

Wimbledon Park Golf Course

Local Planning Authority: Merton and Wandsworth

Local Planning Authority reference 21/P2900 (Merton) 2021/3609 (Wandsworth)

Strategic planning application stage 2 referral

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

The proposal

Cross boundary (Merton/Wandsworth) hybrid planning application (comprising part full permission and part outline planning permission) for expansion of the All England Lawn and Tennis Club (AELTC) grounds onto Wimbledon Park Golf Course with the introduction of new tennis courts, tennis related infrastructure and new buildings.

Full planning permission for the provision of 38 grass tennis courts and associated infrastructure, comprising of the re-profiling of the landscape and the removal, retention and replanting of trees; provision of 7 satellite maintenance buildings; the provision of a boardwalk around the perimeter of and across Wimbledon park lake, lake alterations (including lake edge, de-silting & de-culverting), highway works to church road; new pedestrian access points at the northern and southern ends of the site; new vehicular access points; and the creation of a new area of parkland with permissive public access.

Outline planning permission (with appearance, means of access, landscaping and scale reserved - layout only considered in detail) for the erection of new buildings and structures, including an 8,000-seat parkland show court incorporating a qualifying player hub, guest facilities and associated event operational facilities; a central grounds maintenance hub and 2 players hubs.

The applicant

The applicant is **AELTC** and the architect is **Allies and Morrison**.

Key dates

GLA pre-application meeting: 10 December 2020 (Stage 1 – Pre-App in Principle); 28 April 2021.

GLA stage 1 report: 1 November 2021.

LPA Planning Committee decision: 26 October 2023 (Merton); 21 November 2023 (Wandsworth).

Strategic issues summary

Wandsworth Council has resolved to refuse permission for this application. Merton Council has resolved to grant permission. The Mayor may direct refusal under Article 6 of the Town and Country Planning (Mayor of London) Order 2008 (2008 Order), issue a direction under section 2A of the Town and Country Planning Act 1990 to take over the determination of the applications in accordance with Article 7 of the Order or may decide that he is content for the authorities to determine the applications.

Having regard to the details of the applications, the matters set out in both Councils' committee reports and draft decision notices, the development **has a significant impact on the implementation of the London Plan, has significant effects on more than one London Borough**, and there are **sound planning reasons for the Mayor to intervene** in this particular case and issue a direction under Article 7 of the 2008 Order.

The Council's decision

In this instance Wandsworth Council has resolved to refuse permission for this application, whilst Merton Council has resolved to grant permission subject to planning conditions and conclusion of a Section 106 legal agreement.

Recommendation

That a direction is made under Article 7 of the 2008 Order that both Merton and Wandsworth Councils be advised that the Mayor will act as the local planning authority for the purposes of determining the applications.

Context

1. On 25 August 2021 the Mayor of London received documents from Merton Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under the following categories of the Schedule to the 2008 Order:
 - **Category 1B(c):** Development which comprises or includes the erection of a building or buildings outside Central London and with a total floorspace of more than 15,000 square metres.
 - **Category 1C(c):** Development which comprises or includes the erection of a building that is more than 30 metres high and is outside of the City of London.
 - **Category 3D:** Development on land allocated as Green Belt or Metropolitan Open Land in the development plan and which would involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building.
2. The Mayor of London did not receive documents from Wandsworth Council notifying him of a planning application of potential strategic importance however as the applications submitted to Merton and Wandsworth are identical, GLA officers have had all the information required to assess the applications for the purposes of Article 4 of the 2008 Order via Merton Council.
3. On 1 November 2021 the Deputy Mayor for Planning, Regeneration and Skills, acting under delegated authority, considered planning report GLA/2021/0914/S1 (link to report [here](#))¹ and subsequently advised both Merton and Wandsworth Councils:
 - Land use principles: Whilst the redevelopment of the site to provide tennis infrastructure and a new publicly accessible park is supported in strategic planning terms, the proposal constitutes inappropriate development on MOL which must be robustly justified by very special circumstances. At this stage a Very Special Circumstances (VSC) justification which clearly outweighs the potential harms to the MOL has not yet been demonstrated. Further information is required on the level of harm and the benefits, and the proposed benefits must be secured.
 - Urban design: The provision of a new public park is welcomed, and details should be secured in line with London Plan Policy D8. Additional information is requested with respect to the proposed layout. The aspiration to incorporate English garden character through the build form is positive. Further consideration of the proposed design and impact of the buildings on the openness of the site will be required at reserved matters stage.
 - Transport: Further details relating to the trip generation, highway and public transport impact assessment are required, as is justification for the on-site staff car parking. Mitigation to support a shift towards active travel should be

¹ <https://planapps.london.gov.uk/planningapps/21-P2900>

secured, including a contribution towards the future expansion of the Cycle Hire scheme.

- Sustainable development: The outline energy strategy generally complies with London Plan policies; however, the applicant will be required to submit additional information at the reserved matters stage. They are also requested to provide clarifications in relation to the outline proposals.
 - Environment: The proposal complies with London Plan air quality policies. Detailed comments on green infrastructure and biodiversity will be issued under separate cover.
4. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.
 5. On 26 October 2023 Merton Council decided that it was minded to grant permission for the application subject to planning conditions and conclusion of a Section 106 agreement. On 21 November 2023 Wandsworth decided it was minded to refuse permission to the application. On 16 January 2024, both Councils advised the Mayor of their decisions. Under the provisions of Article 5 of the 2008 Order the Mayor may allow the draft decision to proceed unchanged; direct the Councils under Article 6 to refuse the application; or, issue a direction to both Councils under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 29 January 2024 to notify the Council of his decision and to issue any direction.
 6. The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has been taken into account in the consideration of this case.
 7. The decision on this case, and the reasons, will be made available on the City Hall website: www.london.gov.uk

The Councils' decision

8. Merton Council resolved to grant planning permission on the 26 October 2023 subject to planning conditions and conclusion of a Section 106 legal agreement.
9. Wandsworth Council resolved to refuse this application on the 21 November 2023. The Council's draft decision notice sets out the following reasons for refusal:
 - Reason 1: By reason of the substantial harm to and loss of visual and spatial openness identified to Metropolitan Open Land, the development would constitute inappropriate development. It is not considered that there are any Very Special Circumstances that clearly outweighs this harm, contrary to London Plan policy G3 and NPPF paragraphs 147, 148 and 149.
 - Reason 2: The proposed development would result in the net loss of open space/green infrastructure by reason of the development of substantial areas of parts of the site that are primarily grass, with no replacement

provision provided, contrary to Policy LP53. It is not considered that the benefits of the development clearly outweigh the harm caused by the loss of open space, contrary to Local Plan Policy LP53 and the NPPF (2023) paragraph 99.

