

PARKSIDE RESIDENTS' ASSOCIATION

Future Merton
London Borough of Merton
Civic Centre
London Road
Morden
SM4 5DX

5 September 2021

By email to: future.merton@merton.gov.uk

Dear Sirs

New Local Plan Publication Stage 3

Comments for forwarding to the appointed Inspector

The membership area of the Parkside Residents' Association comprises over 320 households and includes roads which adjoin the landholding of the All England Lawn Tennis Club (AELTC) to the west of Church and Somerset Roads. Almost all of the membership area is within the Wimbledon North Conservation Area.

Having reviewed the content of the final draft (Stage 3) of Merton's Draft Local Plan, and in particular the Site Allocations, we object to the proposed inclusion within Site Allocation Wi3 (**see Ch 09 pp282-285 inc**) of the AELTC's landholding in Wimbledon Park on the eastern side of Church Road, currently in use as the Wimbledon Park Golf Course (although golfing use is due to end in 2022) and the terms upon which it is included. The purpose of Site Allocations in a Local Plan is to identify sites with opportunities for development. In our view, the inclusion of this area within this Allocation is inappropriate as this conflicts with National, London and Merton's own local planning policies as well as policies applicable to historic sites such as this with significant Heritage status. Our reasons are summarised below.

1. Failure to recognise the protected planning policy status applicable to the AELTC's landholding on the eastern side of Church Road (the Park)

1.1. The whole of Wimbledon Park which lies to the east of Church Road and including the area within the AELTC's ownership, is part of an historic parkland designed by Capability Brown. The Golf Course land within the Park owned by the AELTC is an important and significant site, characterised as attractive, green open space with long fairways and varied topography affording clear views of surrounding historic buildings such as St Mary's Church to the south east. It is protected as Metropolitan Open Land (MOL) which is the urban equivalent of Green Belt, a designated Grade II* Listed Heritage Asset, a Site of Importance for Nature Conservation and within a Conservation Area. These designations, and the planning policy framework which supports them, are all intended to protect sites from development; the present golfing sporting use and the modest infrastructure it requires clearly respect those designations. The requirement in the Allocation's Design and Accessibility guidance (**see Ch.09 p283**) for "development" to be permitted, including to *upgrade and improve AELTC's facilities to continue the prominence of the Championships...* may have relevance to the AELTC's landholding on the western side of Church Road where its principal facilities are located, but it is wholly inappropriate for, and very much at odds with, the protected status of the land on the east side of Church Road.

1.2 Site Allocation Wi3 includes the AELTC's landholdings on both the east and western sides of Church Road and, as acknowledged in **para 9.1q of the Local Plan**, considers both, in effect, as a single area suitable for long term development to *"support the continued upgrade and improvement of the AELTC's facilities...to maintain its global position as the best grass Grand Slam tennis competition....."*. In our view this is a flawed approach; prioritising the AELTC's ownership of both areas as a single entity fails to recognise the distinct and contrasting features of the two areas and the separate approach which should therefore be adopted for the planning policy oversight of their long term future. Specifically:

1.2.1 The multi-layered protected policy status of the undeveloped open space of the Golf Course land to the east of Church Road is noted above; there are no “AELTC facilities” on this land which might be available for upgrading or improvement as it has only recently become available to the AELTC following its buy-out of the Wimbledon Park Golf Club from the members on terms which will bring the golfing use to an end.

1.2.2 In contrast, the land to the west of Church Road, including the site on Somerset Road housing a large indoor courts complex and other facilities, has been in the AELTC’s ownership since the 1920s and is usually called its “main site”. It comprises show courts, tournament infrastructure buildings, a media centre, event hospitality facilities, underground car parking, indoor and outdoor courts and other private facilities for the AELTC’s members as well as a Museum open to the public. Over the years this site has been extensively developed, redeveloped, infilled and the facilities upgraded and refurbished to the point where, apart from uncovered tennis courts and a small croquet lawn, and the famous “Henman Hill” which is an outdoor broadcasting area, there is little if any open space which has not been built over or “landscaped” with pathways and other hard landscaping features.

Accordingly, a designation which anticipates further development to “upgrade and improve the AELTC’s facilities” to keep pace with those available in other Grand Slam venues should recognise the distinct and separate characteristics of these two areas. It should not propose, as it does at present, what is in effect a “licence to build” on protected, hitherto undeveloped land such as the site on the eastern side of Church Road so that it can be changed, irreversibly, into an extension or replica of the AELTC’s densely developed site to the west. Unity of ownership of two distinctly separate landholdings cannot override or justify development which conflicts with well-established protective planning policy.

2. Objections to some of the statements included in the text for Site Allocation Wi3

2.1 We note that in the “site description” for Wi3, it is stated (**see Ch09 p283**) that *“The AELTC have commenced the preparation of an updated masterplan to investigate and identify the future development opportunities for the AELTC estate and the Championships incorporating the golf course.”* The content of this document is unknown as it is not in the public domain. In any event, any “masterplan” prepared by a private organisation is a commercial strategy to promote its own business development; it is not subject to public scrutiny or approval or to any commitment as to due performance of its objectives, and can be withdrawn, modified or even abandoned over time to suit the organisation’s changing strategic priorities. It does not follow that the commercial opportunities which a masterplan identifies will be consistent with planning policy frameworks which are established in a public and democratic context. To reference the AELTC’s undisclosed masterplan in this Local Plan implies an endorsement of its objectives, whatever they may be. This is inappropriate; the reference to the masterplan should be deleted.

