to 3% of total number of dwellings (i.e. only 3 spaces). In addition, there is scope for the plots with in curtilage parking (nos. 58-78 and 96-107, i.e. 33 in total) to be provided with wider spaces for disabled users in future; this equates to a further 31% so well in excess of London Plan requirements (minimum 10% of units).

EVCP

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.

Cycle Parking

A total of 213 cycle parking spaces will be provided, in excess of levels required by the 2021 London Plan standards, with secure covered communal cycle stores for the flats (38 spaces for each of Blocks 1 and 2, and 19 for Block 3). Stores (for 2 cycles each) will be provided in the back gardens of each of the 57 houses. In addition to this, 4 short stay spaces for visitors will be provided for the residential element, plus a further 10 spaces for the tennis courts.

The level of cycle parking is in excess of the minimum required by the London Plan.

The houses have cycle storage proposed in the rear gardens and it is not clear if it is intended for these to be accessed from alleyways at the rear or through the houses. The proposed internal layout of the houses would require bikes to be taken through the main living areas, so this is not acceptable. If the stores are to be accessed from the rear, the alleyways appear to be too narrow, so it will need to be demonstrated that these are of adequate width and that the route will be hard surfaced.

Alternatively, cycle stores on the property frontages would be preferable if possible.

The proposed cycle parking for the flats does not appear to provide adequate space and the proposed semi vertical cycle racks are difficult to use and not recommended. The type and layout of the cycle storage needs to be amended and this will probably require some additional space in the design.

Given that amendments to the layout will potentially be required to accommodate adequate cycle parking for both the flats and the houses, a condition should be applied that requires details of the cycle parking to be approved prior to the commencement of development.

EV charge points.

Further to meeting the London Plan requirement the applicant should note the recently adopted building regulations that require EV charge points for all new dwellings and that may be applicable to the development.

Further detail is required about the type and proposed locations of the EV charge points and how they will be operated and managed. Some of the active EV charge points should be provided within unallocated bays so that they can be used by any residents when they need to charge an EV. For the on-street bays, it is not clear who would be responsible and what the process would be for converting passive bays to active at a later stage.

Car club

The proposals do not appear to include the provision of a car club which would provide an alternative to car ownership. There is a lack of car club vehicles in the surrounding area, so provision should be made on site for dedicated parking for car club vehicles, which should be located so as to also be available for the wider public to use to ensure the car club is viable.

Trip generation and modal split

The TA have derived the predicted weekday peak hour trip attraction/generation by mode of travel for the proposed development using the TRICS database in order to consider the potential impact of the proposals. This has been compared with trip rates used in the 2008 TA for the previous development of 44 houses and flats on Meadowview Road which are now completed and occupied, and also observed rates derived from a survey undertaken in December 2018.

This confirmed that use of TRICS data was robust. Census data was also used to derive an expected distribution for the predicted vehicle trips.

Transport Planning accepts the trip generation methodology for the proposed development.

Highways Impact

The TA have assessed the impact of the predicted development traffic on the operation of the Grand Drive/Meadowview Road junction using Highway Models for a future assessment year of 2024 to reflect the expected opening year, allowing for projected background traffic growth. This demonstrates that the junction would continue to operate satisfactorily in the 2024 Development Case scenario and the proposals would have a negligible impact on the local road network.

Refuse Strategy

The internal layout has been designed in accordance with LBM requirements to accommodate 11m long refuse vehicles.

However, as the development is not offered for the adoption and it is highly unlikely the Council's refuse vehicles would service the proposed development.

The applicant to consult the Council's Refuse department for their advice.

Travel Plan

The proposal includes a draft travel plan and this is broadly welcomed. The details of the travel plan should be subject to detailed agreement and monitoring over a five year period. A sum of £2,000 (two thousand pounds) is sought to meet the costs of monitoring the travel plan over five years, secured via the Section106 process.

Informative: In the event the development is offered for adoption in the future all roads within the development should be constructed to adoptable standards.

Recommendation: The additional traffic generated by the proposed development is unlikely to have an adverse impact on the highway network and no objection is raised on this basis.

All internal roads including Meadowview Road will remain Private.

The following conditions should apply to any planning approval.

- Details of the cycle parking to be approved prior to the commencement of development.
- EVCP: Further detail is required about the type and proposed locations of the EV charge points and how they will be operated and managed.
- Provision of a car club space.
- The Parking Design and Management Plan.
- Delivery and Service Plan.
- Full Travel Plan should be developed and details of the Travel Plan should be subject to detailed agreement and monitoring over a five year period. A sum of £2,000 is sought to meet the costs of monitoring the travel plan over five years, secured via Section 106 process.
- Demolition/Construction Logistic Plan (including a Construction Management plan in accordance with TfL guidance) should be submitted to LPA for approval before commencement of work.

5.22 LBM Highways:

No objection subject to the following conditions:

H10 (Construction vehicles, washdown facilities, etc) and
H13 (Construction Logistics Plan)
INF 9 (Works on the public highway) and
INF 12 (Works affecting the public highway)

5.23 External consultees:

5.24 Sport England (11/03/2022)

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.

On the question of whether Sport England is indeed a statutory consultee on this planning application, Sport England has been provided by the applicant (via the local planning authority) with a legal opinion from solicitors Charles Russell Speechlys (CRS) which concludes that despite the fact that this site has an allocation in Merton's emerging Local Plan for 'sporting or community uses', SE is not a statutory consultee on the basis that such an allocation only 'may' result in a playing field and therefore the allocation is not 'for' a playing field.

Following a request for a response to this legal opinion from the LPA, SE in turn sought its own opinion from Counsel which was duly provided by Stephanie Hall of Kings Chambers. Ms Hall is of the firm opinion that CRS have approached the issue the wrong way round, and states:

"Simply because the allocation is broader than a strict allocation for playing fields and playing fields only does not mean that it should be seen as falling outside the scope of paragraph (z)(ii)(bb), instead the opposite is true. A broader allocation for "sporting or community use" encompasses the narrower use of playing fields. Accordingly, an allocation for "sporting or community use" is to be read as an allocation for playing fields and other sporting or community uses."

Ms Hall continues: *"If CRS's view was correct, paragraph (z)(ii)(bb) would only allow for SE to be consulted on land where the allocation expressly only permitted playing fields and would exclude land where the allocation envisaged playing fields together with other uses. This*

cannot have been the drafts person's intention and in my view is an overly narrow interpretation which does not sit with the statutory purpose. It would have the effect of SE not being formally consulted on sites where the allocation does in fact include the potential for use as playing fields. I do not consider that this is the intended effect, nor do I consider that this is the natural interpretation of the wording of this provision in the DMPO”.

“Accordingly, I disagree with CRS’s reasoning and conclusion in this regard and in my view, the applications fall within paragraph (z)(ii)(bb) of Schedule 4 to the DMPO and SE should be formally consulted.”

Sport England therefore considers itself to be a statutory consultee in this instance.

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

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. It involves the loss of the entire 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.

Ms Hall also provided a legal opinion on how much weight this paragraph should be afforded by the local planning authority. Ms Hall 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.

Notwithstanding this, I understand that Merton's Planning Policy team have assessed information provided by various interested parties and concluded that it is not viable to bring the site back into use for sport. Despite Sport England's requests for further information as to exactly how this conclusion was drawn, it is unclear how this decision has been reached. Sport England would disagree with this assessment following discussions with the relevant National Governing Bodies for sport, which feel that the site is very much deliverable for sport.

Sport England is aware that part of this 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. Sport England feels that these requirements are 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. It is therefore extremely unfair to conclude that they have not 'passed the policy test' as set out in the Sports Justification Report. 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 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 imply 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.

The RFU has repeatedly requested that the future of the LESSA site is considered with the strategic vision for sport as a whole, as highlighted within the PPS for the borough. This has particular reference to this site and the current planning application for Blagdons Sports Ground, in light of recent news that the proposed partial solution for Old Emanuel RFC (OERFC) moving to Raynes has stalled. The RFU has previously highlighted that the LESSA site could provide additional informal age grade pitch capacity for OERFC following any move to Raynes Park, which would be required due to both the reduced capacity of Raynes Park compared to that at Blagdons Sports Ground, and the requirement to satisfy the needs of existing rugby users following occupation by the OERFC (Old Wimbledonians RFC).

The RFU have also requested clarification as to how the council is defining whether the site is viable, in particular whether it is being defined only in terms of whether an interested party could purchase and develop LESSA. It would also like to remind the Council that there are a number of possible avenues for any S106 monies and any allocation should be within the mandate of the PPS steering group to best identify priority use of these.

I am aware that the LTA are supportive of the benefits to tennis provided by this application, which include two new tennis courts and resurfacing of two existing courts at the adjacent Raynes Park Lawn Tennis Club, plus financial support for the club.

In terms of the application's potential to meet the NPPF and Sport England's policy, the proposed tennis courts and MUGA elements have the potential to meet E5, as they provide sports facilities. However, these relatively small elements alone cannot outweigh the significant loss of playing field here. 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 a S106 contribution in excess of £600,000 to be spent on surrounding sites identified in the PPS. 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 makes several assumptions that Sport England does not consider to be accurate – including (but not limited to) assuming lighting will be necessary, and stating that the development is 'not likely to prejudice the use of the land as playing field' – I would remind the LPA that until such time as playing field land is developed, it is considered to be playing field and therefore its loss to housing would of course prejudice its use.

Furthermore, it is concerning that this document states that there is no evidence of potential users' engagement with LB Merton, when the Consortium is clear that it has both informally submitted its proposal to planners, and has also had an LB Merton Councillor lobby on its behalf. It is also concerning that they state there has been a lack of communication with the applicant. This document also makes assumptions about the level of available funds available which would appear to be out of date, given that the consortium 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.

In addition, the application is also considered to prejudice the use of a playing field of more than 2 hectares of land and is therefore development of 'potential strategic importance' (PSI) as defined by The Town and Country Planning (Mayor of London) Order 2008. As such, a copy of this application must be sent to the Mayor of London for consideration.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

Officer comments:

The issues raised by Sport England are addressed later in this report, under 'main planning considerations'.

The GLA has been consulted in accordance with the view set out by Sport England. However, the GLA have confirmed that the application is not referable as the site has not been used as a playing field for at least five years.

Therefore, Members should consider this application on the basis that Sport England raises objection.

5.25 Sport England Comments (23/02/2022):

Thank you for consulting Sport England on the above planning application. The site is considered to constitute playing field, or land last used as playing field, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). Following the LPA recently providing Sport England with a legal opinion from the applicant regarding Sport England's potential status as a statutory consultee and requesting our views, I am currently seeking our own legal opinion on this matter and will provide you with further information on this in due course.

Sport England has sought to consider the application in light of the National Planning Policy Framework (particularly Para. 99) and against its own playing fields policy. In this particular instance there is also a recommendation in Merton's Playing Pitch Strategy (2019) which the applicant relies upon heavily. Unfortunately, in light of this, there is insufficient information to enable Sport England to adequately assess the proposal or to make a substantive response. Please therefore could the following information be provided as soon as possible:

1. Please provide full details of how the LPA has assessed the financial viability of the sports proposals that various users have put forward.

While I am aware that council officers are of the view that the proposals that have been put forward are unviable, I am unclear as to exactly how this assessment has been carried out, and, given that it is a fundamental part of the application, it is essential that I better understand this. I note that Merton Policy officer comments state that 'none of these groups provided the necessary information to show that a sporting scheme would be viably and practically delivered on the site'; I require further information as to how they came to the conclusion that this proves the site is unviable for sport.

Furthermore, I would consider that the onus is on the applicant to prove that the site is unviable for sport, rather than on local community groups to prove that it is viable. Notwithstanding this, I would note that Sport England and the relevant National Governing Bodies consider that local groups do indeed have the resources to bring the site back into use should they be provided with reasonable terms, and would ask that this view is given reasonable weight given Sport England's and NGB colleagues' expertise in this area.

I would also note that the original hard copy consultation on this document was apparently sent to a Sport England office that is not currently occupied by planning staff (despite this being made clear to all local authorities in 2020) and to a Planning Manager via email who has not worked for Sport England for around ten years. Sport England was therefore unaware of this application until very recently. While Sport England's reasons for objecting to the previous, similar application (20/P3237) have not changed in light of this new application, and Sport England and NGBs remain of the view that it is highly likely that the local groups who have expressed interest in the site would be able to bring it forward for sport were they given a reasonable chance and terms, Sport England would request that it is nonetheless given the full 21 days to comment on this case as per article 15 of the Development Management Procedure Order.

Sport England's interim position on this proposal is to submit a **holding objection**. However we will happily review our position following the receipt of all the further information requested above. As I am currently unable to make a substantive response, in accordance with the Order referred to above, the 21 days for formally responding to the consultation will not commence until I have received all the information requested above.

5.26 *Sport England comments relating to the previous application 20/P3237 are as follows:*

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, 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.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), 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:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

The Proposal and Impact on Playing Field

The proposal is for 89 dwellings and associated infrastructure, plus 2 tennis courts with associated floodlighting, storage and car parking. This will involve the loss of the entire existing playing field.

Assessment against Sport England Policy

This application relates to the loss of existing playing fields. I understand that the applicant has suggested it mitigate this loss by contributing towards playing fields in the area in order to significantly increase their use, and that the Merton Playing Pitch Strategy would be supportive of this. It therefore needs to be considered against exception 4 of the above policy, which states:

‘The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.'

I therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception 4.

The element of the proposal which includes the tennis courts was assessed against exception 5, as these have the potential to be considered an alternative sports facility of sufficient benefit to the community so as to outweigh the loss of playing field.

Assessment of Existing Playing Fields

The existing playing field (also known as the LESSA playing field) comprises 2.27 hectares. A quantity of playing field to the north was lost some years ago when a portion of the field was redeveloped for housing. Historic aerial photography shows that in previous years it has been used for both cricket and football. I understand that in recent years the site has been closed and unavailable for sport.

Merton has a Playing Pitch Strategy (PPS) which states that this site 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 six 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.

Following Sport England's previous assessment of this application, it has since been in receipt of a letter dated 11th February from the West Barnes & Raynes Park Residents. This letter contained further information which highlights that there remain parties that are interested in using the site for cricket and have the resources to redevelop it. I understand that these parties attempted to contact the applicant's agent and the local authority to make them aware of this. While these parties were referenced in the Sports Needs and Viability Report originally submitted as part of the application, this document ultimately concluded that neither of them had 'viable bids', however it would appear the situation has moved on since the submission of this report.

Following receipt of the above letter, I requested that NGB colleagues investigate this. The ECB and Surrey Cricket Foundation have confirmed

to Sport England that they last week undertook meetings with the following two groups this week to explore their interest further and summarise these conversations as follows;

Consortium - Willington School, AJ Academy & Wimbledon United CC

- The school currently rents Drax Playing Field and would like to secure their own "home" playing field
- They have previously explored other playing field sites in the borough such as Raynes Park but haven't been able to secure them for the school's use.
- The school aspires to access the site during weekday, daytime hours.
- The school wrote directly to Merton Council to express their interest in the site
- The school has stated that it has the resources available to invest in and redevelop the site for cricket activity.
- AJ Academy also wrote to Bellway and their Agent in August/September 2020 to express interest in their site, which was acknowledged. They also wrote to Merton Planning officers.
- The Academy would be seeking to utilize the site on evenings/weekends for junior activity, which would complement the school's requirements in terms of access.
- Wimbledon United CC plays Sunday friendly fixtures, currently at Cottenham Park and LESSA would be an ideal home for their club.
- They also wrote to Bellway to express their interest, which was acknowledged, although they've had no further response.
- The consortium would be keen to work collectively to redevelop and access the site, with their intended hours of use lending themselves to a collaborative approach.

The Wimbledon Club (parent organization of Wimbledon CC)

- As a large cricket club, Wimbledon CC hire a number of pitches across the borough. They are at capacity and have been actively seeking a second site.
- They have identified LESSA as an ideal opportunity to develop for lower XI cricket and junior academy use.
- They'd be happy to make the playing field available to other sporting use outside of their access for senior and junior cricket activity, such as junior football.
- They notified Stephen Hammond MP of their interest in the site. He has contacted Bellway directly on the club's behalf to express their interest.
- The club has stated that it has the resources available to invest in and redevelop the site for cricket activity.