Article 7: Direction that the Mayor is to be the local planning authority

10. In order to exercise the power to direct that he is to be the local planning authority and to determine a PSI application (within Categories 1 or 2 of the Schedule to the 2008 Order), the Mayor must be satisfied that certain statutory tests set out in Article 7 of that Order are met. These tests relate to a decision as to who the decision maker in respect of the application should be, and not whether planning permission should ultimately be granted or refused.
11. The relevant statutory tests comprise the following three parts, all of which must be met in order for the Mayor to take over the application:
 - a. the development or any of the issues it raises must be of such a nature or scale that it would have a significant impact on the implementation of the London Plan;
 - b. the development or any of the issues it raises must have significant effects that are likely to affect more than one London Borough; and
 - c. there must be sound planning reasons for issuing a direction.
12. Parts (a) and (b) of the test concern the impact an application would have on the Mayor's policies and the geographical extent of the impact, whilst part (c) deals with the overall planning reasons for the Mayor's intervention. These tests are intended to ensure that the Mayor's powers of intervention are exercised only in respect of the most significant of applications which are referred to him.
13. Moreover, article 7(3) of the 2008 Order requires the Mayor, when considering whether to exercise his power to become local planning authority in respect of a PSI application, to take account of certain matters. In respect of all categories of PSI application, the Mayor is required to take account of whether the Council is achieving, and has achieved, any relevant development plan targets.
14. This report considers the extent to which the statutory tests under Article 7(1) are met and whether, having regard to the matters to which the Mayor is required to take account pursuant to article 7(3), the Mayor should direct that he is to be the local planning authority. This report does not consider the merits of the application, although consideration has been given to the key planning issues in so far as is necessary in applying the statutory tests in Article 7(1) as set out below.

Statutory test 7(1)(a): Significant impact on the implementation of the London Plan

15. The proposed development would have significant impacts on the implementation of the London Plan, as set out in the following paragraphs. It should be noted that the relevant test under Article 7(1)(a) relates to significant impacts on the

implementation of the “spatial development strategy”, namely the current adopted London Plan and this is therefore the focus to the consideration of article 7(1)(a) set out below and the conclusion of compliance with it.

Growing a good economy and supporting London’s culture

16. The London Plan seeks to strengthen London’s economy and increase its employment opportunities. Specifically, Objective GG5 aims to enhance London’s global economic competitiveness by promoting the strength and potential of the wider city region and to also promote and support London’s rich heritage and cultural assets. In support of this London Plan Objective, Policy E8 seeks to promote employment opportunities for Londoners across a diverse range of sectors.

17. The Wimbledon Tennis Championships are a prestigious tournament that are of national and international significance. Wimbledon is a cultural asset to London (within the definition outlined under Policy HC5) that provides important economic benefits and employment opportunities to this area of London.

18. The applicant prepared an Economic, Social and Community Benefits report (dated July 2021) to accompany the planning application. This confirmed that:

‘The UK-wide economic activity supported by The Championships in 2019 was estimated at £327 million, of which £235 million is estimated to have occurred within London. Following the delivery of the proposals it is estimated that total economic activity generated by The Championships will increase by an additional £54.38 million within the UK economy, of which it is estimated that £38.32 million will occur within London.’

19. Furthermore, the Planning Statement recognises that the AELTC is one of the largest employers in this part of London with over 6,000 people employed during the Championships.

20. Policy E10 (Visitor infrastructure) states that London’s visitor economy and associated employment should be strengthened by enhancing and extending its attractions, inclusive access, legibility, visitor experience and management and supporting infrastructure. Additionally, Paragraph 6.10.1 states that the Mayor wants to spread economic and regeneration benefits by working with London & Partners to promote tourism across the whole of the city, including outside central London.

21. The Wimbledon Tennis Championships attracts players, support staff and supporters from across London, the UK and the world. Merton’s draft New Local Plan (Reg 19) Policy N9.1 recognises the economic and tourism benefits associated with the Wimbledon Tennis Championships; not just to the local area but also to the UK as a whole.

‘The Wimbledon Tennis Championships is a world-class sporting event and is important to Wimbledon, Merton and the UK (United Kingdom). The AELTC activities not only provide a significant economic benefit and jobs boost to Merton, London and the UK in the weeks around the Wimbledon fortnight but has benefits throughout the year. The main site acts as a draw for the 100,000 visitors to the Wimbledon tennis museum, some of whom will spend in the nearby Wimbledon town centre, Wimbledon Village and in the businesses at Arthur Road’.

22. Policy HC5 supports the continued growth and evolution of London's cultural facilities. The London Plan definition of cultural facilities includes spectator sports such as those at the AELTC. In this regard, Policy HC5 would support the continued growth and evolution of the Wimbledon Tennis Championships and the benefits associated with this growth.
23. Having regard to the above, the development of the Wimbledon Tennis Championships is strategically important from an economic (including employment and tourism) and cultural perspective to the wider London region and UK.

Creating a healthy city

24. Objective GG3 plans for improved access to and quality of green spaces, the provision of new green infrastructure and spaces for play, recreation, and sports. Additionally, Paragraph 1.3.3 acknowledges that access to green and open spaces, including waterways, can improve health. In support of this Objective, London Plan Policy G4 promotes the creation of new areas of publicly-accessible open space (particularly green space).
25. The proposed development would secure (via Section 106 agreement) a brand new 9.4 ha public park at the southern end of Wimbledon Golf Course. This would be interconnected with the existing Wimbledon Park and represent a significant enhancement to the publicly accessible open space within this area.
26. Additionally, the proposal has incorporated community access to seven of the grass tennis courts from mid-July and until mid-September each year for use by the local community.
27. The establishment of a new publicly accessible park and enhanced community access to sporting facilities in this area could support the London Plan's strategy to create a healthy city.