2.2 In the previous Draft (Stage 2) of the Local Plan, the Site Allocations included a list of “Issues” and “Opportunities” applicable to each site, including Wi3. In the Final Draft (Stage 3) that approach has been changed in the text for all Site Allocations. “Issues” and “Opportunities” are replaced with notes headed “Design and Accessibility Guidance” and “Infrastructure Requirements”. In the case of Wi3 one of the “Issues” cited in the Stage 2 draft was that: *“The AELTC site is used in a highly intensive manner for less than a month per year, and relatively little given its size and scale outside the tennis grass court season. Any assessments relating to buildings or structuresshould take account of this unusual usage pattern”*. It is curious that this has been omitted from the final Stage 3 Draft which suggests instead *“Outside the Championships period the site remains in use for member, club and charitable activities and includes the AELTC’s Wimbledon Lawn Tennis Museum which attracts 100,000 visitors per year”*. The Museum, despite its visitor numbers, is only one relatively small building; the public has no access to other parts of the site. Given the scale of the area and the density of buildings and other permanent facilities provided for the Championships (a grass court event) on the site to the west of Church Road it is reasonable in our view to recognise their relatively limited usage pattern and to suggest that this be factored in to assessments of proposed future buildings.

2.3 The “Site Location” summary (**Ch.09 p284**) the section “Impacts a Conservation Area” is incorrect as presently drawn. If the Site Allocation is to include the whole of the Golf Course land to the east of Church Road, the section should note that this land is within the Wimbledon North Conservation Area; currently the section merely suggests that the *“the north end of the site is within the Bathgate Road Conservation Area”* and that *“the Wimbledon North Conservation Area lies to the west of the site”*.

3. Inconsistencies with other policies and definitions in the Local Plan

3.1 The Local Plan describes “**Site Allocations**” (see p276) as “*planning policies which apply to key potential development sites of strategic importance..*”. How can a site which enjoys so many layers of protection from development as noted above be identified as a “*key potential development site of strategic importance*”?

3.2 Site Allocation Wi3 is one of 14 Site Allocations in the Plan. It is considerably larger in area than the others. As noted above the area to the west of Church Road is already densely developed (including with buildings erected in the last decade, others still under construction and there are also outstanding planning permissions yet to be implemented); the AELTC’s land to the east of Church Road is undeveloped Grade II* Listed historic parkland designated as MOL. As such it contrasts starkly with all the other Allocation sites which are mostly brownfield sites in built up areas where redevelopment delivering strategic priorities such as housing, jobs or social infrastructure suitable for an urban or town centre location might be appropriate. Although South Wimbledon Station (Wi8) is a Grade II listed building, as is the former town hall which is part of Centre Court (Wi16) and in a Conservation Area, none of the other Allocation sites offer the significant historic “green” environmental and amenity value which the AELTC’s MOL designated land to the east of Church Road provides nor do they enjoy the same level of planning policy protection against development.

3.3 Policy N9.1 lists a number of commitments by Merton “*to ensure that Wimbledon continues to be a thriving destination for businesses, residents and visitors.*” These include at **para 9.1o**:

“Conserving and enhancing the quality of neighbourhoods within the neighbourhoods through Conservation Area character protection, and by supporting incremental development that respects the character and heritage assets within the area;” and,

at **para 9.1q**, a commitment to:

“Recognise the importance of Wimbledon Tennis Championships, support the continued upgrade and improvement of the AELTC’s facilities either side of Church Road and at Raynes Park to maintain its global position as the best grass Grand Slam tennis competition and to provide economic, community and sporting benefits locally.”

In our view these two commitments are contradictory – the unqualified support for development by the AELTC on its entire landholding as envisaged in **para 9.1q** fails to recognise the Conservation Area and Heritage Asset status of the Golf Course/parkland area to the east of Church Road and the protection, acknowledged in **para 9.1o** which that status affords. **Para 9.1q** must therefore be suitably qualified to acknowledge both the commitment in **para 9.1o** and the other planning policy protections applicable to the Golf Course/parkland area as noted above.

3.4. Para 9.1.34 notes the significant economic benefit and jobs boost provided by “the AELTC activities” around the Championships and, referencing the numbers of visitors to the Wimbledon Tennis Museum, throughout the year as well. However, these “activities” are acknowledged to take place on “the main site” ie the landholding to the west of Church Road where the Championships take place and the Museum is located. The commitment noted in **Para 9.1.35** to “*support the continued upgrade and improvement of all AELTC’s facilities*” must also be read in that context as there are no “facilities” capable of “upgrade or improvement” on the open space to the east of Church Road and cannot be a justification to include that open space in Site Allocation Wi3.