On receipt of this new information, the ECB would therefore like to amend its position to object to the proposed loss of the playing field,

since there is clearly local cricket interest in accessing and redeveloping the site for the benefit of the local community.

It also notes that both groups have contacted both Bellway and Merton Council to express their interest. Had the ECB been aware of the continuing interest of these groups, would certainly have objected to the redevelopment of the playing fields in the first instance.

The RFU have also confirmed, that, following receipt of the letter highlighting their engagement with Old Emanuel RFC (OERFC) and the rugby club's potential use of the site, the RFU has conducted further consultation with the club. In addition to its previous comments, the RFU has commented that the site was identified as not historically having been used for Rugby Union and, as such if new cricket demand has been identified, the RFU would support an amended position to object to the disposal of the site. The communication from the West Barnes & Raynes Park Residents Association makes specific reference to the needs of OERFC. It also highlights that the LESSA site would not provide a total solution to the OERFC requirements with the forthcoming vacation of their current base at Blagdon's. The current priority for OERFC is to identify a site that can ideally accommodate all or the majority of their requirements i.e. Raynes Park, Taunton Avenue. This is a discussion that is underway with the council. The RFU position is that LESSA may provide additional pitch capacity should it be needed, once negotiations are concluded with LB Merton as to the Raynes Park site (and the capacity thereon) and subject to the needs of cricket as a priority. The RFU would also take the opportunity to re-iterate its original request for an holistic approach to understand the opportunities to address the shortfalls identified within the LB Merton PPS.

Sport England's previous position was predicated on full NGB agreement that there was no demand for this playing field. This further information, in particular with regard to cricket, makes it clear that there is in fact demand for this site for sport; furthermore at least one of the above parties state that it has the resources to bring forward the site for sport in a viable manner (as per the PPS requirements and the Viability Report submitted as part of the planning application). This being the case, it is therefore no longer considered that a financial contribution is an acceptable alternative in this instance, as protecting the existing playing field is a priority where there is clear demand. As there now appears to be viable and clear demand for this playing field, this application does not meet Exception 4. Sport England would expect to see the landowner work with these parties in order to ensure that the sites are brought back into use for sport.

The tennis court element of the application continues to meet Exception 5 as it provides a new sport facility and I understand the LTA are supportive of this element and the additional funds proposed towards investing in the adjoining tennis club. However, considering that demand

for the existing playing field has now been confirmed, this element alone is not considered sufficient to mitigate the loss of the remainder of the playing field.

In light of the above, Sport England objects to the application because overall it is not considered to accord with any of the exceptions to Sport England's playing fields policy or with Paragraph 97 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.

In addition, the application is also considered to prejudice the use of a playing field of more than 2 hectares of land and is therefore development of 'potential strategic importance' (PSI) as defined by The Town and Country Planning (Mayor of London) Order 2008. As such, a copy of this application must be sent to the Mayor of London for consideration.

5.27 *Sport England additional comments in relation to 20/P3237:*

Regarding whether the land can be considered as playing field – it remains playing field unless it is developed. The issue the letter raises is around whether Sport England is a statutory or non-statutory consultee in this instance. If the LPA is of the opinion that this field has not been used for five years, then I am content for Sport England to be considered as a non-statutory consultee here, and that there will not be a need to refer this application.

However, Sport England applies its policy regardless of its status as a statutory or non-statutory consultee, and will therefore continue to object to this application while there appears to be demand for the playing field in question. We would request that our view is afforded sufficient weight.

I can confirm that Sport England did receive an FOI request as the letter states and I believe this has now been responded to.

Having passed the letter to NGB colleagues, who have now spoken further with potentially interested parties, I am satisfied that potential demand for the playing field remains.

The ECB have informed me that Willington Prep School have confirmed that their interest in the LESSA Site remains. Bellway stated that Willington did not express interest until 17th November 2020. The ECB are keen to point out that this is incorrect - a letter expressing interest was sent to Mr Newman on the 16th September 2020 by the school's bursar (who has now retired), Stephen Bromley. This letter is attached

("Land at the former LESSA Sports Ground, Raynes Park – Offer to Purchase-Rent").

The ECB also point out that AJ Academy can confirm that they sent an offer letter to Mr Chris Newman on the 14th of September 2020 – this letter was sent by Ali Jaffer, the Director of AJ Academy ("Offer Letter to Haslams").

ECB state that Old Wimbledonians CC can also confirm that they sent an offer letter to Mr Chris Newman on the 21st September 2020, which is attached ("Haslams offer re LESSA sports ground 210920"). The club believes that the Bellway report makes unfounded assumptions on how the consortium would be unable to fund bringing the ground and facilities up to the required standards, without any proof to substantiate their claims. The club states that the reason the consortium made the requisite offers, was on the basis that they have the means to bring the site back into use.

The Wimbledon Club became aware of the LESSA ground opportunity through their local MP Stephen Hammond after the marketing process had been completed. They tried to arrange a meeting with Bellway through him, but Bellway did not respond. The club has significant resources through its partnership with the All England Club which generates over £1m of income per annum to the Club. They have very large junior members for cricket, hockey, squash and tennis and do not have the capacity at their home site to cater for the continuing growth of these participants. The club therefore has the resources to invest in LESSA, which would be an ideal site for a junior academy, and would be happy to commit funds to develop the site. The club also runs a number of outreach programmes in secondary schools, and provides after school activities, which this site would allow them to further develop. The club has also offered to put the ECB in touch with Stephen Hammond MP if required at this stage for further information.

It is clear therefore from this evidence that the first three organisations had notified Bellway of their interest during the marketing period, and The Wimbledon Club's clear interest was also not paid due regard.

Had Bellway disclosed this clear interest from local cricket stakeholders in September 2020 in bringing the site back into use, the ECB state that they would have objected to the development of the ground for housing.

The RFU also wish to make it clear that, in all discussions, the LESSA site has only ever been defined as offering a partial solution to the requirements of Old Emanuel RFC (OERFC). It could not be described as a potential 'replacement' for the loss of capacity faced at the Blagdons Sports Ground.

The RFU did identify the issues faced by OERFC with respect to the termination of the OEA lease at Blagdons Sports Ground during the LB Merton Playing Pitch Strategy and wish to outline this as below;

- Table 5.2 Page 114 – PPS Needs Assessment Report
- Table 5.8 Page 117 - PPS Needs Assessment Report
- Table 5.12 (Para 5.6.8) Page 123 - PPS Needs Assessment Report; removed the minimal spare non-floodlit pitch capacity from future scenario planning due to the unsecured nature of the site.
- Table 5.17 Page 135 – PPS Needs Assessment Report

At the time of the PPS consultation Old Emanuel RFC were seeking a like-for-like replacement for the loss of the Blagdons Sports Ground, both within LB Merton and outside the borough. This was viewed as the most sustainable and preferred solution for the club. A potential solution of a one site relocation option has now been obviated by the COVID pandemic impacting on identified funders.

The RFU and club position regarding the LESSA site remains one of, at best, a partial solution now that the preferred option is no longer available. The club is actively engaged with LB Merton in a tender process on another site within the borough and as such, the club need is apparent.

The RFU wish to draw attention to the previous responses regarding the site, requesting that OERFC requirements be factored in to a wider holistic approach to development and solution to the loss of playing facilities at the Blagdons Sports Ground (23/02/21 and 19/05/20).

Finally, the RFU informed me that in further engagement with the Chair of OERFC, Justin Latta, regarding the consultation process, the following was offered (21/04/21), which they quoted directly to me below;

“Having just checked back through my notes I can say that I was contacted by a consultancy firm on the 24th October 2019 this was not a clear and transparent conversation. At no point were we explicitly offered the LESSA site indeed they were so vague I suspected they were acting for UWS with regard to the Mitcham site. Indeed I asked them this out right and they said they couldn't divulge the name of the site but were just finding out our requirements after talking to Emanuel School. The conversation was steered very much towards the mystery site being unviable.

Our second interaction was when the LESSA site was marketed through a local estate agency. We contacted them and were told the site was available for 2 million gbp but that it came with covenants stating that no permanent buildings could be on site.

This in my opinion is not consistent for offering it up for local community/sports usage and is nothing more than going through the motions with regard to disposal of playing fields.”

Having carefully considered the above information provided by the NGBs, I wish Sport England's objection to remain, as a financial contribution is not appropriate while there remains the possibility of demand for this playing field.

While this is a change from our original position, given that the above information has come to light following the planning application being made, Sport England must give it full consideration, which I have done in consultation with the NGBs. At no point during pre-application discussions (which by their nature are generally confidential) was this level of interest made clear to Sport England or the NGBs. Sport England is always clear when providing pre-application advice that it reserves the right to object to subsequent planning applications if they do not meet our policy.

While Exception 5 could still apply to the tennis court element, this is clearly a small part of a wider scheme which does not comply with policy in light of recent information received.

5.28 Environment Agency:

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

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).
- 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.

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).

5.29 Metropolitan Police Designing Out Crime Officer:

Having given due consideration to the design of this development, I recommend the following security features be addressed / included:

Landscaping

- Defensive planting should be considered around the residential boundaries. This would mitigate intrusion and concealment of weapons and drugs.
- Planting should not impeded natural surveillance. Shrubs should have a mature growth height of no more than 1m and trees should have no foliage, epicormic growth or lower branches below 2m, thereby allowing a 1 metre field of vision.
- Planting along footpaths needs to be managed correctly to avoid creating hidden or dense areas. These footpaths should be well lit with shadows avoided. SBD asks for white light as this aids CCTV and provides a good colour rendition and a feeling of security and less opportunity for someone to conceal themselves.
- The proposed treeline that borders homes already present needs to be managed as to prevent concealed access to the rear of those properties or provide climbing aids into them.

All-weather tennis courts with floodlighting, storage compound and parking.

- Can conformation be provided of the Controlled Access method to be utilised?
- The cycle parking is located in the farthest corner of the car park. I would move this to where the two disabled parking bays are next to the spectator's area. The parking spaces could then be re-formatted to include these two disabled spaces near to the tennis courts and the proposed cycle parking could be used as car parking. This would not only allow for improved surveillance of the cycles parked there by spectators and those playing but also reduce the conflict of cars and cycles in the car park.
- The equipment storage must be certified to one of the minimum standards:
 - o LPS 1175 Issue 7.2:2014 security rating 1 (or above).
 - o LPS 1175 Issue 8:2018 security rating 1/A1 (or above).
 - o STS202 Issue 7:2016 Burglary Rating 1 (or above).
 - o LPS 2081 Issue 1.1:2016 security rating A.
 - o Sold Secure (Bronze, Silver or Gold).
- I would recommend the boundary fence is 2 metre high weld mesh as this is hard to climb but offers good vision through with the ability to be secured during the hours of darkness or when not in use.
- The CCTV system is to be designed and installed by be a contractor and a certificate confirming that the CCTV installation is compliant with BS 7958:2015 CCTV management and operation and meets the requirements of GDPR. The contractor will also be required to issue an NSI or SSAIB certificate of compliance.

Multi Use Games Area (MUGA), children's play area and Outdoor Gym.

- MUGA's can be and are unfortunately hotspots for anti-social behaviour and mitigation should be put in place to deter this. Consideration should also be given to noise and the effect on residents.
- Weld mesh fencing should be used for the boundary of the MUGA to a height of 2 metres as this is hard to climb but offers good vision through allowing for natural and informal surveillance.
- A good management plan is essential to ensure that the facilities are only available at certain hours and consideration should be given enabling these areas to be closed off and where possible locked and secured when not in use.
- Low level lumens PIR lighting should be used, this will allow a constant low level of lighting but will increase and illuminate when in use or should someone approach.

Block 1 (Arrowsmith Court): 4 x Wheelchair friendly units 7 & 16 x 2 bed units.

- 'Hit and Miss' or protruding brickwork should be removed from the ground floor as this provides a climbing aid to the upper floor balconies and provides areas to conceal weapons or drugs.
- The main access doors facing the outer edge of the building do not have a secondary door. A secondary door would be recommended to create an 'airlock' area to prevent tailgating into the block and also provide an area for a postal strategy.
- All communal entrance doors sets should be audio / video access controlled and be third party tested and certified to a minimum standard of PAS 24:2016. Single leaf doors are recommended (as double doors require double the security), encrypted fob controlled with no trades button.
- Individual flat front door sets should be PAS 24:2016 third party tested. These must also meet the relevant fire ratings and a dual certificated door set is preferred. → Confirmation of what the Postal Strategy is required.
- Undercrofts are an ideal location for Anti-Social Behaviour or loitering. Where an undercroft is unavoidable this should be lit 24 hours with CCTV present. The parking spot shown within the undercroft here should be fully enclosed with a shutter or grill attached to the front.
- Residential cycle stores should be restricted to the residents of the corresponding blocks by means of encrypted access control but have a thumb turn exit to prevent being accidentally locked in. The doors should be tested and certified to a minimum of PAS24: 2016, outward opening with self-closing and locking mechanisms, and preferably single leaf complemented by the correct lighting and CCTV.
- Public space cycle parking should be in an area with good natural surveillance with parking systems that provide good anchor points for the pedal cycles. These should also be well illuminated. These should

be within 50m of sight from 'active' rooms of dwellings. Compliant secure cycle parking must meet a minimum certified security standard of LPS1175 Issue 7.2:2014 SR1 or Sold Secure or STS 502.

- The refuse store doors should again be single leaf, third party tested and certified to a minimum of PAS24: 2016. They should be encrypted fob controlled access with self-closing and locking mechanisms with a push to exit button and PIR lighting.
- All easily accessible windows should be certified to a minimum of PAS 24 2016 or agreed equivalent.
- Where communal vehicle parking is necessary they should be in small groups and adjacent to homes and must be in view of the active rooms within these homes. Lighting must be at the levels recommended by BS 5489
- 1:203 and a certificate of conformity to be provided to the DOCO issued by an independent 'competent' designer who is also a member of ILP, IEng or CEng. → It is important to avoid the creation of windowless elevations and blank walls, this tends to attract Graffiti, inappropriate loitering and ball games. The provision of at least one window, above ground level where possible will offer additional surveillance over the area. Where unavoidable this can be mitigated by using planting to create a buffer zone or by installing a 1.2 – 1.4m railing. Where space does not permit a climbing plant should be used or a finish applied to the wall to allow the easy removal of Graffiti.

Block 2 (Bradshaw Court): 4 x Wheelchair units 7 & 16 x 2 bed units.

- The same recommendations as block 1 above apply as this block is of the same design but mirrored.

Block 3 (Tompion Court): 2 x 1 bedroom wheelchair units & 8 x 2 bedroom units.

- The same recommendations as Block 1 & 2 apply.
- Access from Meadowview Road and the existing play area needs to be controlled to prevent cutting through on the green areas. Defensive planting should be used here to limit access and encourage the designated routes to be used.

Houses including The Butler Elevations, The Cartographer, The Cobbler, The Dexter, The Falconer, The Hooper, The Larder & The Tillman.

- Flat roofs are vulnerable and should be designed to remove climbing aids which would aid entry into the properties.
- Gable end walls - It is important to avoid the creation of windowless elevations and blank walls immediately adjacent to public spaces; this type of elevation, commonly at the end of a terrace, tends to attract graffiti, inappropriate loitering and ball games. The provision of at least one window above ground floor level, where possible, will offer additional surveillance over the public area.
- Vulnerable areas, such as exposed side and rear gardens, need more robust defensive barriers by using walls or fencing to a minimum height of 1.8m. There may be circumstances where more open fencing

is required to allow for greater surveillance. Trellis topped fencing can be useful in such circumstances.