Metropolitan Open Land (MOL) and open space

28. Policy G3 states that MOL is afforded the same status and level of protection as Green Belt and that MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt. Furthermore, Paragraph 8.3.4 states that proposals to enhance access to MOL will be encouraged.
29. Policy G4 states that development proposals should not result in the loss of protected open space and where possible create areas of publicly accessible open space, particularly in areas of deficiency. Policy G6 notes that proposals which reduce deficiencies in access to nature should be considered positively.
30. The entire application site, being Wimbledon Park Golf Course, is designated as MOL. As such, this site is protected from inappropriate development in accordance with Policy G3 and the NPPF.
31. Having regard to extent of works proposed across the Wimbledon Park Golf Course site, and the potential to enhance public access to MOL, the proposal would have a significant potential impact on the implementation of the London Plan, specifically policies G3 and G4.

Test 7(1)(a) Conclusion

32. The expansion of a culturally significant venue, in the Wimbledon Tennis Championships, would enhance London's global competitiveness by promoting and supporting one of its key cultural assets. The proposal could also improve access to green, open space and sporting facilities for the community. At the same time, the subject site is MOL, which is afforded the same level of protection as Green Belt in the London Plan. Therefore, the application is considered to be of a nature and scale which would have a significant impact on the implementation of London Plan – specifically policies relating to economy, healthy city and MOL. As such, test 7(1)(a) met.

Statutory test 7(1)(b): Significant effects on more than one London Borough

Cross borough application

33. The Wimbledon Golf Club site straddles the borough boundary between Merton and Wandsworth. The administrative boundary itself falls across the northern portion of the site (not following any particular feature on the ground). It is noted that the red line boundary of the application simply reflects the nature of the development and the characteristics of the site.
34. The effects of the expansion would occur well beyond the individual boroughs of Merton or Wandsworth by themselves. For example, the economic impacts are felt across London and the UK (as outlined below). Additionally, the transport impacts would be felt beyond the two boroughs of Merton and Wandsworth (as outlined within the Transport Assessment, the Travel Plan, and the Outline Construction Logistics Plan).

Economic impacts and visitation

35. As outlined above, the Economic, Social and Community Benefits report (dated July 2021) states that the 2019 Wimbledon Tennis Championships supported £327 million of economic activity, of which £235 million is estimated to have occurred within London. Furthermore, this report states that the proposed development would increase economic activity by 'an additional £54.38 million within the UK economy, of which it is estimated that £38.32 million will occur within London'.
36. Furthermore, survey data undertaken within the Economic, Social and Community Benefits report indicated that 27.3% of spectators came from London (outside of Merton and Wandsworth), 55.9% from the rest of the UK and 8.3% from overseas.
37. The Wimbledon Tennis Championships are one of the most prestigious sporting tournaments in the world and, as a result, the visitation and economic impacts associated with the event are significant with effects felt well beyond the boroughs of Merton and Wandsworth.

Summary

38. The Wimbledon Tennis Championships are internationally significant with visitors across London, the UK and internationally. The proposed expansion of the AELTC

site onto the Wimbledon Park Golf Course would have wider ranging impacts (including economic and transport) that would affect more than the boroughs of Merton or Wandsworth alone. Therefore, it is considered that the applications have significant effects that are likely to affect more than one London Borough. As such, test 7(1)(b) is met.

Statutory test 7(1)(c): Sound planning reasons for intervening

39. Notwithstanding part (a) and part (b), part (c) of the policy test is whether the Mayor considers there to be sound planning reasons to intervene exercise his power to become local planning authority in respect of determining the application.
40. The expansion of the Wimbledon Tennis Championships site would enhance London's economy and global competitiveness by promoting and supporting one of its key cultural assets. Furthermore, in addition to the expansion of the AELTC the proposal would deliver significant benefits through the new public parkland, a boardwalk around the lake, desilting of Wimbledon Park Lake, a range of off-site enhancements to Wimbledon Park as well as other community and public benefits.
41. It is considered, on balance, there are sound planning reasons to intervene in this case and decide that he becomes the local planning authority in respect of this application. This shall provide the Mayor the opportunity to give further consideration to the application and to determine it himself.

Matters the Mayor must take into account

42. As the development does not include development falling within Category 1A of the Schedule to the order, the Mayor is not specifically required by the terms of the Order to take account of the Council's current and past performance against applicable development plan targets for new housing, including affordable housing. Article 7(3)(b) of the Order states that the Mayor must assess the extent to which the Council is achieving and has achieved any other targets set out in the development plan which are relevant to the subject matter of the application. In this instance, targets with respect to **economy** and **open space** are most relevant. However, there aren't numerical targets and there is minimal evidence to assess how the two boroughs are achieving these targets.

London Borough of Merton targets

43. Policy CS 12 the Merton Core Planning Strategy 2011 – 2026 supports the development of a diverse local economic base in Merton by encouraging the increased provision of the overall number and range of jobs in Merton; particularly in the commercial and business sectors. No numerical figures or targets are identified as part of this policy and, as such, there is no ongoing monitoring of this policy.
44. As recognised above, the expansion of the Wimbledon Tennis Championships would support a significant increase to the economic activity generated by the Championships which, in turn, would support employment opportunities within the Merton local area as well as across London.

45. The Monitoring Framework at Table 28.1 of the Merton Core Planning Strategy provides a borough target relevant to policy CS13 (Open space, nature conservation leisure and culture). This target states that there should be no net loss of open space apart from that needed for education establishments.
46. The Merton Authority Monitoring Report (AMR) 2021-2022, reported the following progress in relation to the target of no net loss of open space:
- +11.5% Open Space designations/Policies Map in comparison to the Proposals Map UDP 2003.
 - 35% of Merton is designated as open space.
47. The proposal would represent a departure from this target in that it represents a loss of designated open space (private land). Nevertheless, it is noted that Merton Council has considered this to comply with local plan policy having regard to the increased public access to 9.4 ha of parkland.

London Borough of Wandsworth targets

48. The Wandsworth Local Plan 2023 – 2038 does not contain any numerical targets relating to economic growth or job figures. Policy SDS1 (F) does seek to support growth in the tourism industry and visitor economy, and the expansion of the Wimbledon Tennis Championships would support this policy. Wandsworth does not provide monitoring figures on tourist visitation or employment figures.
49. Policy LP53(C) states that areas of open space, including those identified on the Policies Map, such as Metropolitan Open Land, will be protected, enhanced and made more accessible. Additionally, Policy LP53(E) states that any development which results in a reduction of green including protected open space will not be supported, if exceptional circumstances exist, compensatory provision has to be made. Policy LP54 (D) states that public access to open space and sports and recreation facilities on private land will be supported, particularly in areas with an identified deficiency in open space.
50. As noted above, whilst the proposal would result in a loss of open space, the new public park would provide a form of compensatory provision that would result in increased access to open space for local residents. The Wandsworth Local Plan Authority Monitoring Report: Sustainable Development and Communities Policy Performance 2019/20-2021/22 notes at Indicator S54 that the percentage of the borough in open space deficiency has not changed since between 2018/19 – 2021/22.
51. This isn't an area identified as subject to a deficiency in open space. Nevertheless, the application site is a private golf course and the proposal would create additional publicly accessible open space through the provision of a 9.4ha public park. Additionally, it would establish 38 new grass tennis courts, 7 of which would be available for community use for a small period of each year.

Response to neighbourhood consultation

52. Both Merton and Wandsworth Councils publicised the application by sending notifications to local addresses and issuing site and press notices. The relevant statutory bodies were also consulted. Copies of all responses to public consultation, and any other representations made on the case, have been made available to the GLA.
53. Merton Council undertook formal consultation on three occasions during the application process as follows:
- 21-day consultation administered in August 2021 by way of letter, erection of site notice and press advert
 - A 30-day consultation administered in June 2022 by way of letter, erection of site notice and press advert. This was carried out due to material changes to the planning application comprising the May 2022 updates.
 - A 30-day consultation was administered in October 2022 by way of letter, erection of site notice and press advert. This was carried out due to the 'October 2022 updates' to the Planning application.
54. Wandsworth Council undertook formal consultation on three occasions during the process in the following manner:
- August/September 2021: Letters were sent out to residents giving residents over 30 days to respond. Site notices were erected in three locations giving residents 21 days to respond.
 - June 2022: Letters were sent out to residents giving residents over 21 days to respond. Site notices were erected in three locations giving residents 21 days to respond.
 - January 2023: Letters were sent out to residents giving residents 30 days to respond. Site notices were erected in three locations giving residents 30 days to respond.
55. Follow the neighbourhood consultation process Merton Council received a total of 1,006 responses (894 in objection, 32 in support, and 80 comments). Wandsworth Council received a total of 1184 responses (1084 in objection, 83 in support, and 17 comments).
56. A change.org petition of objection from 'Save Wimbledon Park' containing 14,122 Signatures (at the time of the Wandsworth Committee report) was received whilst a third-party petition containing 2,046 Signatures was also received. Lastly, a total of 1479 letters (from 1298 households) of support were submitted by consultation firm 'Your Shout'.
57. The reasons for objection and support raised as part of the neighbourhood consultation process are collectively summarised below.

Neighbourhood objections

58. The overarching points raised within the objections can be summarised as follows:

- Public nature and accessibility of the AELTC parkland.
- Concerns that the amendments did not address the previous objections.
- Alternatives to the proposed development have not been considered.
- Impacts associated with the boardwalk.
- Concern that the Central Grounds Maintenance Hub is located within the AELTC Parkland rather than the northern parkland.
- The degree of community and public benefit is not proportionate to the impact of the proposed development.
- Construction impacts.
- AELTC has not adequately consulted the residents.
- The development would be in breach of the 1993 covenant imposed on application site land which prevents building on the land.
- The number of grass courts proposed, 38 in total, would be excessive.
- Design, townscape and visual impacts associated with the development, particularly the Parkland Show Court would have negative impacts on views in the vicinity of the site.
- the proposed development would have a detrimental and harmful impact on ecology and biodiversity, including habitats and protected species.
- Concerns the economic and employment benefits set out in the application are overstated.
- Overarching concerns regarding the environmental impact of the proposed development.
- Concern the proposed development would have adverse impacts on flood risk and drainage in the area.
- The proposed development would harm the historic landscape, notably the significance of the Grade II Registered Park and Garden and Conservation Area. Concerns the proposed development goes against “Capability” Brown’s intended design.
- General concern is raised regarding loss of golf course to the local community.
- Concerns the Council will gain financially from the development.

- Representations raise concern the proposal would fall contrary to planning policies relating to Metropolitan Open Land (MOL) and Open Space. Particular concern is raised in relation to the Parkland Show Court's impact on MOL and Open Space. Additionally, many representations considered that there are not sufficient VSC to outweigh harm to MOL.
- Concerns are raised that the proposed development would adversely impact the amenity of neighbouring properties.
- Potential noise and air quality impacts from the operation of the development.
- There is concern outline permission provides insufficient detail for full assessment.
- Concern that scale, size, form and design of the Parkland Show Court would have a harmful impact on MOL, Open Space, heritage assets, views and visual amenity of the local area.
- Sets a precedent for future additional development on the application site.
- The proposed ticket scheme comprising 500 tickets does not suitably compensate for the impact of the Show Court with year-round use.
- Concerns regarding adverse impacts of construction traffic.
- Overarching concern regarding the loss of trees.
- Concerns AELTC will continue to use Wimbledon public park for queuing and parking. Public space should not be lost, now that AELTC has its own land for this.

Neighbourhood support

59. The submissions in support generally summarised as follows:

- Consultation:
 - Complimentary to the consultation carried out by AELTC.
- Design, townscape and landscape
 - Supportive of the positioning of the Show Court noting that it has been well located away from residential properties.
 - Supportive of design of the Parkland Show Court complementing its organic design and assimilation with the landscape.
 - Supportive of maintaining the parkland outlook for residents.
- Ecology and biodiversity

- Supportive that the development would improve wildlife and biodiversity in the area.
- Heritage
 - Supportive of the design approach to restore the “Capability” Brown landscape.
- Community access and public benefits
 - Beneficial to the community.
 - More green space for public use.
 - Supportive of the community and public benefits the proposal would provide, notably the AELTC Parkland and lake enhancements to the community.
 - Supportive of the enhanced community facilities, such as the Golf Clubhouse access, 7 grass tennis courts lighting that these would encourage more adults and juniors to take up tennis.
 - Supportive of desilting the lake would be beneficial and acknowledge this would be provided at the cost of AELTC which might otherwise be unaffordable to the Council.
 - Reference is made to the limited public access of the golf course use.
- Economic and employment benefits
 - Supportive of economic and employment benefits as a result of extending the tournament period to 3 weeks. Reference is made to increased commercial benefits to businesses at the local and London scale.
- Maintaining Wimbledon as premier tennis tournament
 - Supportive that the proposed development would maintain Wimbledon as a premier tennis tournament in the world.
- Other
 - Development well thought through.
 - The proposals would be an improvement to the previous use as a golf course.
 - Supportive of the principle of bringing the AELTC and Qualifying to one site and having sufficient number of practice courts in proximity to competition courts.