- Gates to the side of the dwelling that provide access to rear gardens or yards must be robustly constructed, be the same height as the fence (minimum height 1.8m) and be capable of being locked (operable by key from both sides of the gate). Such gates must be located on or as near to the front of the building line as possible.
- Part three of the D.A.S, page 6 states that most bins will be stored in the rear and brought out on collection day. In the same section on page 17 it appears to show the bin stores located to the front of the properties. This is a concern as these would then provide a climbing aid up to the front door canopies and the lower floor windows.
- The design of the planters within the landscape plan should not allow for impromptu seating or the opportunity to conceal items such as drugs or weapons.
- Where communal parking areas are necessary, bays should be sited in small groups, close and adjacent to homes, be within view of active rooms, and allocated to individual properties. Where gardens abut the parking area an appropriate boundary treatment (e.g. a 1.5m fence supplemented by trellis to a height of 1.8m) must be discussed and agreed by the DOCO. Communal parking facilities must be lit to the relevant levels as recommended by BS 5489-1:2013 and a certificate of compliance provided. Bays should ideally benefit from good natural surveillance; for example being overlooked by the clear windows of public buildings and private dwellings. A location with good footfall is also desirable.

Attenuation Basin & Destination Space.

- Areas with water are also a big attraction for anti-social behaviour, especially in the summer months when swimming is possible. A boundary around the perimeter should be installed or defensible planting utilised to prevent access.
- Pavilions are not recommended and can attract nuisance loitering and anti-social behaviour. Graffiti and criminal damage can be prevalent in these spaces unless intensively managed. This will need 24 hour lighting and CCTV so any criminal behaviour can be investigated. If this is to be a point of interest then I would suggest a sculpture by a local artist or decorative planting be used instead.

This development should achieve SBD accreditation when completed, providing the above SBD security requirements have been met.

Conclusion

In conclusion this development has a complex design with a mixed use where crime prevention measures should be utilised to the full. I look forward to working with the applicant on this project.

Recommendations

Crime Prevention and community safety are material considerations. If The London Borough of Merton are to consider granting consent, I would seek that the following conditions be attached. This is to mitigate the impact and deliver a safer development in line with the Merton New Local Plan (Stage 3), the London Plan, Section 17 Crime and Disorder Act 1988 and National Planning Policy Framework (NPPF).

Suggested two part condition wording:-

A. The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with Secured by Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to commencement of the development and shall be implemented in accordance with the approved details prior to occupation.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy: Chapters 01B & 01C Merton New Local Plan, Policy D11 London Plan, Section 17 Crime and Disorder Act 1988 and National Planning Policy Framework (NPPF).

B. Prior to occupation a Secured by Design final certificate or its equivalent from the South West Designing Out Crime office shall be submitted to and approved by the Local Planning Authority.

Reason: In order to achieve the principles and objectives of Secured by Design to provide a safer environment for future residents and visitors to the site and reduce the fear of crime in accordance with Policy: Chapters 01B & 01C Merton New Local Plan, Policy D11 London Plan, Section 17 Crime and Disorder Act 1988 and National Planning Policy Framework (NPPF).

The inclusion of any such conditions would assist to reassure local residents and police that security is a material consideration of the developer.

5.30 Historic England (Archaeology)

No objection subject to conditions relating to:

- written scheme of investigation
- details of an appropriate programme of public engagement

5.31 Thames Water

No comments received.

Officer comment:

Whilst Thames Water have not commented safeguarding conditions are notified in any event.

5.32 Wimbledon Swift Group:

Recommend that Swift friendly features be incorporated into the construction.

5.33 Merton Design Review Panel 29th September 2021 (comments in relation to the previous application, 20/P3237). The current application has not been before the DRP.

Review:

This is a submitted planning application 20/P3237. The applicant presented their design evolution of the proposed scheme. The proposal is a redevelopment of remaining playing fields for housing with parkland for flood attenuation and extended tennis club facilities with associated car parking.

The Panel were made aware of the fact that the principle of residential development on the site had not yet been established, and that the review was being undertaken in isolation of this, and that it would not prejudice the outcome of this decision by the council.

Place shaping:

The Panel were concerned that the proposal hasn't got a clear vision or place-shaping approach. The site is unique and provides a great opportunity given its suburban context overlooking open space that is located in London. The Panel expressed the need for this to be an exemplary project if homes are to be delivered.

The Panel raised concerns over the lack of a sense of arrival to the site. The Panel expressed that this is a large site providing many homes and as such needs a sense of community. The Panel felt that there is an opportunity to provide informal spaces for incidental meeting that can complement the formal outdoor space provision.

Site layout and landscape:

The Panel expressed that the current landscape design should be better integrated with the architectural design. The panel suggested the applicant should explore ways to better connect landscape and building, in particular exploring how car parking can use more of a landscape approach to its design.

A thorough landscape design is needed that explores spaces, drainage, planting and management. The Panel suggested the applicant should

explore how SuDs and new ecosystems be knitted into the place and experience of the proposed scheme, and how these informal outdoor spaces relate to the formal provision.

Panel members suggested exploring a 'home zone' design approach to the street design to provide a better perceived balance between pedestrians and vehicles. They also suggested that further analysis should be done to explore reducing the amount of car parking to provide more space for people.

Architectural language:

The Panel acknowledged that the architecture has progressed a lot from the initial design. The Panel suggested that the architecture of the houses and flatted development should be of one family and not be of contrasting character. There were concerns that the architectural approach of the flatted development required further exploration and should be informed by the detailing and design approach of the houses.

Car parking:

The Panel thought that the vehicle movement needs re-exploring to ensure that cars do not dominate the streets. The Panel felt that the scheme feels car dominant and suggested the applicant explores ways to better integrate car parking with landscape, reduce parking numbers and re-examine the location of parking, therefore making it more pedestrian dominant. Car parking should take into account proximity to local centres and reducing car use in London.

Summary:

The Panel acknowledged that the scheme has been through multiple iterations and has progressed greatly from the initial design by better optimising the site for homes. However, the Panel are concerned that the scheme lacks a sense of place and doesn't best utilise the unique opportunities this open space site offers. The Panel suggested that the applicant should better integrate landscape and architecture, and consider how they are designing a new community. They felt that these were sufficiently fundamental questions to the site layout to warrant the verdict given.

Verdict: RED

5.34 *Greater London Authority (GLA Stage 1 referral on the recommendation of Sport England) 04/05/2022:*

Based on the information provided however, I do not believe that the scheme is referable as the site has not been used as a playing field within the last 5 years.

6. POLICY CONSIDERATIONS

6.1 POLICY CONTEXT

National Planning Policy Framework (2021)

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change

6.2 London Plan (2021)

- D1 London's form, character and capacity for growth
- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D8 Public realm
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D13 Agent of Change
- D14 Noise
- H1 Increasing housing supply
- H4 Delivering affordable housing
- H5 Threshold approach to applications
- H6 Affordable housing tenure
- H7 Monitoring of affordable housing
- H10 Housing size mix
- S4 Play and informal recreation
- S5 Sports and recreation facilities
- E2 Providing suitable business space
- E9 Retail, markets and hot food takeaways
- E11 Skills and opportunities for all
- HC1 Heritage conservation and growth
- G1 Green infrastructure
- G4 Open Space
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI 1 Improving air quality
- SI 2 Minimising greenhouse gas emissions
- SI 3 Energy infrastructure

- SI 4 Managing heat risk
- SI 5 Water infrastructure
- SI 7 Reducing waste and supporting the circular economy
- SI 8 Waste capacity and net waste self-sufficiency
- SI 10 Aggregates
- SI 12 Flood risk management
- SI 13 Sustainable drainage
- T1 Strategic approach to transport
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking
- T7 Deliveries, servicing and construction
- T9 Funding transport infrastructure through planning

6.3 Merton Local Development Framework Core Strategy – 2011 (Core Strategy)

- CS 8 Housing choice
- CS 9 Housing provision
- CS 11 Infrastructure
- CS 12 Economic development
- CS 13 Open space, leisure and nature conservation
- CS 14 Design
- CS 15 Climate change
- CS 17 Waste management
- CS 18 Active transport
- CS 19 Public transport
- CS 20 Parking servicing and delivery

6.4 Merton Sites and Policies Plan – 2014 (SPP)

- DM H2 Housing mix
- DM H3 Support for affordable housing
- DM E4 Local employment opportunities
- DM F2 Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure
- DM O2 Nature conservation, Trees, hedges and landscape features
- DM D1 Urban Design and the public realm
- DM D2 Design considerations
- DM D4 Managing heritage assets
- DM E4 Local employment opportunities
- DM EP2 Reducing and mitigating noise
- DM EP3 Allowable solutions
- DM EP4 Pollutants
- DM F2 Sustainable urban drainage systems (SUDs) and: Wastewater and Water Infrastructure
- DM T2 Transport impacts of development
- DM T3 Car parking and servicing standards

DM T4 Transport infrastructure
DM T5 Access to the Road Network

6.5 Other relevant policy guidance:

Supplementary planning considerations
National Design Guide – October 2019
Draft Merton Local Plan
DCLG: Technical housing standards - nationally described space standard March 2015
GLA Guidance on preparing energy assessments – 2018
London Environment Strategy - 2018
Mayor's Air Quality Strategy - 2010
Mayor's SPG - Housing 2016
Mayor's SPG – Sustainable Design and Construction 2014
Mayor's SPG – Character and Context 2014
Mayor's SPG – Affordable Housing and Viability 2017
Mayor's SPG – Play and Informal Recreation 2012
Mayor's SPG – Accessible London 2014
LB Merton – Air quality action plan - 2018-2023.
LB Merton - Draft Sustainable Drainage (SUDS) Design and Evaluation Supplementary Planning Document (SPD) 2018
Merton's Waste and Recycling Storage Requirements – A Guidance for Architects
Merton's Playing Pitch Strategy 2019
Merton Indoor Sports Facility Study 2020

7. **PLANNING CONSIDERATIONS**

- Principle of development
 - *Merton Local Plan*
 - *Site RP.6: consultee's suggested use and the council's proposed allocation*
 - *Merton Playing Pitch Strategy*
 - *Provision of housing*
- Residential density and housing mix
- Affordable Housing
- Impact on the character of the area
- Residential Amenity
- Standard of accommodation
- Safety and Security considerations
- Ecology and Urban Greening
- Transport, highway network, parking and sustainable travel
- Climate Change and Sustainability
- Air quality and potentially contaminated land
- Flooding and site drainage

7.1 Principle of development

7.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise.

7.1.2 The Development Plan comprises the following planning policy documents:

- Merton Local Development Framework Core Strategy 2011
- Merton Sites and Policies Plan 2014
- Merton's new Local Plan 2021 (Final draft stage 3)
- The London Plan 2021

7.1.3 Open Space

7.1.4 The site is designated in the Sites and Policies Plan 2014 as Open Space.

7.1.5 Paragraph 99 of the NPPF states:

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”

7.1.6 Policy G4 of the London Plan (Open Space) states that:

“A Development Plans should:

1) undertake a needs assessment of all open space to inform policy. Assessments should identify areas of public open space deficiency, using the categorisation set out in Table 8.1 as a benchmark for the different types required. Assessments should take into account the quality, quantity and accessibility of open space

2) include appropriate designations and policies for the protection of open space to meet needs and address deficiencies

3) promote the creation of new areas of publicly-accessible open space particularly green space, ensuring that future open space needs are planned for, especially in areas with the potential for substantial change

4) ensure that open space, particularly green space, included as part of development remains publicly accessible.

B Development proposals should:

- 1) not result in the loss of protected open space
- 2) where possible create areas of publicly accessible open space, particularly in areas of deficiency.”

7.1.7 Planning Policy DM O1 (Open space) of Merton’s Sites and Policies Plan seeks to protect and enhance open space and to improve access to open space. The policy requires

b) In accordance with the NPPF, existing designated open space should not be built on unless:

- i. an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or,
- ii. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or, iii. the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

c) Development proposals within designated open spaces, which have met the conditions set in part b) above, will be required to meet all the following criteria:

- i. the proposals are of a high quality design and do not harm the character, appearance or function of the open space;
- ii. the proposals retain and/or improve public access between existing public areas and open spaces through the creation of new and more direct footpath and cycle path links; and,
- iii. the character and function of leisure walks and green chains are preserved or enhanced.

7.1.8 The proposed development would build on designated Open Space. It is noted that the open space does not currently provide public access.

7.1.9 The proposed development is considered to meet the requirements of paragraph 99 of the NPPF and the London Plan in that the site has been demonstrated to not be deliverable for a solely sports use and there would be replacement sports provision on-site and off-site, secured by way of a financial contribution.

7.1.10 Similarly, the proposed development could be argued to comply with Policy DM O1 in that the use as a solely sporting use has been demonstrated to be undeliverable, there would be a degree of replacement provision on and off site. The on-site uses, together with the contributions for off-site sports, is considered to outweigh the loss of the open space.

7.1.11 However, whilst the proposals are high quality, they would clearly have an impact visually and the appearance of the open space would not be maintained due to the additional built form proposed. Therefore, there would be a conflict with open space policies and it is for this reason that the application is advertised as a 'departure' from the Development Plan. Therefore, the basis of the acceptability of the principle of development lies primarily with the Site Allocation within the emerging Local Plan.

7.1.12 As set out below, the stage 3 consultation for Merton's New local Plan closed in September 2021, with the Plan submitted to the Secretary of State for examination on 2nd December 2021, therefore officers now can place a degree of planning weight to the direction of the site and its emerging site allocation status. Details are set out in the section below:

7.1.13 Merton Local Plan

7.1.14 The Stage 2 Consultation of the Local Plan included draft Policy N3.4: Raynes Park and identified the site as Site RP6 and that it could be used to provide between 71 and 83 dwellings and sporting facilities. The Consultation document set out that a 'Sporting or community use of the whole site will have to be demonstrated as undeliverable before any other uses can be considered.' In its response to the Stage 2 Consultation, Bellway supported the inclusion of the site as a potential housing site.

7.1.15 In January 2018 Bellway Homes submitted the LESSA site as a proposed Site Allocation for Merton's new Local Plan:

Two options were proposed:

- both options have on-site sports facilities and homes.
- Both options have fewer homes than the pre-application scheme
- Reference is made to Raynes Park Tennis club, see extract from page 6 of the submission:

"Discussions with Trustees of Raynes Park Residents Lawn Tennis Club Bellway Homes has had long standing discussions with the Trustees of RPRLTC. The Trustees have expressed their visions for the Club's expansion through additional tennis courts for adults and junior players, flexible sports pitches and car parking. There is the potential for these new facilities to be delivered through part of the Site's release and redevelopment for housing."

7.1.16 Trustees of RPRLTC have expressed their in-principle support for the release and redevelopment of the former LESSA Sports Ground. Trustees of RPRLTC recognise the potential for residential development at the Site to generate the opportunity to deliver new leisure facilities which could directly benefit them."

7.1.17 In late 2018 until January 2019 Merton launched Stage 2 consultation on the new Local Plan, proposing the site for allocation as RP.6 having considered the applicant's submission. The site allocation is included in the Stage 3 consultation also.

7.1.18 Site RP.6: consultee's suggested use and the council's proposed allocation:

Current use	The site is currently fenced off and a vacant field. The consultee's submission states that the field has been secured to prevent it falling to disrepair, that there is no interest in the site being used solely as sports fields and that the legal obligations relating to the previous planning permission (2009) which required the field to be offered as a sporting facility, maintained or provided as open space have all expired.
Consultee's suggested use	Residential development of between 71 and 83 dwellings and sporting facilities – suggested by Bellway Homes.
Council's proposed site allocation	Sporting or community use of the whole site will have to be demonstrated as undeliverable before any other uses can be considered.

7.1.19 Stage 3 of the draft Merton Local Plan Site Allocation RP6 (submitted to the Secretary of State in December 2021) states "*Sporting or community use of the entire site will have to be proven as undeliverable before any other uses can be considered.*" Officers, therefore can now place planning weight on the site allocation.

7.1.20 Merton Playing Pitch Strategy

7.1.21 The Playing Pitch Strategy (PPS), adopted by the Council in October 2019 has been prepared as one of the evidence documents for the new Local Plan. The PPS provides an up to date analysis of supply and demand for playing pitches across the borough. Starting in 2017, it was prepared in accordance with Sport England guidance and was agreed through a Steering Group with a number of national governing sport bodies and Sport England. The PPS lists five sites which are potential housing and employment allocations that could directly impact upon current or former playing fields. The former LESSA Sports Ground is included within this list.

"Recommendation G1: The council's draft Local Plan Site Allocations include the following former playing fields:

- *Site RP6 - Land at the former LESSA Sports Ground (Grand Drive, Raynes Park SW20 9EB).*

This PPS indicates that these sites 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."

7.1.22 The site is also identified in the Recommendations and Action Plan for specific investigation for the *"possibility of installing a cricket pitch and ancillary facilities and parking at this site."*

7.1.23 The PPS and Merton Indoor Sports Facility Study 2020 both highlight that the borough has demand (and will continue to have demand as population grows) for a variety of sports pitches including football, cricket, hockey, tennis (indoor and outdoor) and AGPs (specifically for football, rugby and hockey). A number of conversations have taken place between the applicant team, Sport England and the NGBs about this site since 2017 and since the Playing Pitch Strategy was created, and an agreement has been reached between the landowner and the Raynes Park Lawn Tennis Club for the provision of two new tennis courts on part of the site. This is supported in policy terms as it will retain a sporting element on site. While other sporting bodies had indicated an interest in the site being brought back into sports use, none were able to confirm deliverable proposals or funding available with local clubs, to progress this in line with Recommendation G1 of the PPS.

7.1.24 Marketing

7.1.25 The applicant has provided details of a 6 month marketing exercise for the site. The applicant sets out that the site has been widely marketed to cover potential commercial sports interest, some additional local clubs, and respond to other 'late' expressions of interest. This recent marketing process started on 16 July 2020 and ended on 16 September 2020. The applicant sets out that no viable and compliant potential clubs or other users were identified in their marketing consultation.

7.1.26 However, notwithstanding this, the public notification process associated with this planning application attracted a number of objections from various local sporting groups raising concern with the marketing exercise carried out by the applicant and expressing interest in the site for sporting uses.

7.1.27 The principle of development for this proposed development has been the subject of lengthy discussion between the council and applicant over the past 18 months. Below is a summary of the discussions:

- October 2019

Merton Playing Pitch Strategy adopted by the council. This included regular meetings and discussions with council officers, Sport England

and sporting NGBs, in consultation with land owners and sports providers and users in the borough. The LESSA site is included in the PPS.

- February 2020 –

Pre Application submitted for the site. Limited information was provided to demonstrate sporting uses on site had been fully explored. The Pre App also did not meet the policy tests set out in the NPPF and Merton's policies. Council officers and Sport England were both not supportive of the proposal in its form at the time and highlighted a number of changes and further information.

- June 2020

Revisions made to the Pre-App, with two further options proposed for the site, including the provision of some open space and tennis facilities on site. Subject to the provision of further information and s106 contributions, the council and Sport England were supportive in principle of the option with the tennis courts

- November 2020

Planning application 20/P3237 submitted. This included the provision of 2 on site tennis courts and ancillary facilities, plus s106 contributions to mitigate the loss of the playing pitches (application remains undecided).

- January 2021

Sport England commented that the proposal has potential to be acceptable in terms of meeting Exception 4, provided that suitable mitigation is agreed and formalised in a Section 106 agreement. The applicant proposed £924,406 (including on site tennis facilities), calculated using the Sport England facility cost guidance, Playing pitch calculator and Sports facility calculator. Council officers were also supportive of the proposal at this time in terms of the principle of development, subject to s106 details.

- February 2021

Sport England received new information from the local community that interest from a local cricket club (as part of a consortium) had not been taken into consideration by the applicant team. The ECB and Sport England therefore changed their comments to object to the proposal. Council officers reviewed the new information and agreed that the applicant had not robustly demonstrated that there were no deliverable proposals for sporting uses on the site, as not all offers had been considered by the applicant team.

- July 2021

Meeting held between applicant team and council officers to discuss principle of development. Council officers made it clear that more detailed information was required, particularly from the cricket consortium to enable a complete assessment of whether any sporting uses could be reasonably delivered on site. While a lot of information had been

received from various parties, it was not in a form that enabled a thorough assessment of the different offers that had been put forward

- August 2021

A standard questionnaire was sent to all interested parties by the Council requesting confirmation of proposals, funding and timescales.

7.1.28 Responses to the questionnaire were received from PFV Victoria London Ltd, Raynes Park Little League, Wimbledon United Cricket Club, AJ Coaching Cricket Academy and Willington Independent Prep School. The latter three groups formed a consortium to make the following joint offer, which represented the most developed bid for the use of the land:

- It is proposed to use the site primarily as a cricket ground, with 2 no. all-weather 5 a side size facilities for football/netball/basketball etc. with a new eco pavilion.
- Juniors cricket for boys and girls age 5-14 approx. 200 AJ Coaching junior members and Adults aged 16 and above, approx. 50 members.
- Cricket to be played every day Monday to Friday in the evenings 5pm – 8pm from April – September. League and friendly fixtures on Saturdays and Sundays from April to September from approx. 9am to 12pm. AJ Coaching would like to offer winter sports like Hockey, Netball, Basketball, Tennis to the community from September to April. Willington School will use the facilities Monday to Friday 9am – 4pm every day. The all weather facilities to be used all year round.
- The proposal includes ball netting, fencing, Club house (pavilion) with toilet and kitchen facilities, groundsman store, car parking and floodlighting. The pavilion and floodlighting will incorporate solar PV and ESS.
- A long term lease is sought (10+ years).

7.1.29 The overall costing of the works was not set out explicitly but the submission indicates that £300K of the funding was to be provided by the consortium, with the remainder to be provided from part Lottery funding and part sponsorship. The likely costs of the proposal by the consortium would be in excess of £1m (£1.5m estimated by the planning agent), which leaves a considerable funding gap. In addition, it is noted that the proposal does not refer to the need for flood mitigation measures to bring the field into use, nor had the consortium undertaken and preliminary planning application discussions for the site. The results of the consultation exercise carried out by the Council *(in the form of questionnaires) is available to view on the website. A summary of the offers, as prepared and presented by the applicant, is attached at Appendix 1.

7.1.30 Responses received from the parties who have shown an interest in bringing the site forward for sporting uses has enabled a robust

assessment of all the proposals put forward. Officers are of the view 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.

7.1.31 Therefore, whilst the aspirations for a sporting use for the site by various sporting groups have been carefully considered, officers consider that sufficient information has been provided to demonstrate that a sporting or community use of the entire site has not been shown to be deliverable.

7.1.32 Mitigation (Financial contributions)

7.1.33 By way of mitigation for the loss of the playing field area at the former LESSA site significant investment is proposed by the applicant to provide £693,579 to go towards on and off-site tennis provision and off-site playing pitch strategy priority projects. In addition to this contribution, £267,000 would be invested into on-site public open space facilities (MUGA, outdoor gym, LEAP, Trim trail and walking/jogging routes).

7.1.34 Therefore, subject to the costs of the on-site tennis facility and the off-site contributions towards sport, to be secured via s.106 agreement, officers conclude that the principle of development in relation to the sports use of the site is acceptable. The proposed development is considered to meet the requirements of paragraph 99 of the NPPF in that the site has been demonstrated to not be deliverable for a solely sports use and there would be replacement sports provision on site and off-site.

7.1.35 Sport England

7.1.36 It is noted that Sport England has raised objection to the proposal on the basis that interest for the site as a playing field had been expressed and seemingly viable bids had been put forward for sporting uses.

7.1.37 The Council's planning policy team have considered the objection raised by Sport England and all other information provided by the applicant and conclude that the applicant has sufficiently demonstrated that a sports use of the site is not deliverable, given the upfront site preparation costs and lack of secured funding. Therefore, whilst the comments of Sport England have been carefully considered, officers consider that the proposal would meet the site allocation requirements to allow for a degree of residential development on the site.

- 7.1.38 The site has obviously been used as a playing field in the past, albeit without public access, as it has been fenced off. The question as to whether the site constitutes a 'playing field' is pertinent to the assessment process as Sport England is a statutory consultee if the site is categorised as a 'playing field'.
- 7.1.39 The agent sets out that as the site has not been used for sport for more than 5 years and the site is not specifically identified for playing field use in the emerging Local Plan, Sport England is not a statutory consultee. Similarly, the application is not referable to the Mayor of London.
- 7.1.40 Officers have carefully considered whether Sport England is a statutory consultee. It is noted that Sport England itself have previously set out that they are not a statutory consultee (although it is noted that they have since sought further legal advice, and now conclude that they are a statutory consultee).
- 7.1.41 It is noted that the Site Allocation does not refer directly to a 'playing field', it could potentially provide a range of different uses as opposed to a playing field so it is a matter of interpretation whether or not the requirement for the land to be used for 'sporting or community use' can be sensibly construed as allocating the land as a 'playing field'. Officers have sought legal advice on this matter and the Council's legal team have concluded that the land has not been used for sport for over 5 years and there is no longer a discernible sports pitch on the site.
- 7.1.42 However, given that Sport England has raised this matter the application has been referred to the GLA for a Stage 1 referral. The GLA has responded to state that the site is not a playing field and has not been used as a playing field for the last 5 years and as such the application is not referable.
- 7.1.43 Members should consider whether the proposed on-site sporting use, supplemented by significant off-site contributions provides a reasonable mitigation for the loss of the open space in reaching their conclusions.
- 7.1.44 Provision of housing
- 7.1.45 Policy H1 of the London Plan 2021 states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities. Core Strategy policies CS8 & CS9 seek to encourage proposals for well-designed and conveniently located new housing that will create socially mixed and sustainable neighbourhoods through physical regeneration and effective use of space.
- 7.1.46 Policy H1 of the London Plan 2021 has set Merton a ten-year housing target of 9,180 new homes. The proposal would make a valuable

contribution to meeting that target and providing much needed new housing.

7.1.47 The proposal to provide a partly residential use to this site is considered to respond positively to London Plan and Core Strategy planning policies to increase housing supply and optimise sites.

7.1.48 Conclusion on principle of development:

7.1.49 Whilst the Council's preference would be for a greater extent of sporting use on the site, the discussions, consultation and marketing exercises undertaken in the lead up to and during this planning application process have made it clear that while there is interest and support to bring the site back into use for sports, this has not been shown to be deliverable. The provision of additional facilities for the adjacent tennis club, improvements to the existing adjacent tennis courts and significant offsite contributions towards other sport facilities in the borough is supported by Officers, subject to suitable mechanisms and obligations. The development of the remainder of the site for residential purposes and public open space is considered to be acceptable in principle subject to consideration of the policies of the Development Plan.

7.2 Residential density and housing mix

7.2.1 Density

7.2.2 London Plan 2021 policy D3 (Optimising site capacity through the design-led approach), sets out that higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.

7.2.3 London Plan, Policy D6 sets out that:

“Development proposals must make the most efficient use of land and be developed at the optimum density. The optimum density of a development should result from a design-led approach to determine the capacity of the site. Particular consideration should be given to:

1. the site context
2. its connectivity and accessibility by walking and cycling, and existing and planned public transport (including PTAL)
3. the capacity of surrounding infrastructure”

7.2.4 The London Plan explains that comparing density between schemes using a single measure can be misleading as it is heavily dependent on the area included in the planning application site boundary as well as the size of residential units.

7.2.5 For information, the proposed density is 38 units per hectare. Whilst residential density can be a useful tool identifying the impact of a proposed development, officers consider that in this instance greater weight should be attached to assessing the impact on the character of the area and the amenity of neighbouring occupiers in this assessment. In this instance, the proposal has a relatively low density due to the extent of open space provided.

7.2.6 Housing Mix

7.2.7 London Plan Policy H10 and associated planning guidance promotes housing choice and seeks a balance of unit sizes in new developments.

7.2.8 Policy DM H2 of the SPP aims to create socially mixed communities, catering for all sectors of the community by providing a choice of housing with respect to dwelling size and type in the borough. The policy sets out the following indicative borough level housing mix:

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

7.2.9 The London Plan advises that boroughs should not set prescriptive dwelling size mix requirement but that the housing mix should be informed by the local housing need.

7.2.10 "H10 (London Plan Policy):

A. To determine the appropriate mix of unit sizes in relation to the number of bedrooms for a scheme, applicants and decision-makers should have regard to:

1. the range of housing need and demand identified by the London Strategic Housing Market Assessment and, where relevant, local assessments
2. the requirement to deliver mixed and inclusive neighbourhoods
3. the need to deliver a range of unit types at different price points across London
4. the mix of uses in the scheme
5. the range of tenures in the scheme
6. the nature and location of the site, with a higher proportion of one and two bed units generally more appropriate in more central or urban locations
7. the aim to optimise housing potential on sites
8. the ability of new development to reduce pressure on conversion and sub-division of existing stock
9. the role of one and two bed units in freeing up family housing

10.the potential for custom-build and community-led housing schemes.

B. Generally, schemes consisting mainly of one-person units and/or one-bedroom units should be resisted.

C. Boroughs should not set prescriptive dwelling size mix requirements (in terms of number of bedrooms) for market and intermediate homes”

7.2.11 Policy H10 (Housing size mix) sets out all the issues that applicants and boroughs should take into account when considering the mix of homes on a site. Boroughs should not set policies or guidance that require set proportions of different-sized (in terms of number of bedrooms) market or intermediate units to be delivered. The supporting text to Policy H10 of the London Plan sets out that such policies are inflexible, often not implemented effectively and generally do not reflect the optimum mix for a site taking account of all the factors set out in part A of Policy H10. Moreover, they do not necessarily meet the identified need for which they are being required; for example, larger units are often required by boroughs in order to meet the needs of families but many such units are instead occupied by sharers.

7.2.12 The housing mix proposed focuses on family sized dwellings with the provision of 42% 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.

7.3 Affordable Housing

7.3.1 The Council’s policy on affordable housing is set out in the Core Planning Strategy, Policy CS8. For schemes providing over ten units, the affordable housing target is 40% (of which 60% should be social rented and 40% intermediate), which should be provided on-site.

7.3.2 In seeking this affordable housing provision the Council will have regard to site characteristics such as site size, site suitability and economics of provision such as financial viability issues and other planning contributions.

7.3.3 The Mayor’s SPG on affordable housing and viability (Homes for Londoners) 2017 sets out that:

“Applications that meet or exceed 35 per cent affordable housing provision, by habitable room, without public subsidy, provide affordable housing on-site, meet the specified tenure mix, and meet other planning requirements and obligations to the satisfaction of the LPA and the

Mayor where relevant, are not required to submit viability information. Such schemes will be subject to an early viability review, but this is only triggered if an agreed level of progress is not made within two years of planning permission being granted (or a timeframe agreed by the LPA and set out within the S106 agreement)...

... Schemes which do not meet the 35 per cent affordable housing threshold, or require public subsidy to do so, will be required to submit detailed viability information (in the form set out in Part three) which will be scrutinised by the Local Planning Authority (LPA).”

- 7.3.4 These requirements are reflected in the London Plan, which states that: “to follow the Fast Track Route of the threshold approach, applications must meet all the following criteria:
- 1.meet or exceed the relevant threshold level of affordable housing on site without public subsidy,
 - 2.be consistent with the relevant tenure split (Policy H7 Affordable housing tenure),
 - 3.meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant,
 - 4.demonstrate that they have taken account of the strategic 50 per cent target in Policy H5 Delivering affordable housing and have sought grant where required to increase the level of affordable housing beyond 35 per cent.”
- 7.3.5 Provided that the scheme meets the 35% provision, meets the tenure split set out in policy CS8 and demonstrates that the developer has engaged with Registered Providers (RPs) and the LPA to explore the use of grant funding to increase the proportion of affordable housing, then the proposal could be dealt with under the Mayor’s Fast Track Route, which would not require the submission of additional viability information.
- 7.3.6 The proposed development includes provision for affordable housing in accordance with the threshold approach set out in Policy H5 of the London Plan. A total of 44 units are proposed as affordable units. When calculated by habitable rooms, the proposed affordable housing equates to a provision of 35.5% by habitable room (41% by unit), which exceeds the threshold for the Fast-Track Route.