- The proposed development would be a better alternative to residential development which would further clog up our transport networks, local amenities and natural environment.
- One representation notes that local area needs to endorse this opportunity, embrace progress and the wake up to the public benefits it will bring to the area.
- Concerns regarding 'false information' raised by local groups.
- Concerns that opposition groups do not represent views of the local neighbourhood as a whole.

60. A total of 1479 letters (from 1298 households) of support submitted by consultation firm 'Your Shout'. The reasons for support were as follows:

- Maintaining The Championships as the world's best tennis tournament and one of the most cherished sporting events globally.
- Bringing the Qualifying tournament to SW19 increasing the opportunity for people to watch tennis and be inspired to play.
- Access to local community to 7 new grass courts after The Championships each year.
- Opportunity for residents of Merton and Wandsworth to purchase tickets for the new Parkland Show court each day it is in use during the tournament.
- Commitment to reduce traffic and tournament parking.
- A new 23-acre public park for use by all local community all year round, opening up land which has been inaccessible to the public for over 100 years.
- A new walk right around the Wimbledon Park Lake, heritage and ecology trails, wider community and educational uses within the former Golf Clubhouse
- The implementation of heritage-led improvements to the site and neighbouring Wimbledon Park.
- A range of ecological and biodiversity enhancements to the site most notably the planting of 1500 new trees and desilting the lake.
- Hundreds of new jobs will be created, and the project will add £55 million to the UK economy.

Submissions from MPs

Siobhan McDonagh MP

61. Siobhan McDonagh MP raised concerns regarding:

- the loss of the historic park and conservation area.
- Concern that the large structures associated with the development would be a blight on the environment and would be empty for the whole year.
- Additional concern raised that the space would be used for further events in the 11 months that the championship is not on.

Fleur Anderson MP

62. Two letters of objection were received from Fleur Anderson MP. The objections raised following concerns:

- Concerns the proposed Show Court would be inappropriate development in MOL.
- Concern there is no justified need for the development given the existence of adequate facilities at Roehampton and Wimbledon.
- Concern there is no need for 39 practice courts.
- Concerns of a disproportional impact on local residents, especially considering lengthy construction period.
- Concerns the development would exacerbate poor air quality.
- Concerns there would be no guarantee the proposal would secure the new community centre and access to the parkland in the future.
- It has very substantial local opposition It is development on Metropolitan Open Land which will stop public access to most of the site, give limited access to the Park area of the site which is closed for 5 summer months a year.
- There is no guarantee that the new Wimbledon Park area of the site will not be developed in the future as it is being retained by AELTC.
- The proposal tips the balance and is all in favour of more profit for AELTC at the expense of the local community and our green spaces.
- Concerns regarding scale and form of Parkland Show Court.
- Concerns regarding biodiversity and environmental impacts.
- Concerns regarding adverse impacts of Church Road closure.
- Concerns that car parking would be retained on Wimbledon Park.

Stephen Hammond MP

63. No response was received directly from Stephen Hammond MP. However, Merton were copied into responses from Mr Hammond to those objecting to the proposal indicating the Mr Hammond agreed with points raised in those objections.

Responses from statutory bodies and other organisations

Greater London Archaeological Advisory Service (GLAAS)

64. Two responses were received from GLAAS during the planning application. Overall, they considered the development could cause harm to archaeological remains and advised that field evaluation is needed to be secured to determine appropriate mitigation. GLAAS recommend two conditions, including the requirement for a Written Scheme of Investigation (WSI) and for the Applicant to carry out public engagement.

Historic England

65. Three responses were received from Historic England (HE). Overall, HE considered the proposed development would result in less than substantial harm to the Wimbledon Park Registered Park and Garden.

66. Furthermore, HE recognised that there are benefits with opportunities to reduce harm. Therefore, they noted that if the planning authority was minded to approve the current application, they note it is essential to secure public benefits. They note the planning authority should weigh heritage harm against such benefits as required under NPPF.

Natural England

67. Three responses were received from Natural England during the application. They raised no objection based on the plans submitted. Natural England considered that the proposed development would not have significant adverse impacts on statutory designated sites.

Network Rail

68. A response from Network Rail confirmed they had no comments to make on the proposal.

Sport England

69. Two responses were received from Sport England who raised no objection to the proposed development.

The Gardens Trust

70. The Gardens Trust provided three responses to the planning application. Overall, they raised concern to elements of the proposal whilst also noting the benefits of other aspects of the proposal. They point to the need to establish clarity that public access to the AELTC Parkland is free of charge in perpetuity, and to secure maintenance funding for the Registered Park and Garden.

Environment Agency

71. Three responses were received from the Environment Agency (EA). Their responses noted that the EA had no comments on the planning application. However, it was noted that the applicant may be required to apply for other consents directly from the EA.

Save Britain's Heritage

72. Objects to the above planning application on the grounds that the complex of 38 tennis courts and show court stadium proposed will cause substantial harm to the character and significance of Wimbledon Park, a grade II* listed Registered Park and Garden whose survival from the 18th century and beyond, even in remnant form, is remarkable.

73. Whilst strongly supporting the principal of restoring this historic landscape, this application in its current form fails to comply with national and local policy for preserving Wandsworth and Merton's historic environment.

London Wildlife Trust

74. Supports the proposed development, which would provide biodiversity net gain in accordance with the DEFRA metric.

Lawn Tennis Association

75. Supports the proposals: AELTC makes a significant and valuable contribution to British tennis through the surplus allocated to the LTA each year, which is based directly on the financial success of The Championships, Wimbledon. The surplus provides crucial support to the LTA's funding, and helps to develop tennis in Britain, from grassroots participation through to the professional levels of the sport.

Representations to the Mayor

Local residents

76. At the time of finalising this report, 161 representations (excluding representations from residents groups and MPs) had been received. The issues raised largely mirrored those raised within the objections identified above.

77. A petition was presented to the London Assembly (Plenary) meeting on Thursday 7 December 2023 by Hina Bokhari AM regarding Save Wimbledon Park. At the time of presentation this petition had reached 16,145.