Dwelling size/type	Market Units		Affordable 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%)
TOTAL	63 (59%)		27 (25%)	17 (16%)	107 (100%)
AFFORDABLE HOUSING TOTAL:			44 (41%)		

- 7.3.7 In terms of the tenure split of the affordable housing offering, 59% would be for affordable 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.
- 7.3.8 Notwithstanding that the affordable housing offering is policy compliant, the applicant has responded to the comments of the Council's Planning Policy Officer, in relation to housing need, and has indicated a willingness to further review the tenure split with a view to provide London Living Rent units. This matter can be controlled through the s.106 legal agreement.
- 7.3.9 In addition, in line with the Fast Track criteria, the applicant has demonstrated that the use of grant funding has been explored to maximise the delivery of the affordable housing, through discussions with various Registered Providers.
- 7.3.10 The affordable units would be peppered across the site to some extent, with two of the three of the flatted blocks fronting Meadowview to be affordable and the houses to the eastern part of the site being the affordable units.

7.3.11 With a provision of 44 units of affordable housing, the proposed development is therefore compliant with the threshold approach set out in the London Plan and a Financial Viability Appraisal is not required with this application.

7.4 Impact on the character of the area

7.4.1 The National Planning Policy Framework (NPPF) Paragraph 123 states that it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. The National Planning Policy Framework sets out that achieving high quality places and buildings is fundamental to the planning and development process. It also leads to improvements in the quality of existing environments. It states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

7.4.2 The regional planning policy advice in relation to design is found in the Chapter 3 of the London Plan (2021). These policies state that Local Authorities should seek to ensure that developments promote high quality inclusive design, enhance the public realm, and seek to ensure that development promotes world class architecture and design.

7.4.3 Planning policy DM D2 (Design considerations in all developments) seeks to achieve high quality design and protection of amenity within the Borough. Proposals for all development will be expected to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area.

7.4.4 Layout

7.4.5 The site layout is considered to respond positively to both the constraints and existing character and appearance of the site and its surroundings. The design of the scheme takes a logical design approach, with site specific street layouts and spacing between buildings and open space areas that will ensure that a suitable degree of the open character and appearance is achieved whilst still ensuring the site delivers its maximum potential. Careful consideration of soft landscaping which can be secured via planning condition will also play an important role in the success of the site layout and feel of the development.

7.4.6 The principle of development fronting the existing flatted units along Meadowview and creating a traditional streetscape is sound in urban design terms.

7.4.7 The street layouts also allow for some continuation of the existing patterns on built form on Orchard Close and Elm Close by continuing

established building lines, whilst maintaining a reasonable separation distance.

- 7.4.8 The site layout is dictated in some ways by the need for flood mitigation to the southern part of the site. The proposed open space would 'wrap around' the residential development and would provide a visual buffer to the development when viewed from the rear of houses to the immediate south.
- 7.4.9 The layout is considered to provide sufficient natural surveillance of the parklands areas and other open areas on site by ensuring that there is some direct overlooking from the proposed units.
- 7.4.10 The application is considered to have struck the correct balance in terms of on-street car parking, having regard to the impact on urban form and the general need for parking provision. The proposed layout would result in some visual dominance by reason of the presence of parked cars. However, overall, this impact is considered reasonable.
- 7.4.11 A sense of place would be achieved by the different character areas provided throughout the site, with an intimate feel to the development, if executed well.
- 7.4.12 Massing and heights
- 7.4.13 Overall, officers consider that the form, massing, scale and density are appropriate for this location. It is a suburban location of 1930s housing and the development proposes what is a good example of 'gentle intensification', where the density and heights are greater than the surroundings but not overly so. This is in line with London Plan policy.
- 7.4.14 The previous application, 20/P3237, proposed 89 dwellings with a maximum height of three storeys. However, in order to optimise the development of the site the applicant was requested to consider a more intense development.
- 7.4.15 The proposed building heights, with 4 storey buildings along Meadowview, with a significant setback from Meadowview, with more suburban scale buildings to the south, are considered to respond well to the local context but also ensure that the development on site is reasonably optimised.
- 7.4.16 Design and appearance
- 7.4.17 Paragraph 130 of the NPPF advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the

design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

- 7.4.18 The development of the site represents a unique opportunity to create a sense of place and identity. The amendments to the proposal since the previous scheme have focused on elements of place making, including maximising the vista down to the open space from Meadowview Road.
- 7.4.19 The existing contemporary development along Meadowview Road has a notably different appearance to the more traditional two-storey suburban housing in the surrounding area. The taller flatted blocks proposed would form a traditional street with the existing three storey contemporary buildings, with building heights decreasing to the southern portion of the site, to more closely reflect the suburban environment.
- 7.4.20 Whilst the overall form and design are considered acceptable, there are detailed elements of the design which would benefit from further refinement and detail. The chosen pallet of materials would be more successful if it related to the existing materials in the surrounding area more closely. In addition, detailed design of balconies, window reveals, roof junctures, proportions and positioning of window bars, introduction of side windows where possible and some additional detail to areas of brickwork are recommended to be controlled by way of condition to ensure that the scheme achieves the level of quality necessary to create an outstanding development.
- 7.4.21 In order to relate better to the surroundings and to assist in place-making the following changes to the original proposal have been made:
- Primary brick colour changed from buff to multi stock red with a smooth red contrast brick for the pulled header brick detailing panels on both Houses and Apartments as this colour is more typical to the immediate area.
 - Grey roof tile changed to orange on both Houses and apartments.
 - Metalwork balcony railings to incorporate unique design, incorporating elements of local distinctiveness are proposed with the final detailing to be agreed via condition.
 - The form of the balcony surrounds and materiality have been replaced by thinner columns which will now be constructed with contrasting red brickwork.
 - The window surrounds on feature windows have been replaced with contrasting brick detailing which is more appropriately proportioned.
 - A modern interpretation of the traditional window oriel bays seen more locally has been included within the proposals and these are located in prominent elevations on the houses.
 - The side elevations of prominent properties, specifically the end-terraced houses, have been reconsidered to include the oriel bays and feature brickwork.

- 1/20 scale detail drawings of the junction of the roof line, the eaves, fascia, and gables of all the buildings have been submitted to clarify the technical design of these interfaces.

7.4.22 Officers support these design changes and the final details will be controlled by condition to ensure a high quality built environment is achieved.

7.4.23 Landscaping and tree planting

7.4.24 In terms of existing trees, there are a total of 65 individual trees and 7 groups of trees growing within or immediately adjacent to the site. There are no category 'A' trees and only one category 'B' specimen (ash no. 70). The remaining 63 trees are assessed as category 'C' trees. Categories explained below:

Category A. Trees of high quality and value capable of making a significant contribution to the area for 40 or more years.

Category B. Trees of moderate quality or value capable of making a significant contribution to the area for 20 or more years.

Category C. Trees of low quality, adequate for retention for a minimum of 10 years; or young trees that are less than 15 cms in diameter which should be considered for re-planting where they impinge significantly on the proposed development.

7.4.25 To accommodate the proposed development, as shown on the proposed layout plan, six individual trees (nos. 16, 17, 56, 57, 124 and 125) are to be removed (all category C).

7.4.26 One group of trees (G2) is to be removed entirely and one group of trees (G7) is to be partially removed.

7.4.27 No mature trees, no category 'A' or 'B' trees, and no trees of high landscape or biodiversity value are to be removed. None of the main arboricultural features of the site are to be removed. The proposed removal of individuals and groups of trees will represent no alteration to the main arboricultural features of the site. Only a minor alteration to the overall arboricultural character of the site, there will not have an adverse impact on the arboricultural character and appearance of the local landscape.

7.4.28 The proposed development incorporates and maintains the existing trees that contribute positively to the wider network of open space and landscape character, and provides a comprehensive planting plan that results in a net increase in trees and canopy cover on the site.

7.4.29 The proposed tree planting strategy includes avenue tree planting, water associated trees, trees for open space areas, trees for parking courts, trees to private front gardens and other street and verge trees. 156 additional trees would be planted, which would contribute to the sense of place and assist in establishing a parkland character.

7.4.30 DRP comments and amendments to the scheme

7.4.31 The DRP commented on an earlier version of the proposed development (under LBM Ref 20/P3237). The key theme emerging from the DRP comments is that the scheme lacked a clear vision or place-shaping approach and lacked of a sense of arrival to the site.

7.4.32 The amendments to the scheme saw more focal points within the layout, reduced street widths to reduce the dominance of roads and cars, more greening of the scheme to improve the landscaping design and a slightly altered layout that responded further to the increased size of open spaces proposed in the scheme

7.4.33 Whilst the general layout of buildings and open space is similar between the DRP scheme and the current proposal, officers consider that the proposed development has achieved a sense of arrival to the site, with a traditional avenue formed along Meadowview. The view to the south along the new avenue to the plaza and destination space would provide a sense of legibility and provide a connection between the built form and the open space to the south. The amendments to the application are considered to have responded well to the comments made by the DRP and the proposed development has the potential to form a high quality neighbourhood for both new occupants and existing neighbours who live near the site.

7.4.34 Conclusion on impact on character and appearance

7.4.35 Overall, the proposal is considered to make efficient use of the site and would result in a high quality development, which responds positively to the site and its context in accordance with NPPF, the London Plan 2021, Merton's Sites and Policies Plan and Core Planning Strategy in regards to visual amenity and design.

7.5 Residential Amenity

7.5.1 Planning Policy D6 (Housing quality and standards) of the London Plan 2021 states that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.

7.5.2 Planning policy CS policy 14 of Merton's Core Planning Strategy and policy DM D2 of Merton's Sites and Policies Plan seek to ensure new

developments does not unacceptably impact on the amenities of the occupiers of any adjoining and nearby surrounding properties. Planning policy DM D2 (Design considerations in all developments) states that amongst other planning considerations that proposals will be expected to ensure provision of appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy, to both proposed and adjoining buildings and gardens.

7.5.3 Outlook, Privacy and Overlooking

7.5.4 Meadowview

7.5.5 The separation distances to neighbouring properties are such that the proposal would not result in a material loss of privacy or overlooking for any existing residents. However, it is noted that a number of dwellings in Meadowview have unobstructed views of the existing field. Officers note that the view would change and instead of an outlook onto the field it would be an outlook across to the proposed flats., However the layout of the scheme with buildings facing each other across a vehicular highway is not an uncommon relationship in urban areas. Officers acknowledge that the change of outlook from properties along Meadowview would be significantly different, however the proposed buildings are not considered to be overly dominant that would amount to material harm in planning terms to warrant refusal of planning permission.

7.5.6 West Way & Green Way

7.5.7 The existing properties in West Way & Green Way effectively back onto the site, with rear gardens forming the southern and western boundaries of the site. There would be a buffer of open space and boundary planting and whilst there would be a change in outlook, the impact is not considered to be materially harmful.

5.5.8 Orchard Close and Elm Close

7.5.9 The existing properties in Orchard Close and Elm Close are orientated at a right angle to the application site (aligning with proposed built forms) and the impact would not be significant. It is noted that there would be some marginal reductions in light levels and a change in outlook, as the view from upper windows is one of an open field. However, the positioning of units on the site and the overall bulk and massing is considered to be acceptable.

7.5.10 Loss of Sun and Daylight, Overshadowing and Light Pollution

7.5.11 The Building Research Establishment (BRE) numerical guidelines should be considered in the context of the National Planning Policy Framework (NPPF), which stipulates that local planning authorities should take a

flexible approach to daylight and sunlight to ensure the efficient use of land. The NPPF states:

“Local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).”

- 7.5.12 The new buildings would result in some loss of sunlight to properties to the north along Meadowview. The applicant has commission and independent Daylight and Sunlight Assessment by Hodkinson Consultancy. The report confirms that the development proposal are in line with the guidelines set out in the BRE document.
- 7.5.13 The submitted Daylight/Sunlight Assessment, which sets out that the development may reduce the daylight levels of some South facing rooms of units along Meadowview (at ground and first floor level). The results of the ‘No-Sky Line’ test indicate that a reduction in daylight could be perceived at the back of the room rather than close to the windows where it is more likely that activity will take place.
- 7.5.14 In conclusion, the results of this assessment indicate that although the current development proposals may reduce the daylight levels of some rooms (at the lower floors) in the dwellings to the north of the site this will be limited to the back of the room and would be limited.
- 7.5.15 Overall, the new proposal will achieve acceptable levels of daylight and sunlight to external amenity areas.
- 7.5.16 In terms of sunlight, 64% (Annual Probable Sunlight Hours) and 88% (Winter Probable Sun Hours) of the assessed windows within the existing properties will maintain adequate levels of sunlight throughout the year and the winter periods respectively. It should be noted the rooms which do not meet the BRE sunlight requirements were also not meeting their target in existing scenario.
- 7.5.17 Therefore, the proposed development would result in some marginal impact to light to surrounding properties. However, given that the site is currently an open field, some marginal impact is likely. Officers conclude that on balance, this limited impact would not amount to material harm to neighbouring amenity.
- 7.5.18 Light Pollution

- 7.5.19 The proposed new tennis courts would be floodlit. The 8 proposed floodlights would stand at a column height of 8m. The application is accompanied by a Lighting Assessment relating to these floodlights, which demonstrates that whilst there would be some limited light spillage, primarily towards the rear gardens of properties to the west of the site on Westway and also to the closest new build units proposed. The impact would be minimal and would comply with the Institute of Lighting Professionals Guidance on light pollution.
- 7.5.20 It should be noted that the closest buildings, the terrace consisting of plots 103-107 and the apartment block known as Block A, particularly the three storey element, only pass by a small margin, and the report suggests that some consideration may be given to some soft screening via trees or similar to help soften the visual lighting of the tennis courts when viewed from the properties. However, when assessed against the ILP Guidance, they still fall within acceptable levels and pass the criteria. The key consideration is to the existing residents to the west (as new residents would be aware of the proximity of the tennis courts when making decisions on purchasing a unit). The existing line of trees to the western boundary would provide some relief from the proposed lighting and subject to a restriction on the hours of use of the tennis courts (as set out below), it is concluded that the marginal impact on neighbouring amenity would not be significant.
- 7.5.21 The Lighting Assessment sets out that lights would be used until 10pm. However, in order to protect neighbouring amenity by way of light impact and noise disturbance, the Council's Environmental Health Officer has recommended that the use of the tennis courts be restricted to between 8am and 21:30 hours only. This matter can be controlled by way of condition.
- 7.5.22 There would be some marginal impact on light levels to south facing properties on Meadowview and some marginal impact to south facing windows on dwellings at Orchard Close and Elm Close and it is noted that the outlook from these units would change. However, this limited impact is not considered to amount to material harm to neighbouring amenity. The proposal is considered to comply with Policy DM D2 in terms of residential amenity.
- 7.6 Standard of accommodation
- 7.6.1 Policy D6 of the London Plan states that housing developments should be of the highest quality internally and externally. New residential development should ensure that it reflects the minimum internal space standards (specified as Gross Internal Areas).
- 7.6.2 The proposed residential units all meet or exceed the minimum thresholds of the London plan space standards, relating to GIA and private external amenity space.

- 7.6.3 In terms of communal amenity space, there is no standard for the provision of communal external amenity space, where private external amenity space, which meets the London Plan requirements, is also provided. The London Plan simply sets out that communal outside amenity spaces should provide sufficient space to meet the requirements of the number of residents.
- 7.6.4 Policy S4 of the London Plan deals with the provision of children's playspace. Development proposals for schemes that are likely to be used by children and young people should:
- 1) increase opportunities for play and informal recreation and enable children and young people to be independently mobile
 - 2) for residential developments, incorporate good-quality, accessible play provision for all ages. At least 10 square metres of playspace should be provided per child that:
 - a) provides a stimulating environment
 - b) can be accessed safely from the street by children and young people independently
 - c) forms an integral part of the surrounding neighbourhood
 - d) incorporates trees and/or other forms of greenery
 - e) is overlooked to enable passive surveillance
 - f) is not segregated by tenure
- 7.6.5 The London Plan goes on to set out that: "Off-site provision, including the creation of new facilities or improvements to existing provision, secured by an appropriate financial contribution, may be acceptable where it can be demonstrated that it addresses the needs of the development whilst continuing to meet the needs of existing residents. This is likely to be more appropriate for the provision of play facilities for older children, who can travel further to access it, but should still usually be within 400 metres of the development and be accessible via a safe route from children's homes."
- 7.6.6 The GLA play space calculator estimates that the proposed development would have a 'child yield' of 75.9. This would equate to a total play space provision of 758.7sqm.
- 7.6.7 The proposed development provides substantially in excess of the above minimum requirements for provision of external amenity space in the form of parkland, equipped play space (423sqm), trim trail, a MUGA (784sqm) 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.