Residents' associations and groups

78. The following residents' associations and residents' groups raised objections to the Mayor at Stage 2:

- Wimbledon Park Residents' Association:

- Extent of the proposed works.
- Protection of MOL
- Deliberate neglect or damage to heritage landscape and harm to heritage assets.
- Failure to satisfy environmental standards.
- Non-existent community engagement.
- Emerging Local Plan, not recognised as a Material Consideration.
- Problems with GLA Stage 1 report.
- Friends of Wimbledon Park:
 - Harm will be done to Grade II* Heritage Park
 - Change of use from participation sport to spectator sport.
 - Heritage At Risk Register
 - Consideration of reasonable alternatives including exclusion of The Wimbledon Club.
 - Discussion of the public benefits.
- Friends of Wimbledon Town:
 - Covenant.
 - Impact on ecology, environment and air quality.
 - Wimbledon Park is a valued resource which should not be lost.
- Wimbledon Society (Planning & Environment Committee):
 - Very Special Circumstances do not exist and officers should follow the logic of Wandsworth Council and refuse the application.
- Parkside Residents Association:
 - Unacceptable scale of the proposals.
 - Increased public access is claimed in justification, but will be limited in practice.
 - Off-site heritage enhancements are not based on community consultation and are given disproportionate weight.
 - Claims of securing an optimum viable use for the site are overstated.

- Claims for economic and employment benefits not subject to detailed scrutiny.
- Community engagement with the site and sport is limited.
- Belvedere Estate Residents Association:
 - Impact on MOL, Grade II* Heritage Registered Park and Garden.
 - Trees, flooding and climate change.
 - Air quality impacts.
 - Very special circumstances do not exist.
- Southfields Triangle Residents Association:
 - Degradation of protected MOL.
 - Air pollution in Southfields is dangerously high.
 - main route for construction HGV's is to enter the northern end of Wimbledon Park Road. Concern about the use of this route.
- Save Wimbledon Park:
 - Highlight the fact that a misleading flyer has been distributed by the AELTC to local residents.
- London Network of Friends of the Earth:
 - Development of MOL.
 - Felling of hundreds of mature trees.
 - Will produce years of disruption, air pollution and increased noise.
- Tree Warden Group Merton:
 - Biodiversity impacts.
 - MOL is protected land.
 - Lack of benefits to the public.
- CPRE London:
 - Inappropriate development on MOL.
 - Substantial harm to local heritage assets.
 - No significant benefits to the public.
 - No special circumstances exist to justify this development.

- There are clear alternatives for the AELTC to invest in.

MPs & Assembly Members

79. Fleur Anderson MP submitted a mayoral representation outlining her concerns with the proposal. The reasons for objection are largely in line with the matters outlined in her objections to the boroughs (listed above).

80. Hina Bokhari AM submitted a mayoral representation outlining her objections to the proposal.

Response to public consultation - conclusion

81. Having considered the local responses to public consultation, Merton Council has sought to secure various planning obligations, conditions and informatives in response to the issues raised. GLA officers have had regard to the above statutory and non-statutory responses to the public consultation process, and those representations made directly to the Mayor, where these raise material planning issues of strategic importance.

Update

82. Since consultation stage GLA officers have engaged in joint discussions with the applicant, the Councils and TfL officers with a view to addressing the matters raised by GLA officers at Stage 1 (as outlined below). Furthermore, as part of Merton's draft decision on the case, various planning conditions and obligations were secured. An update against the issues raised at consultation stage is set out below, having regard to responses to the public consultation and representations made to the Mayor.

Relevant policies and guidance

83. Since consultation stage the following is now a material consideration:

- 'Be Seen' energy monitoring guidance LPG (September 2021);
- Public London Charter London Plan Guidance (September 2021);
- Fire Safety draft LPG (February 2022);
- Circular Economy Statements LPG (March 2022);
- Whole-Life Cycle Carbon Assessments LPG (March 2022);
- Sustainable Transport, Walking and Cycling LPG (December 2022);
- Urban Greening Factor LPG (February 2023);
- Air quality positive LPG (February 2023);
- Air quality neutral LPG (February 2023);

- Characterisation and Growth Strategy LPG (June 2023);
- Optimising Site Capacity: A Design-Led Approach draft LPG (June 2023); and

Land use principles

84. At consultation stage (Stage 1) it was noted that the redevelopment of the site to provide tennis infrastructure and a new publicly accessible park was supported in strategic planning terms. However, whilst the proposal represented facilities for outdoor sport, the scale of the proposal and the increase in spectators meant the proposal is unlikely to be appropriate MOL development in accordance with Paragraph 154(b) of the NPPF. For these reasons, exceptions test (b) is unlikely to apply in this instance. Therefore, the proposal was considered to constitute inappropriate development on MOL which must be robustly justified by VSC. At Stage 1, GLA officers indicated that VSC justification which clearly outweighs the potential harms to the MOL had not yet been demonstrated. Further information was required on the level of harm and the benefits, and the proposed benefits must be secured.
85. Wandsworth Council's first reason for refusal relates to the substantial harm to and loss of visual and spatial openness identified to Metropolitan Open Land. As such, they consider that the development would constitute inappropriate development and did not consider that there were any VSC that outweighed this harm.
86. Merton Council officers undertook their own assessment of openness, concluding:
- 'It is considered the landscaping proposals, including new tennis courts, footpaths would not have material impact on the openness of the MOL. However, it is considered the combination of the boardwalk, Central Grounds Maintenance Hub, single storey buildings (i.e. two player hubs and satellite hubs), seasonal temporary structures, and the Parkland Show Court would result in a perceptible increases in built form that would not preserve the openness of the MOL. The most significant impact on openness would be from the Parkland Show Court which, due to its scale, would be more overtly visible from within and surrounding the development site.'*
87. Merton subsequently concluded that the proposal would fail to preserve the openness of the MOL and would be inappropriate development that would therefore result in definitional harm. Given the harm to MOL, they noted that the NPPF requires that the development should not be approved except in very special circumstances. In this circumstance, Merton Officers considered that the weight of the benefits would clearly outweigh the harm identified to MOL and other harm and therefore the benefits are considered to amount to VSC.
88. It is recognised that the public benefits package has been refined and strengthened since Stage 1 and this is welcomed. The potential overall benefits from the scheme (including the proposed delivery of a new 9.4 ha public park) are significant. These benefits would need to be secured by way of appropriately worded conditions and section 106 obligations as part of any approved scheme.

89. Should the Mayor take over the determination of the application, the public benefits package will be further assessed and considered at Stage 3 to determine whether VSC have been achieved that could outweigh the harm to MOL.

Urban design

90. At Stage 1, it was acknowledged that the positioning of the proposed show court is logical relative to the sites setting and surroundings whilst the principle of embedding the grounds maintenance hub into the natural features of the site given the area's topographic change was supported. Furthermore, the provision of a new public park was welcome with a request that the details be secured in line with London Plan Policy D8. The aspiration to incorporate English garden character through the build form was deemed positive.

91. Minimal revisions have been made to the overall design and layout since Stage 1. It is noted that the Parkland Show Court, Central Grounds Maintenance Hub and Player Hubs are applied for in outline with matters of scale and appearance reserved for future consideration. A design code was submitted to provide guidance for the design when it is considered at Reserved Matters stage. The design code has been updated and strengthened to ensure design excellence is achieved including ensuring that the Parkland Show Court (and other parkland buildings) are of the highest architectural quality.

92. Should the Mayor take over the application further consideration of the urban design considerations will be undertaken.

Heritage

93. The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions 'should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' it is judged that harm to the heritage asset/s would arise from the proposed development, considerable importance and weight must be attributed to that harm, in order to comply with the statutory duty.

94. The NPPF states that when considering the impact of the proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

95. London Plan Policy HC1 states that development should conserve heritage assets and avoid harm, which also applies to non-designated heritage assets.

96. At Stage 1, it was recognised that the site forms part of a Grade II* Listed Historic Registered Park & Garden of 18th Century significance and that the entirety of the historic park inclusive of the site is identified as being 'at risk' by Historic England. It was acknowledged that the proposed development would repair and restore the heritage interest in the site that dates to the original Capability Brown designed landscape, including de-silting and remodelling the lake to better reflect its historic alignment, de-culverting two brooks, revealing the historic views, and developing a Conservation Management Plan for the wider Registered Park and Garden (RPG) area.

97. Further to the matters raised at Stage 1, GLA officers have undertaken a more detailed assessment of the harmful elements to the proposal and the level of harm of the RPG and nearby heritage assets.

98. The application was well researched and takes a detailed understanding of the significance of the park as its starting point. Options have been explored to avoid and reduce harm and these are detailed and discussed in the application documents. Nevertheless, harmful elements remain including:

- The construction of permanent new buildings within the park.
- Other permanent development within the park including surfaced paths, areas of permanent hard surfacing, new boundary treatments (including a new 'ha-ha' with buried hedge), site furniture and lighting and a boardwalk projecting into and surrounding the lake.
- Extensive earthmoving to remove golf course features and recontour the site to create the 38 new grass tennis courts, and to reprofile natural contours in the re-created parkland south of the lake.
- Temporary works to provide infrastructure needed for the one month per year of the Championships.

99. These elements are considered to cause less than substantial direct harm to the significance of the RPG (and the Wimbledon North Conservation Area) at a low to middle extent.

100. The following elements of the proposals are considered to be heritage benefits:

- Opening-up historic views through the removal of insignificant and inappropriate golf related tree planting.
- Removing inappropriate and poorly placed trees.
- Celebrating the historic open-grown trees and tree clumps.
- De-silting and enhancing the appearance of the lake, with it partially returned to its 18th century extent.
- De-culverting two brooks (Bigden Brook and Margin Brook).
- Restoring lost landscape features.

- Restoring open grassland.
- Improving boundaries.
- New planting to enhance the parkland.
- The production of a Conservation Management Plan (CMP) for the whole RPG.

101. The proposals also include the following heritage-related public benefits:

- Moving the RPG closer to removal from the HAR Register.
- Providing the Optimum Viable Use for this part of the RPG.
- Permissive public access for eleven months of the year to the 9.2ha area of currently private land south of the lake, restored as parkland.
- Enabling public access around the edges of lake, which also has the effect of joining the public park at Wimbledon Park to the north to the permissive public access area to the south of the lake.
- Various works of improvement to the public park at Wimbledon Park.

102. In accordance with paragraph 207 of the NPPF the harm identified should be weighed against the public benefits of the proposal. In addition to the heritage related public benefits set out above the scheme would deliver the new public parkland, a boardwalk around the lake, desilting of Wimbledon Park Lake, as well as a range of off-site enhancements to Wimbledon Park. For this reason, GLA officers consider that the public benefits of the scheme could clearly and convincingly outweigh the harm identified.

Heritage conclusion

103. As harm has been identified the proposals do not comply with HC1 and the harm identified should be given considerable importance and weight.

104. Should the Mayor take over the determination of the application, GLA officers will further and fully consider the impact of the proposals on the significance of heritage assets as part of the statutory duty and relevant policy tests and proposed public benefits would need to be further clarified and appropriately secured.

Transport

105. Transport issues raised at Stage 1 required details pertinent to the proposed highway works on Church Road and cycle infrastructure, along with concerns about parking, reliance upon private car travel and the associated network impact. Further information was provided on these matters and the scope of highway works has been agreed, subject to detailed design and the provision of a bus shelter with lighting.

106. Concerns raised around the planned closure of Church Road to pedestrians and cyclists during future events, which enables secure access between the site and the existing grounds to the west for ticket holders, are subject to a separate Temporary Traffic Order which is separate to the planning process. No suitable alternative routes for pedestrians and cyclists were agreed, therefore TfL maintains these concerns. However, it was agreed that a S106 obligation for the applicant to provide an annual Access Management Plan would be secured to confirm these details.

107. The proposals include a site-wide reduction in car parking for the Championship and Qualifying events, and the Section 106 will include a clause capping the amount of parking to 550 spaces within the site. Outside of the events a total of 66 car parking spaces are proposed. Policy T6 does not provide specific parking standards for this use, however there is little evidence that the car parking would support a shift away from private car travel in favour of sustainable modes. The applicant is encouraged to further reduce car parking, except for the provision of disabled persons car parking, in line with the Travel Plan.

108. The following mitigation measures are also expected to be secured in the appropriate way:

- Highway works delivered via a Section 278 agreement with TfL will be secured to install CCTV infrastructure on the A24 in the vicinity of the existing Park & Ride (P&R) at Morden Park. This is to enable TfL Network Management Control Centre to monitor and manage the impact of the temporary demand during the event period.
- A contribution of £250,000 has been agreed to improve cycle infrastructure. This could be used to expand the TfL Cycle Hire network to the area, or other active travel enhancements connecting the site as required.
- A further contribution of £177,120 will be secured towards measures to manage the impact of additional demand at Southfields and Wimbledon Park London Underground stations during the events, including the provision of additional staff.
- Details of the cycle parking, along with a Parking Design and Management Plan, Delivery and Servicing Plan and Construction Logistics Plan will be secured by condition.