7.6.7 The standard of accommodation is considered to be acceptable in policy terms and would provide a significant area of open green space for future and existing residents.

7.6.8 *Inclusive Design*

7.6.9 Planning Policy D5 (Inclusive Design) of the London Plan 2021 states that development proposal should achieve the highest standards of accessible and inclusive design. Inclusive design creates spaces and places that can facilitate social integration, enabling people to lead more interconnected lives. Development proposals should help to create inclusive neighbourhoods that cumulatively form a network in which people can live and work in a safe, healthy, supportive and inclusive environment.

7.6.10 The applicant has sought to adhere to the principles of 'Healthy Streets' guidance to provide inclusive streets which are short with good intervisibility between drivers and pedestrians - which people with visual, mobility or other limitations will be able to use confidently and safely.

7.6.11 The site layout includes Routes with sufficient tactile, supplemented by appropriate lighting design and visual clues to help people with sight impairment. Obstacles and hazards to movement are designed to be avoided. The hard and soft landscaping is intended to reinforce the route to the principal accesses, creating an attractive and accessible approach and distinguishing the entrance from the facade as a whole and utilising the same unsegregated access for all groups of people. In addition, materials will be chosen for their slip resistance and unbound surfaces will be avoided.

7.6.12 *Accessible Housing*

7.6.13 Planning Policy D7 (Accessible housing) of the London Plan 2021 seeks to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that at least 10 per cent of dwellings meet Building Regulation requirement M4(3) 'wheelchair user dwellings' and all other dwellings meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

7.6.14 The applicant confirms that internally, thresholds and entrances to all residential flats will be level and door opening widths are in accordance with Part M of Building Regulations. The residential flats are accessed by 4 cores including lifts and ambulant disabled common stairs in accordance with Part M.

7.6.15 In terms of access 10 homes (9.63%) will be designed in accordance with part M4(3)(2)(a) of the Building Regulations (10 wheelchair accessible flats will be located within Blocks A and D), which requires these dwellings to make reasonable provision, at a point following completion, for a wheelchair user to live in the dwelling and use any associated private outdoor space, parking and communal facilities that may be provided for the use of the occupants. This include step-free access to every entrance and to every associated private outdoor space, parking space and communal facility; sufficient internal space to make accommodation within the dwelling suitable for a wheelchair user; and provision for the dwellings to be easily altered to meet the needs of a wheelchair user. Therefore, the development would largely comply with the 10% wheelchair user dwellings threshold required by Policy D7 (Accessible housing) of the London Plan 2021.

7.7 Safety and Security considerations

7.7.1 Policy DMD2 sets out that all developments must provide layouts that are safe, secure and take account of crime prevention and are developed in accordance with Secured by Design principles.

7.7.2 The layout of the proposed development has been revised to ensure that the open spaces receive adequate level of natural surveillance. The green area to the south of the site has been widened to ensure that it does not form an uncomfortably narrow alley. Given the houses fronting onto this area it is considered that sufficient natural surveillance would be provided. Concerns have been raised regarding access to the rear of existing houses to the south of the site. Whilst this is noted, the arrangement proposed would provide natural surveillance and there is also a buffer of tree planting to the boundary. Therefore, the arrangements would be acceptable. Officers note that the use as a sports facility would also result in public space adjacent to the rear gardens of residential properties.

7.7.3 The specific comments of the Designing Out Crime officer (Secured by Design) have been carefully considered. The suggestions relate to the avoidance of places of concealment, the maximisation of natural surveillance, CCTV provision, weld mesh fencing to tennis courts and MUGA (along with a management plan, suitable lighting, controlled access to buildings and cycle stores). These matters can be secured through condition.

7.7.4 It is noted that additional side windows have been provided in amended drawings to aid natural surveillance.

7.7.5 The scheme includes hit and miss brick work detailing and whilst the comments of the Designing Out Crime Officer, in relation this being a climbing aid are noted, the visual impact of the elevations is also a

consideration in this process and a suitable balance must be struck between usual urban design principles and design principles based purely on security, in order to create a successful place.

7.7.6 In addition, the swale area is very unlikely to be suitable for swimming, even in periods of inclement weather and therefore, fencing around this is not considered appropriate and indeed, would act as a barrier to movement across the site in times of good weather.

7.7.7 It is considered that the layout has taken into account Secured by Design principles and subject to conditions relating to door entry systems, lighting, the other matters referred to above in para 7.7.3 and the need for a final Secured by Design certificate, the proposal would be acceptable in terms of safety and security considerations.

7.8 Fire Strategy

7.8.1 Planning Policy D12 (Fire safety) of the London Plan 2021 highlights that fire safety of developments should be considered from the outset. How a building will function in terms of fire, emergency evacuation, and the safety of all users should be considered at the earliest possible stage to ensure the most successful outcomes are achieved, creating developments that are safe and that Londoners can have confidence living in and using. The policy requires all major development proposals to be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor.

7.8.2 The application provides detailed information in relation to access for fire tenders, with fire tenders able to gain access within 45m of every point within each house without reversing more than 20m, and the proposals are capable of meeting the relevant Building Regulations. In addition, the applicant has provided a formal Fire Statement to address issues such as safety of occupants and protection of property. Comments from the London Fire Brigade are awaited (have these now been provided?). However, this matter would be addressed under Building Control legislation nonetheless.

7.9 Ecology and Urban Greening

7.9.1 Policy G5 of the London Plan sets out that Major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments. The UGF should be based on the factors set out in Table 8.2, but tailored

to local circumstances. In the interim, the Mayor recommends a target score of 0.4 for developments that are predominately residential.

- 7.9.2 Policy G6 of the London plan sets out that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain, including sites not within areas of special protection.
- 7.9.3 Urban greening covers a wide range of options including, but not limited to, street trees, green roofs, green walls, and rain gardens. It can help to meet other policy requirements and provide a range of benefits including amenity space, enhanced biodiversity, addressing the urban heat island effect, sustainable drainage and amenity.
- 7.9.4 The application site is fairly unique in that it includes extensive green space currently and whilst green space would be lost overall, the green space that is retained would be of a high standard, with ancillary facilities, such as the play area, trim trail and tennis courts. The proposal would meet the London Plan Urban Greening target of 0.4.
- 7.9.5 In terms of biodiversity, the site comprises grassland with boundary vegetation to the perimeters.
- 7.9.6 The site has suitability for foraging and commuting bats, badger, breeding birds and European hedgehog and the proposals will result in the loss of scrub and grassland habitats on site. Adverse impacts on these ecological features have been identified and appropriate mitigation and compensation measures proposed.
- 7.9.7 The site will be enhanced for bats through the installation of an additional bat roosting features, for birds through the installation of additional nesting features and for European hedgehog through the installation of hedgehog domes. These enhancements can be secured by way of condition.
- 7.9.8 The proposal is considered to meet policy requirements in terms of biodiversity/ecology considerations and Urban Greening. It is noted that usually an Urban greening Score of 0.4 is not attainable on urban sites, however, given that the site is a greenfield site the policy compliant level has been achieved.
- 7.10 Transport, highway network, parking and sustainable travel
- 7.10.1 Planning Policy T1 (Strategic approach to transport) of the London Plan 2021 states that the delivery of the Mayor's strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041. All development should make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and ensure that any impacts on London's transport networks and supporting infrastructure are mitigated.

- 7.10.2 Planning Policy DM T2 (Transport impacts of development) of Merton's Sites and Policies Plans seeks to ensure that development is sustainable and has minimal impact on the existing transport infrastructure and local environment.
- 7.10.3 Car Parking
- 7.10.4 Policy T6 of the London Plan states that Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport. At a local level Policy CS20 requires developers to demonstrate that their development will not adversely affect on-street parking or traffic management. Policies DMT1-T3 seek to ensure that developments do not result in congestion, have a minimal impact on existing transport infrastructure and provide suitable levels of parking.
- 7.10.5 A total of 97 car parking spaces are proposed in courts (small car parks) and lay-bys within the development, giving an average of 0.91 per dwelling, of which 40 (41%) will be unallocated.
- 7.10.6 All of the houses would each have one space, with around 0.5 spaces per flat. The total new residential provision excludes the 25 new spaces (including 4 disabled spaces) in the proposed tennis court car park, which will be gated and for the sole use of RPRLTC. With these new spaces to be provided, the 18 spaces currently allocated to RPRLTC which will remain following provision of the eastern access will be given up by the Club. Of these, four will be reallocated to nos. 11-14 Meadowview Road to compensate for the loss of their existing allocated spaces on the south side of the street required to provide the eastern access. The remaining 14 spaces currently allocated to RPRLTC will be given up by the Club and made available for use by both existing and future residents and their visitors. Currently use of the spaces by the Club is highest in the evenings and weekends when residential demand is also highest. An additional space will also be provided on the south side of Meadowview Road, to the east of the eastern access.
- 7.10.7 The proposed level of car parking is in accordance with the London Plan maximum standards, and ample to accommodate the projected demand based on car ownership data for the local area by dwelling type, tenure and size.
- 7.10.8 Five wider spaces will be provided within parking courts for the wheelchair-accessible flats (2 in each of Blocks 1 and 2, and one for Block 3) This exceeds the new London Plan requirement to provide disabled parking equivalent to 3% of total number of dwellings (i.e. only 3 spaces). In addition, there is scope for the plots within curtilage parking (nos. 58-78 and 96-107, i.e. 33 in total) to be provided with wider spaces for disabled users in future; this equates to a further 31% so well in

excess of London Plan requirements (minimum 10% of units). However, given that the overall level of parking is considered appropriate, the provision of additional disabled parking is not objectionable.

7.10.9 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

7.10.10 Officers consider that the proposal has struck a suitable balance between providing sufficient car parking and promoting more sustainable modes of transport.

7.10.11 Cycle Parking

7.10.12 Planning Policy T5 (Cycling) of the London Plan 2021 states that development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle.

7.10.13 A total of 213 cycle parking spaces will be provided, in excess of levels required by the 2021 London Plan standards, with secure covered communal cycle stores for the flats (38 spaces for each of Blocks 1 and 2, and 19 for Block 3). Stores (for 2 cycles each) will be provided in the back gardens of each of the 57 houses. In addition to this, 4 short stay spaces for visitors will be provided for the residential element, plus a further 10 spaces for the tennis courts.

7.10.14 The cycle parking located in gardens could be accessed via the houses or by rear access routes which would avoid taking a bicycle through the house.

7.10.15 The level of cycle parking is in excess of the minimum required by the London Plan and is welcomed in policy terms.

7.10.16 Trip generation and modal split

7.10.17 The submitted Transport Assessment has derived the predicted weekday peak hour trip attraction/generation by mode of travel for the proposed development using the TRICS database. This has been compared with trip rates used in the 2008 TA for the previous development of 44 houses and flats on Meadowview Road which are now completed and occupied, and also observed rates derived from a survey undertaken in December 2018.

7.10.18 This confirmed that use of TRICS data was robust. Census data was also used to derive an expected distribution for the predicted vehicle trips. Officers note that the Council's Transport Planning section accept the trip generation methodology for the proposed development.

7.10.19 Highways Impact

7.10.20 The TA has assessed the impact of the predicted development traffic on the operation of the Grand Drive/Meadowview Road junction using Highway Models for a future assessment year of 2024 (to reflect the anticipated opening year), allowing for projected background traffic growth. This demonstrates that the junction would continue to operate satisfactorily in the 2024 Development Case scenario and the proposals would have a negligible impact on the local road network.

7.10.21 Travel Plan

7.10.22 The applicant has submitted a Travel Plan by Ardent Consulting Engineers with the application, it sets out a range of measures and management strategies to support and encourage the use of the most sustainable forms of travel, walking and cycling, thereby facilitating low car ownership levels. The Travel Plan can be secured within the S106 agreement.

7.10.23 Refuse Strategy

7.10.24 Planning Policy D6 (Housing quality and standards) of the London Plan 2021 states that housing should be designed with adequate and easily accessible storage space that supports the separate collection of dry recyclables (for at least card, paper, mixed plastics, metals, glass) and food waste as well as residual waste.

7.10.25 The internal layout has been designed in accordance with LBM requirements to accommodate 11m long refuse vehicles.

7.10.26 The Council's Transport Planner had indicated that as the development is not offered for the adoption and it is highly unlikely the Council's refuse vehicles would service the proposed development. However, the Council's Waste Services section have since clarified that this development could be served by Council refuse vehicles nonetheless, as Meadowview is.

7.10.27 The proposed development is considered to be acceptable in terms of highway impacts subject to conditions and s.106 agreement.

7.11 Climate Change and Sustainability

7.11.1 London Plan policies SI 2 to SI 5 and CS policy CS15 seek to ensure the highest standards of sustainability are achieved for developments which includes minimising carbon dioxide emissions, maximising recycling, sourcing materials with a low carbon footprint, ensuring urban greening and minimising the usage of resources such as water.

7.11.2 The application is accompanied by an Energy Statement which identifies that The Energy Strategy for the development has been formulated

following The London Plan Energy Hierarchy: Be Lean, Be Clean, Be Green and Be Seen. The overriding objective in the formulation of the strategy is to maximise the reductions in CO2 emissions through the application of this Hierarchy with a cost-effective and technically appropriate approach and to minimise the emission of other pollutants.

- 7.11.3 The report sets out that the development exceeds the Part L 2013 baseline through energy efficiency measures alone. Subject to the use of air source heat pumps and photovoltaics, the proposed development could achieve an overall reduction of onsite regulated CO2 emissions of 73.9% which exceeds the London Plan policy requirement of 35%.
- 7.11.4 The development achieves an on-site reduction in CO2 emissions of 73.9%, exceeding the policy requirement of 35%. Therefore, the remaining regulated CO2 emissions reduction needed to comply with the Zero Carbon target can be achieved through a carbon offset payment. 36.1 Tonnes of regulated CO2 emissions would need to be offset over a 30-year period. The Council's Climate Change officer has confirmed that the carbon offset payment for the development is £176,130, which is recommended to be secured through the s.106 legal agreement.
- 7.11.5 Subject to conditions to secure the sustainability measures proposed and s.106 to secure the carbon offset contribution, officers consider that the proposal would be acceptable in terms of Climate Change considerations and would comply with London Plan policies SI 2 to SI 5 and CS policy CS15.

7.12 Air Quality

- 7.12.1 Planning Policy SI 1 (Improving air quality) of the London Plan 2021 states that to tackle poor air quality, protect health and meet legal obligations development should not lead to further deterioration of existing poor air quality, create any new areas that exceed air quality limits, delay the date at which compliance will be achieved in areas that are currently in exceedance of legal limits or create unacceptable risk of high levels of exposure to poor air quality. In order to meet the policy requirements, development proposals must be at least Air Quality Neutral, use design solutions to prevent or minimise increased exposure to existing air pollution and make provision to address local problems of air quality in preference to post-design or retro-fitted mitigation measures.
- 7.12.2 Planning Policy DM EP4 of Merton's Adopted Sites and Policies plan (2104) seeks to minimise pollutants and to reduce concentrations to levels that have minimal adverse effects on people, the natural and physical environment in Merton. The policy states that to minimise pollutants, development:

a) Should be designed to mitigate against its impact on air, land, light, noise and water both during the construction process and lifetime of the completed development.

b) Individually or cumulatively, should not result in an adverse impact against human or natural environment.

7.12.3 In accordance with the aims of the National Air Quality Strategy, the Mayor's Air Quality Strategy seeks to minimise the emissions of key pollutants and to reduce concentration to levels at which no, or minimal, effects on human health are likely to occur.

7.12.4 To meet the aims of the National Air Quality Objectives, the Council has designated the entire borough of Merton as an Air Quality Management Area (AQMA). Therefore, development that may result in an adverse air quality including during construction, may require an Air Quality Impact Assessment in order for the Council to consider any possible pollution impact linked to development proposals.

7.12.5 The application is accompanied by an Air Quality Strategy which has been reviewed by the Council's Air Quality Officer who raises no objection subject to condition and S106 agreement.

7.12.6 Subject to a range of mitigation measures and a financial contribution of £30K towards the regulation of the site during the demolition and construction phases as defined above and actions within the Air Quality Action Plan, the impact in terms of air quality is considered to be acceptable.

7.13 Contaminated land

7.13.1 Merton's Sites and Policies Plan Policy DM EP4 (Pollutants) aims to reduce pollutants and reduce concentrations to levels that will have minimal adverse effects on people and the natural and physical environment.

7.13.2 The Council's Environmental Health Officer has confirmed no objection subject to safeguarding conditions.

7.14 Flooding and site drainage

7.14.1 Planning policy SI 12 (Flood risk management) of the London Plan 2021 states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Planning Policy SI 13 (Sustainable drainage) of the London Plan states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. There should also be a preference for green over grey features

- 7.14.2 Merton's Core Planning policy CS 16 and SPP policies DMF1, DM F2 and DMD2 all seek to ensure that adequate flood risk reduction measures, mitigation, and emergency planning are in place to ensure there is no increase in flood risk offsite or to the proposed development.
- 7.14.3 The Environment Agency's online flood mapping indicates that the majority of the Site lies within Flood Zone 1. In the south west corner of the site is designated as Flood Zone 3a, which is considered to have a high risk of fluvial. Furthermore, the south western corner of the Site is located within Flood Zone 3b (functional floodplain) as defined in Merton's SFRA. This zone comprises land where water has to flow or be stored in times of flood. The Functional Floodplain would naturally flood with an annual probability of 1 in 20 (5% AEP) or greater in any year, or is designed to flood (such as a flood attenuation scheme) in an extreme (0.1% annual probability) flood.
- 7.14.4 Merton's (SFRA) shows that the site is located within an area with an increased potential for ground water flooding to occur at surface. According to FRA and supporting Site Investigation report produced by RSK in April 2010, groundwater was not encountered during the site investigation works, however shallow perched groundwater was record at a depth of 0.54m (PH2) within the installed wells during the monitoring events. Seasonal fluctuation of groundwater or perched groundwater levels is likely to occur.
- 7.14.5 The proposed site is partially within Flood Zone 3. However, as confirmed by the Council's Flood Risk Officer, as the site is allocated, a sequential test is not required. As the proposed development is classified as "More Vulnerable" the Exception Test will need to be undertaken.
- 7.14.6 The applicant has carried out hydraulic modelling as part of the Flood Risk Assessment.
- 7.14.7 As part of the proposed development is located within Flood Zone 3, floodplain compensation has been provided to account for the loss of floodplain storage. This provides protection to the proposed development site whilst offering significant betterment to the surrounding areas.
- 7.14.8 The development's drainage strategy will apply SuDS techniques including the use of lined/sealed permeable, under piped swale systems, rain water gardens and an attenuation basin operating in a cascade system to provide water management and quality benefits to the site and downstream networks.
- 7.14.9 The site will collect the proposed developments foul discharges/flows before discharging these via gravity sewer to the existing adopted foul water network located in Greenway.

7.14.10 The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. The exception test is deemed to be passed on the basis of the above and also the fact that:

- additional flood water storage will be provided on site which will help reduce overall flood risk off site;
- FFLs have been set 300mm above the 100 year + 35% CC flood level;
- The site benefits from EA flood warning / alerts; and
- Safe access and egress has been demonstrated.

7.14.11 The maximum predicted flood levels for the 100yr+70% CC event is 15.50m AOD at the south western part of the Site. The FRA shows that the ground levels on site are approximately 15.00 to 15.20m AOD at this location. Therefore, worse case flood depths in the south western corner of the site for the 100yr+70%CC could be in the order of 500mm to 300mm deep. This area is not shown to have any proposed residential dwellings and flood officers are pleased to see that the previously proposed foul water pumping station has been removed, for the more sustainable solution of gravity drainage.

7.14.12 The site incorporates the following mitigation measures to reduce flood risk and mitigate against any residual risk:

- The integration of Sustainable Drainage Systems (SuDS) to restrict the runoff from the site to that of the pre-developed Greenfield rate and to provide attenuation for storm events up to 1 in 100 year (plus 40% for climate change). Proposed SuDS will also provide levels of water quality treatment consistent with CIRIA (Construction Industry Research and Information Association) document C753;
- Providing floodplain compensation on Site;
- Raising Finished Floor Levels above the flood level; Finished Floor Levels (FFLs) for Living and Sleeping accommodation being set above the 100yr plus 35% CC flood level plus a 300mm freeboard ($15.45 + 0.30 = 15.75\text{m AOD}$). This is also higher than the predicted 1 in 100yr plus 70% Climate Change level.
- Providing safe access and egress for all uses from the site; and
- Providing a flood response plan. All occupants of the site register with the Environment Agency's floodline.

7.14.13 In terms of surface water drainage, all roof surface water runoff will initially be directed to adjacent rainwater garden systems to enable treatment and slow discharge rates prior to entering the main network cascade system.

7.14.14 Additional storage will be provided using a series of under drained conveyance swales, leading from the north of the site to the south, upon

which discharging into a basin, providing approximately 937.7m³ of storage volume.

7.14.15 Based upon the preliminary drainage strategy and baseline hydraulic modelling a provision of circa 937.7m³ in basin attenuation along with a total of 53.6m³ additional storage within the swale networks, plus the permeable paving storage and a series of rain water gardens across the site, provides a system which manages all storm events up to and including the 1 in 100yr + 40% with an overall peak restricted discharge rate of 5.2l/s.

7.14.16 Therefore, subject to conditions, the approach to flooding on site would be acceptable and would reduce the overall flood risk off-site.

7.15 Archaeology

7.15.1 Planning Policy HC1 (Heritage conservation and growth) of the London Plan 2021 states that development proposals should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation. Where applicable, development should make provision for the protection of significant archaeological assets and landscapes. The protection of undesignated heritage assets of archaeological interest equivalent to a scheduled monument should be given equivalent weight to designated heritage assets.

7.15.2 The applicant has submitted an Archaeological desk-based assessment with the application. Historic England have commented on the application and conditions are recommended.

7.16 S.106 requirements/planning obligations

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

- Affordable housing (35.5% on site provision by habitable room, 41% by units)
- Air quality (£30K contribution)
- Carbon offsetting (£176,130).
- Travel Plan (£2K monitoring fee)
- Travel Plan Statement for the tennis club
- Refuse Strategy for the site to involve private refuse collection.
- Local education, training and local employment during construction (in accordance with SPP policy DM E4).
- Financial contribution of £693,579 for the on-site tennis courts, resurfacing two of the existing tennis club courts and towards local football, cricket and rugby sites as identified as priorities for investment in the adopted Playing Pitch Strategy.

- Financial investment of £267,000 to provide on-site open space and recreation facilities (MUGA, outdoor gym, LEAP, trim trail and walking/jogging routes).
- Community Use Agreement relating to tennis courts, community use / pay and play arrangement identified in para 3.21 and MUGA management. Securing children's play area for public use in perpetuity.
- Dedication of retained open space as formal Open Space and responsibility for maintenance of the land, including Open Space Management company for management of the MUGA
- Land transfer 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).

8 Local Financial Considerations

- 8.1 The proposed development is liable to pay the Merton and Mayoral Community Infrastructure Levy (CIL), the funds for which will be applied by the Mayor towards the Crossrail project. Merton's Community Infrastructure Levy was implemented on 1st April 2014. This will enable the Council to raise, and pool, contributions from developers to help pay for things such as transport, decentralised energy, healthcare, schools, leisure and public open spaces - local infrastructure that is necessary to support new development. Merton's CIL has replaced Section 106 agreements as the principal means by which pooled developer contributions towards providing the necessary infrastructure should be collected.

9 Sustainability and environmental impact assessment requirements

- 9.2 The proposal is for major residential development and an Environmental Impact Assessment is not required in this instance.
- 9.3 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms on EIA submission.

10. Conclusion

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise.
- 10.2 NPPF - Paragraph 122 explains planning decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of

development, and the availability of land suitable for accommodating it; the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed, attractive and healthy places.

- 10.3 NPPF Paragraph 123 states that it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.
- 10.4 The application has a convoluted history and background relating to the potential for a sporting use on the site. The land south of Meadowview should have historically been used to provide playing fields as set out by the Inspector under the 2009 Appeal decision for enabling residential development (08/P1869).
- 10.5 As set out earlier in this report, the option for use of the land for sporting purposes was not taken up by either Kings College or the London Borough of Merton, seemingly due to concerns regarding on-going maintenance costs. The s.106 agreement did not include clauses for this eventuality.
- 10.6 Given this background the site has been considered under the Local Plan process and has been put forward as draft Site Allocation RP6, specifying that "Sporting or community use of the entire site will have to be proven as undeliverable before any other uses can be considered".
- 10.7 The Planning Policy Team has carefully considered the arguments put forward by the applicant. A number of concerns were raised in regards to the method in which the site had been marketed and further information was sought from interested parties by planning officers (by way of a questionnaire setting out details of the offers including funding streams required). Whilst there is interest for 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 sports uses is not deliverable.
- 10.8 Sport England, whilst initially supporting the application and associated financial contributions towards sports facilities, has withdrawn this support and object on the basis that interested groups have expressed both interest in the site and set out workable bids for a sporting use. Therefore, whilst the objection of Sport England has been carefully considered, officers conclude that the application has demonstrated compliance with the emerging Site Allocation.
- 10.9 Members are advised that whilst the new Local Plan has been submitted to the Secretary of State for public examination, it is not yet adopted policy. However, due to its advanced stage in the process this site allocation should be awarded weight in the assessment process.

- 10.10 In addition to considering the more general planning issues set out in the report, Members should consider whether the use of the site for residential use, with the provision of publicly accessible open space, the on-site sporting and recreation facilities, along with the contributions towards off-site sporting facilities would provide sufficient mitigation for the loss of this designated Open Space (albeit not publicly accessible).
- 10.11 Moving on from the principle of development, the proposed development would contribute towards meeting the housing needs of the borough and would provide policy compliant level of on-site affordable housing, which is a significant planning benefit to be considered in the overall planning balance.
- 10.12 Officers conclude that the principle of development has been established to be acceptable, subject to suitable mitigation via a s.106 agreement. The proposed development would provide for much needed housing, including family sized housing, served by high quality open space, new and improved publicly accessible recreation and sporting facilities with good sustainability credentials, flood risk impacts would be mitigated for and overall flood risk would reduce.
- 10.13 The proposed development would encroach onto designated Open Space but the current open space has limited value. The proposal would mean that the site could not be used for an entirely sporting use in the future. However, the proposal would provide a substantial level of housing, including affordable housing, sports facilities on and off site would be provided, improved flood resilience to the site and surroundings and provision of publicly accessible parkland.
- 10.14 Having regard to the relevant material considerations, officers conclude that the package of mitigation would outweigh the loss of open space and therefore recommend approval subject to conditions and a s.106 legal agreement, as detailed below.

11. **RECOMMENDATION:**

GRANT PLANNING PERMISSION subject to –

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

1. Affordable housing (44 units, 41% on site provision by unit. 35.5% by habitable room)
2. Air quality (£30K contribution)
3. Carbon offsetting (£176,130).

4. Travel Plan (£2K monitoring fee)
5. Travel Plan Statement for the tennis club
6. Refuse Strategy for the site to involve private refuse collection.
7. Local education, training and local employment during construction.
8. Financial contribution of £693,579 for the on-site tennis courts, resurfacing two of the existing tennis club courts and towards local football, cricket and rugby sites as identified as priorities for investment in the adopted Playing Pitch Strategy.
9. Financial investment of £267,000 to provide on-site open space and recreation facilities (MUGA, outdoor gym, LEAP, trim trail and walking/jogging routes). For public use in perpetuity.
10. Community Use Agreement relating to tennis courts, community use / pay and play arrangement identified in para 3.21 and MUGA management. Securing children's play area for public use in perpetuity.
11. Community Use Agreement to secure children's play area for public use in perpetuity
12. Dedication of retained open space in perpetuity as formal Open Space and responsibility for maintenance of the land, including Open Space Management company for management of the MUGA
13. Land transfer to ensure that the tennis club land is passed to the club at nil cost.
14. The developer agreeing to meet the Councils costs of preparing, drafting and monitoring the Section 106 Obligations.

And the following planning conditions:

- 1 The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos
The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos
- 091803-BS01, Bin Store 01
 - 091803-BS02, Bin Store 02
 - 091803-CS01, Cycle Shed 01
 - 091803-BEL-SL-01 Rev C- Presentation Planning Layout
 - 091803-BEL-SL-02 Rev C,-Supporting Planning Layout
 - 091803-BEL-SL-03 Rev C, Storey Heights Layout
 - 091803-BEL-SL-04 Rev D, Tenure Layout
 - 091803-BEL-SL-06, - Site Location Plan
 - 091803-BEL-SL-SS01 Rev B, Street Scene (01)
 - 091803-BEL-SL-SS02 Rev B, Street Scene (02)
 - 091803-BEL-SL-SS03 Rev B, Street Scene (03)
 - 091803-BEL-SL-SS04 Rev B, Street Scene (04)
 - 091803-BEL-SL-PER01 Rev B, Street Scene (perspective view 01)
 - 091803-BEL-SL-PER02 Rev B, Street Scene (perspective view 02)
 - ARA-4S-TC01-E1 Rev B, Arrowsmith Court Elevation
 - ARA-4S-TC01-E2 Rev B, Arrowsmith Court Elevation
 - ARA-4S-TC01-P1 Rev B, Arrowsmith Court Floor Plan- Ground Floor
 - ARA-4S-TC01-P2 Rev B, Arrowsmith Court Floor Plan- First Floor
 - ARA-4S-TC01-P3 Rev B, Arrowsmith Court Floor Plan- Second Floor
 - ARA-4S-TC01-P4 Rev B, Arrowsmith Court Floor Plan- Third Floor
 - TOA-TC01-P4 Rev B, Tompion Court Floor Plan Third Floor TOA-TC01-E1 Rev B, Tompion Court Elevations
 - TOA-TC01-P1 Rev B, Tompion Court Floor Plan Ground Floor
 - TOA-TC01-P2 Rev B, Tompion Court Floor Plan First Floor
 - TOA-TC01-P3 Rev B, Tompion Court Floor Plan Second Floor
 - BSA-TC01-P4 Rev B, Bradshaw Court, Floor Plan, Third Floor
 - BSA-TC01-E1 Rev B, Bradshaw Court Elevations
 - BSA-TC01-E2 Rev B, Bradshaw Court Elevations
 - BSA-TC01-P1 Rev B, Bradshaw Court, Floor Plan, Ground Floor
 - BSA-TC01-P2 Rev B, Bradshaw Court, Floor Plan, First Floor
 - BSA-TC01-P3 Rev B. Bradshaw Court, Floor Plan, Second Floor
 - DE-4B-3S-TC-E1 Rev B, The Dexter Elevations
 - BU-3B-3S-P1, The Butler Floor plans
 - BU-3B-3S-P2,
 - BU-3B-3S-TC-E1 Rev B, The Butler Elevations
 - BU-3B-3S-TC-E2 Rev B, The Butler Elevations
 - BU-3B-3S-TC-E3,
 - CR-3B-3S-P1 Rev A, The Cobbler Floor Plans
 - CR-3B-3S-P2,
 - CR-3B-3S-TC-E1 Rev B, The Cobbler Elevations
 - CR-3B-3S-TC-E2 Rev B, The Cobbler Elevations
 - CR-3B-3S-TC-E3,
 - CT-4B-2S-P1 Rev A, The Cartographer Floor Plans
 - CT-4B-2S-E1 Rev B The Cartographer Elevations
 - DE-4B-3S-P1, The Dexter Floor Plans

TI-3B-2S-TC-E1 Rev B, The Tillman Elevations
FC-3B-2S-P1, The Falconer Floor Plans
FC-3B-2S-P2,
FC-3B-2S-TC-E1 Rev B, The Falconer Elevations
FC-3B-2S-TC-E2,
HP-2B-2S-P1 Rev A, The Hopper Floor Plans
HP-2B-2S-TC-E1 Rev B, The Hooper Elevations
LD-3B-2S-P1, The Larder Floor Plans
LD-3B-2S-P2,
LD-3B-2S-TC-E1 Rev B, The Larder Elevations
LD-3B-2S-TC-E2,
TI-3B-2S-P1 The Tilman Floor Plans
161480-002 Rev P4
161480-008 Rev P4
161480-014 Rev P2
161480-007 Rev P2
161480-015 Rev P2
1587/001 Rev F
1587/002 Rev F

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No development above ground floor slab level shall take place until details and samples of the materials to be used on all external faces of the development hereby permitted, comprising bricks, roofing, balcony railings, window frames and doors (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policies D4 and D8 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

- 4 Individual dwellings shall not be occupied until their respective refuse and recycling storage facilities shown on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with the following Development Plan policies for Merton: policies T4 and T7 of the London Plan 2021, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

- 5 The development hereby approved shall not be occupied until details of an external lighting scheme have been submitted to and approved in writing by the Local Planning Authority. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies DM D2 and DM EP4 of Merton's Sites and Policies Plan 2014.