109. Should the Mayor take over the application, further discussions would be required with the applicant and TfL officers regarding the above matters.

Sustainable development

Energy

110. At Stage 1, it was confirmed that the outline energy strategy generally complied with London Plan policies. However, it was noted that the applicant would be required to submit additional information at the reserved matters stage.

111. The applicant subsequently submitted updated energy documentation on two occasions. The final set of energy documentation noted that the applicant had addressed all energy matters except for a request the Solar PV be incorporated into the proposal. Additionally, the applicant should be conditioned to submit energy statements in the reserved matters application for review and approval by the borough and GLA.

112. Should the Mayor take over the applications the outstanding energy matters would be considered and addressed prior to determination. All relevant mitigation measures, including carbon offset payments, should be secured within a decision notice of Section 106.

Whole Life-Cycle Carbon

113. At Stage 1, it was welcomed that the application had included WLC emissions for such a large site and the associated external works. It was also appreciated that this development is not comparable to current benchmarks. However, it was requested that the applicant submit the WLC template and address the following comments for the template:

- All material types and quantities for building elements within the scope of the assessment should be given.
- Key actions and further potential opportunities to reducing WLC should include estimated WLC savings, even if based on high level assumptions.
- Module B assumptions and end of life scenarios should be included, as per the results given.
- Assessment 2 should also account for decarbonisation for modules B2-B5 and D, as well as B6 already included.

114. The applicant has responded to the matters raised at Stage 1 within an updated WLC Statement and WLC template. All queries in the Outline application were acceptably addressed with a request for a condition to provide a detailed WLC assessment at Reserved Matters stage.

115. One minor point remained regarding details of end of life scenarios used the WLC Model to generate Model D emissions. Should the Mayor decide to take over this application, a further revision to the WLC Statement and template will be requested. Conditions will be secured for the commitments outlined in the WLC Statement as well as Post-Construction monitoring.

Circular Economy

116. At Stage 1, GLA officers reviewed the Circular Economy Statement and accompanying GLA template. The applicant was advised that further information was required in order to confirm compliance with Policy SI7.

117. The applicant has responded to the matters raised at Stage 1 within an updated Circular Economy Statement and GLA template. At this stage, some minor points have been identified by GLA energy officers and remain outstanding.

118. Should the Mayor take over the application, further updates to the Circular Economy Statement would be required. Furthermore, any decision notice would need to secure the commitments outlined within the Circular Economy Statement as well as securing Post-Construction monitoring.

Environment

Air quality

119. At Stage 1, it was confirmed that the proposal complied with London Plan air quality policies. All relevant mitigation measures or conditions would be secured at Stage 3 should the Mayor choose to take over the application.

Green infrastructure and open space

120. At Stage 1, it was acknowledged that the proposed development presented a well-considered approach to integrating green infrastructure and urban greening across the masterplan. This was strongly supported.

121. Being a hybrid application, the importance of securing the quality and quantity of greening was recognised and this should be secured through design codes and delivered through subsequent stages of planning. The applicant calculated the Urban Greening Factor (UGF) of the proposed development as 0.98, which considerably exceeds the target set by Policy G5 of the London Plan. Therefore, it was deemed that the proposed development is compliant with Policy G5 of the London Plan.

122. Whilst the proposal would represent a loss of designated open space, the proposal has demonstrated consideration of access to public open space across the site through the provision of a new 9.4ha public park. The year-round access to a high quality green open space is considered to be in accordance with Policy G4 of the London Plan.

Trees

123. At Stage 1 it was acknowledged that the proposals would retain and protect all veteran trees on site and include the planting of 1,500 new trees, which would more than double the number of trees on-site. The works would deliver a biodiversity net gain of 10.01 percent on site habitats and 13.05 percent in linear units. The proposal also includes a detailed management strategy for the ongoing stewardship of the land and its environmental assets.

124. In this regard, the conservation approach towards ancient and veteran trees was welcomed. The applicant was asked to confirm that the any proposed tree fences (around the veteran trees) would not impede paths or other public access routes. Further details of the trees and fencing will be considered should the Mayor choose to take over the application.

Biodiversity

125. The site lies within Wimbledon Park (Wandsworth section) and Wimbledon Park Lake, Woods and Golf Course Site of Importance for Nature Conservation (SINC). Both of which are classified as Borough Grade I Importance. At Stage 1 it was recognised that the applicant had provided an ecological mitigation strategy, which included ensuring that proposal conforms with environmental policy and legislation during the construction phase. It is stated that this document would feed into the Construction and Environmental Management Plan (CEMP). The applicant should make specific reference to the two SINCS in the CEMP to set out how impacts will be avoided and mitigated.
126. The updated documentation detailed how the project will deliver 9.4ha of high-quality parkland, providing a substantial increase in publicly accessible greenspace in London. The parkland will provide opportunities for public engagement with nature and represents a contrast to the current golf course use which is not accessible to the public. Therefore, on the basis of biodiversity enhancement and access to nature alone, the scheme is considered to respond positively to Policy G3.
127. The applicant has now demonstrated that the proposed development would result in biodiversity net gain for area based, linear and river habitats on the site, as well as satisfying the trading rules.
128. The updated material provided also confirms that direct impacts on the Woodland SINCS would be avoided entirely. There would be some construction phase impacts on the lake, but these would be minimised.
129. As such, the proposed development is considered compliant with Policy G6. Should the Mayor choose to take over the application, agreements would need to be secured detailing how the proposed habitats will be managed in order to reach the target condition (over 30 years plus). These agreements must be very specific to the target habitats and conditions, build on the lake management plan and be agreed prior to any works.

Legal considerations

130. Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct a local planning authority to refuse permission. The Mayor also has the power under Article 7 to direct that he will become the local planning authority for the purposes of determining the application. The Mayor may also leave the decision to the local authority. In directing refusal, the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

131. Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance emphasises that parties usually pay their own expenses arising from an appeal.
132. Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or, behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.
133. Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the Council to do so) and determining any approval of details (unless the Council agrees to do so).

Conclusion

134. Having regard to the details of the applications and other relevant matters it is considered that the nature and scale of the proposed development and the issues give rise to a significant impact on the implementation of the London Plan, there are significant effects on more than one London Borough and there are sound reasons for the Mayor to intervene and issue a direction under Article 7 of the 2008 Order. The tests set out in Article 7(1) (a) – 7(1) (b) are met, and it is recommended that the Mayor issues a direction under Article 7 that he becomes the local planning authority for the purposes of determining the application.

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