- 6 The respective dwelling shall not be occupied until the cycle parking shown on the plans hereby approved has been provided and made available for use. These facilities shall be retained for the occupants of and visitors to the development at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy T5 of the London Plan 2021, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

- 7 The vehicle parking area (including Blue Badge holder parking) shown on the approved plans shall be provided before the first occupation of the respective dwelling and shall be retained for parking purposes for occupiers and users of the development and for no other purpose.

Reason: To ensure the provision of a satisfactory level of parking and comply with the following Development Plan policies for Merton: policy T6 of the London Plan 2021, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Policies Plan 2014.

- 8 Electric vehicle charging points (EVCP) shall be provided for 20% of the car parking spaces shown on drawing 1997-00-DR-1099 P04 and passive provision shall be made available for the remaining 80% of the spaces so that the spaces are capable of being readily converted to electric vehicle charging points. The location of the EVCP spaces and charging points, and a specification for passive provision 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.

Reason: To ensure the provision of a satisfactory level of parking and comply with the following Development Plan policies for Merton: policy

T6 of the London Plan 2021, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Policies Plan 2014.

- 9 Development shall not commence until a working method statement has been submitted to and approved in writing by the Local Planning Authority to include details of:
- (i) Parking of vehicles of site workers and visitors;
 - (ii) Loading and unloading of plant and materials;
 - (iii) Storage of construction plant and materials;
 - (iv) Wheel cleaning facilities
 - (v) Control of dust, smell and other effluvia;
 - (vi) Control of surface water run-off.
- No development shall be carried out except in full accordance with the approved working method statement.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies T4 and T7 of the London Plan 2021, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

- 10 Development shall not commence until a Delivery and Servicing Plan (the Plan) has been submitted in writing for approval to the Local Planning Authority. No occupation of the development shall be permitted until the Plan is approved in writing by the Local Planning Authority and implemented in accordance with the approved plan. The approved measures shall be maintained, in accordance with the Plan, for the duration of the use, unless the prior written approval of the Local Planning Authority is obtained to any variation.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies T4 and T7 of the London Plan 2021, policy CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3 and T5 of Merton's Sites and Policies Plan 2014.

- 11 No development above ground floor slab level shall take place until a Parking Design and Management Plan has been submitted in writing for approval to the Local Planning Authority. No works that is subject of this condition shall be carried out until this strategy has been approved, and the development shall not be occupied until this strategy has been approved and the measures as approved have been implemented. Those measures shall be maintained for the duration of the use unless the prior written approval of the Local Planning Authority is obtained to any variation.

Reason: To ensure the provision of a satisfactory level of parking and comply with the following Development Plan policies for Merton: policy T6 of the London Plan 2021, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Policies Plan 2014.

- 12 Prior to the commencement of the development hereby permitted, a Construction Logistics Plan, to include:
- hours of operation
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding including decorative - displays and facilities for public viewing, where appropriate
 - wheel washing facilities
 - measures to control the emission of noise and vibration during construction/demolition.
 - demonstration to show compliance with BS5228
 - measures to control the emission of dust and dirt during construction/demolition
 - a scheme for recycling/disposing of waste resulting from demolition and construction works
- shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the first occupation of the development hereby permitted and shall be so maintained for the duration of the use, unless the prior written approval of the Local Planning Authority is first obtained to any variation.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies T4 and T7 of the London Plan 2021, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

- 13 No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the residential development has achieved CO2 reductions in accordance with those outlined in the energy statement (dated 9th March 2022) and wholesome water consumption rates of no greater than 105 litres per person per day.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: policy SI 2 and SI 3 of the London Plan 2021 and policy CS15 of Merton's Core Planning Strategy 2011.

- 14 In order to demonstrate compliance with the 'be seen' post-construction monitoring requirement of Policy SI 2 of the London Plan, the legal

Owner shall at all times and in all respects comply with the energy monitoring requirements set out in points a, b and c below. In the case of non-compliance the legal Owner shall upon written notice from the Local Planning Authority immediately take all steps reasonably required to remedy non-compliance.

a. Within four weeks of planning permission being issued by the Local Planning Authority, the Owner is required to submit to the GLA accurate and verified estimates of the 'be seen' energy performance indicators, as outlined in Chapter 3 'Planning stage' of the GLA 'Be seen' energy monitoring guidance document, for the consented development. This should be submitted to the GLA's monitoring portal in accordance with the 'Be seen' energy monitoring guidance.

b. Once the as-built design has been completed (upon commencement of RIBA Stage 6) and prior to the building(s) being occupied (or handed over to a new legal owner, if applicable), the legal Owner is required to provide updated accurate and verified estimates of the 'be seen' energy performance indicators for each reportable unit of the development, as per the methodology outlined in Chapter 4 'As-built stage' of the GLA 'Be seen' energy monitoring guidance. All data and supporting evidence should be uploaded to the GLA's monitoring portal. The owner should also confirm that suitable monitoring devices have been installed and maintained for the monitoring of the in-use energy performance indicators, as outlined in Chapter 5 'In-use stage' of the GLA 'Be seen' energy monitoring guidance document.

c. Upon completion of the first year of occupation following the end of the defects liability period (DLP) and for the following four years, the legal Owner is required to provide accurate and verified annual in-use energy performance data for all relevant indicators under each reportable unit of the development as per the methodology outlined in Chapter 5 'In-use stage' of the GLA 'Be seen' energy monitoring guidance document. All data and supporting evidence should be uploaded to the GLA's monitoring portal. This condition will be satisfied after the legal Owner has reported on all relevant indicators included in Chapter 5 'In-use stage' of the GLA 'Be Seen' energy monitoring guidance document for at least five years.

Reason: In order to ensure that actual operational energy performance is minimised and demonstrate compliance with the 'be seen' post-construction monitoring requirement of Policy SI 2 of the London Plan.

- 15 Once the as-built design has been completed (upon commencement of RIBA Stage 6) and prior to any of the residential units being occupied, the legal owner(s) of the development shall submit the post-construction Whole Life-Cycle Carbon (WLC) Assessment to the GLA at: ZeroCarbonPlanning@london.gov.uk. The owner should use the post construction tab of the GLA's WLC assessment template and this should be completed accurately and in its entirety, in line with the criteria set out in the GLA's WLC Assessment Guidance. The post-construction assessment should provide an update of the information submitted at

planning submission stage (RIBA Stage 2/3), including the WLC carbon emission figures for all life-cycle modules based on the actual materials, products and systems used. The assessment should be submitted along with any supporting evidence as per the guidance and should be received three months post as-built design completion, unless otherwise agreed.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: policy SI 2 and SI 3 of the London Plan 2021 and policy CS15 of Merton's Core Planning Strategy 2011.

- 16 The development shall be carried out in accordance with the mitigation measures outlined in the Ecological Impact Assessment by Ecosa, dated March 2022.

Reason: Having regard to ecological interests on the site and to accord with Policy G6 of the London Plan 2021, Policy CS13 of the Core Planning Strategy 2011 and policy DM O2 of the Sites and Policies Plan 2014.

- 17 All Non-road Mobile Machinery (NRMM) used during the course of the development that is within the scope of the Greater London Authority 'Control of Dust and Emissions during Construction and Demolition' Supplementary Planning Guidance (SPG) dated July 2014, or any subsequent amendment or guidance, shall comply with the emission requirements therein.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies D4 and D14 of the London Plan 2021 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

- 18 Dwellings shall be constructed in accordance with the recommendations as specified in the Ardent Consulting Engineers, Noise Assessment Report Ref: 161480-08 Project Number 161480, dated January 2022.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies D4 and D14 of the London Plan 2021 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

- 19 The tennis courts hereby approved shall be used between the hours of 08:00 and 21:30 hours only.

Reason: To protect the amenities of the occupiers in the adjoining residential premises and future occupants.

- 20 Prior to occupation, the applicant shall provide details of all domestic boilers/communal plant installed demonstrating that the rated emissions of Oxides of Nitrogen (NO_x) do not exceed 40 mg/kWh, in writing for the approval of the Local Planning Authority.

Reason: To ensure the development does not raise local environment impacts and pollution.

- 21 Construction Management Plan/ Dust Management Plan
1. Prior to the commencement of development, including demolition, a Demolition and Construction Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority. The DCEMP shall include:
 - a) An Air quality management plan that identifies the steps and procedures that will be implemented to minimise the creation and impact of dust and other air emissions resulting from the site preparation, demolition, and groundwork and construction phases of the development. To include continuous dust monitoring.
 - b) Construction environmental management plan that identifies the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and other air emissions resulting from the site preparation, demolition, and groundwork and construction phases of the development.
 2. The development shall not be implemented other than in accordance with the approved scheme, unless previously agreed in writing by the Local Planning Authority.

Reason: To ensure the development does not raise local environment impacts and pollution.

- 22 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: To ensure that the development would not result in a deterioration of air quality.

- 23 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. 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.

Reason: To safeguard the archaeological interest on this site, in accordance with Policy HC1 of the London Plan 2021 and Policy DM D4 of the Sites and Policies Plan 2014.

- 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 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.

Reason: To safeguard the archaeological interest on this site, in accordance with Policy HC1 of the London Plan 2021 and Policy DM D4 of the Sites and Policies Plan 2014.

- 25 The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to commencement of the development above ground floor slab and shall be implemented in accordance with the approved details prior to occupation.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy: Chapters 01B & 01C Merton New Local Plan, Policy D11 London Plan, Section 17 Crime and Disorder Act 1988 and National Planning Policy Framework (NPPF).

- 26 Prior to the first occupation of the development hereby approved a Secured by Design final certificate shall be submitted to and approved in writing by the by the Local Planning Authority.

Reason: In order to achieve the principles and objectives of Secured by Design to provide a safer environment for future residents and visitors to the site and reduce the fear of crime in accordance with Policy: Chapters 01B & 01C Merton New Local Plan, Policy D11 London Plan, Section 17 Crime and Disorder Act 1988 and National Planning Policy Framework (NPPF).

- 27 All hard and soft landscape works shall be carried out in accordance with the approved details. 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.

Reason: To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policy G7 of the London Plan 2021, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, F2 and O2 of Merton's Sites and Policies Plan 2014.

- 28 Prior to the occupation of the development a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the approved scheme.

Reason: To ensure the appearance of the development is maintained in the interest of the amenities of the area, to ensure the maintenance of sustainable drainage surfaces.

- 29 No above ground floor slab works shall take place until details of all boundary walls or fences 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, and the development shall not be occupied until the details are approved and works to which this condition relates have been carried out in accordance with the approved details. The walls and fencing shall be permanently retained thereafter.

Reason: To ensure a satisfactory and safe development in accordance with the following Development Plan policies for Merton: policies D4 and D8 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.

- 30 No properties shall be occupied until confirmation has been provided that either:-
all water network upgrades required to accommodate the additional flows from the development have been completed;
or - a housing and infrastructure phasing plan has been agreed with Thames Water.
Where a housing and infrastructure phasing plan is agreed, occupation shall take place in accordance with the agreed plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

- 31 No construction shall take place within 5m of any water main. If any water mains are discovered, works on site must stop until information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Construction must be undertaken in accordance with the terms of the approved information

Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure.

- 32 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

- 33 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:

- o Finished floor levels shall be set no lower than 15.75 metres above Ordnance Datum (mAOD).
- o 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.
- o Provision of a safe access and egress for all uses from the site.
- o 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).

- 34 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 policies SI 12 and SI 13.

- 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 (ref: 161480-06A-FINAL; dated: 12 January 2022). The require 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 SI 12.

- 36 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, in accordance with Merton's policies CS16, DMF2 and the London Plan policy SI 12.

- 37 A preliminary risk assessment, then an investigation shall be undertaken to consider the potential for contaminated-land, and if necessary, a detailed remediation scheme to bring the site to a suitable state for the intended use by removing unacceptable risks to health and the built environment, and submitted to the approval of the LPA.

Reason: To protect the health of future users of the site in accordance with policy SI 10 of the London Plan 2022 and policy DM EP4 of Merton's sites and policies plan 2014.

- 38 The approved remediation shall be completed prior to completion. And a verification report, demonstrating the then effectiveness of the remediation, subject to the approval of the LPA.

Reason: To protect the health of future users of the site in accordance with policy SI 10 of the London Plan 2021 and policy DM EP4 of Merton's sites and policies plan 2014.

- 39 The development shall be carried out in accordance with the submitted Fire Statement, by AESG, dated 28th March 2022.

Reason: To protect the safety of future users of the site in accordance with policy D12 of the London Plan 2021.

- 40 Prior to the commencement of development above ground floor slab level, details of the equipment to be provided in the equipped play area and trim trail and management of the equipped play area and trim trail shall be submitted to and approved in writing by the Local Planning Authority. The agreed equipment and management plan shall be implemented prior to the occupation of the 90th dwelling hereby approved and maintained in perpetuity there after unless first otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of amenity space in accordance with Policy S4 of the London Plan 2021

INFORMATIVES:

Inf 01 **INFORMATIVE:**

This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice.

Inf 02 **INFORMATIVE:**

In the event the development is offered for adoption in the future all roads within the development should be constructed to adoptable standards.

Inf 03 **INFORMATIVE:**

The applicant should be aware that the site may provide a useful habitat for swifts. Swifts are currently in decline in the UK and in order to encourage and improve the conservation of swifts the applicant is advised to consider the installation of a swift nesting box/bricks on the site

- Inf 04 **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).
- Inf 05 **INFORMATIVE:**
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.
- Inf 06 **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 the Merton Council website under flooding.
- Inf 07 **INFORMATIVE:**
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.
- Inf 08 **INFORMATIVE:**
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.
- Inf 09 **INFORMATIVE:**
Carbon emissions evidence requirements for Post Construction stage assessments must provide:
- Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on 'As Built' SAP outputs (i.e. dated outputs with accredited energy assessor name and registration number, assessment status, plot number and development address); OR, where applicable:
 - A copy of revised/final calculations as detailed in the assessment methodology based on 'As Built' SAP outputs; AND
 - Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO2 emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation
- Water efficiency evidence requirements for post construction stage assessments must provide:

- Documentary evidence representing the dwellings 'As Built'; detailing:
 - the type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment);
 - the size and details of any rainwater and grey-water collection systems provided for use in the dwelling; AND:
 - Water Efficiency Calculator for New Dwellings; OR
 - Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'.

Inf 10 INFORMATIVE

This permission creates one or more new units which will require a correct postal address. Please contact the Street Naming & Numbering Officer at the London Borough of Merton

Street Naming and Numbering (Business Improvement Division)
Corporate Services
7th Floor, Merton Civic Centre
London Road
Morden
SM4 5DX
Email: street.naming@merton.gov.uk

Appendix 1 – Summary of sporting use offers – prepared by planning agent

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
SUMMARY - PASSES POLICY TEST?	X	X	X	X	X	X	X	X	X	X

- 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