3.5 Under **Ch. 01B “Good Growth Strategy”** of the Draft Local Plan, it is stated (**p11**) that: “*Our heritage assets and historic environment are irreplaceable and an essential part of what makes Merton a vibrant borough and their effective management is a fundamental*” and that (**p12**) “*The Mayor will be developing a London-wide Heritage Strategy, together with Historic England and other partners, to support the capital’s heritage and the delivery of heritage-led growth. Merton Council supports this approach and will work with local communities, the Mayor and partners to protect and enhance our rich heritage.*” We assume that these policies reflect a genuine commitment on Merton’s part. If so, they should be referenced in Site Allocation Wi3

4. Inconsistency with National Planning Policy Framework (NPPF) Policies and the London Plan

There are a number of policies in the London Plan and in the most recent (July 2021) version of the NPPF which protect Green Belt and Designated Heritage Assets and override any presumption of development. In particular:

4.1 By identifying the AELTC's landholding to the east of Church Road as a site for potential development the Wi3 Site Allocation is effectively ignoring its MOL boundaries. **Policies G3 A and C of the London Plan** confirm that MOL *"Is afforded the same status and level of protection as Green Belt"* and that *"any alterations to the boundary of MOL should be undertaken through the Local Plan process in consultation with the Mayor and adjoining boroughs. MOL boundaries should only be changed in exceptional circumstances when this is fully evidenced and justified...."* In addition, **NPPF Policy 140** confirms that *"Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified"*

No evidence or justification has been put forward to change the MOL/Green Belt boundary or status of this important site in any of the stages for the approval of this Local Plan. In fact, the MOL designation is expressly acknowledged elsewhere in the Draft Local Plan in the **Green Infrastructure Policies Map 2**. As we have noted above, the justifications for development reference the upgrading and improvement of the AELTC's facilities and there are none on the MOL land to the east of Church Road. Instead of prioritising development opportunities on land which is designated MOL, Site Allocation Wi3 should be emphasising the protection from development afforded to MOL by the London Plan and the NPPF

4.2 NPPF Policy 148 requires that local planning authorities considering planning applications on Green Belt land *"should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."* By acknowledging that the principle of development is appropriate for the AELTC's land to the east of Church Road, the Site Allocation Wi3 is pre-empting the consideration of any "harm" which such development might bring. This will also have the effect of ensuring that any "very special circumstances" which might be cited in support of such development are not evaluated, as NPPF Policy 148 requires, against the harm to the MOL/Green Belt which the development would cause.

4.3 NPPF Policy 149: *"A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt."* Whilst appropriate facilities for *"outdoor sport or recreation"* are permitted exceptions to this policy, the policy requires that these facilities *"must preserve the openness of the Green Belt and do not conflict with the purposes of including land within it"*. The Site Allocation Wi3 conflicts with this policy as it introduces a presumption of development on MOL.

5. Compromising opportunities to remove the Park's "Heritage at Risk" designation

The whole of the Grade II* Listed Wimbledon Park has been on the Historic England (HE) "At Risk" register since 2016. The other landowners besides the AELTC are the Wimbledon Club (a private members' club offering sports facilities) and Merton who own the Public section of the park. HE's At Risk designation was due to various factors including the impacts of divided ownership on landscape management and the failure to agree upon what HE describes as a "shared vision for the whole historic landscape".

5.1 Policy HC1 E of the London Plan says *"where heritage assets have been identified as being At Risk, boroughs should identify specific opportunities for them to contribute to regeneration and place-making, and they should set out strategies for their repair and re-use"*. We do not see how this policy can be met if part of an At Risk Heritage asset is designated for development as envisaged in Site Allocation Wi3, and in particular via the development priorities of one of three different landowners. Merton's focus should be upon encouraging the "shared vision" which HE has asked for.

5.2 Similarly, the NPPF acknowledges Heritage assets as an "irreplaceable resource". **NPPF Policy 190** states: *Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats."* In our view, the designation in Site Allocation Wi3 of the AELTC owned section of the parkland as suitable for development is not consistent with the "positive strategy" envisaged by **NPPF Policy 190** and will do little if anything to bring HE's "At Risk" designation to an end.

6. Covenants against Development and Merton's approach

6.1 In 1993, Merton Council sold the freehold of the Wimbledon Park Golf Course to the AELTC, whilst retaining the remainder of the public Park which it has owned, as trustee for the public, since 1915. The controversial sale was subject to an existing lease to the Wimbledon Park Golf Club, but to address the community's concerns about the longer term risks of development of the land by the AELTC when the lease ended, assurances were given by both the Leader of the Council and the Chairman of the AELTC that both parties accepted that the land would not be built upon. To support this commitment and add to the site's protection in planning policy, Merton also extended the boundaries of the Wimbledon North Conservation Area to include the Golf Course. In addition, in the Transfer deed the AELTC covenanted, for the benefit of the remainder of the Park owned by Merton, not to erect any building or buildings which would "impair the appreciation of the general public of the extent or openness" of that land. Merton's proposed inclusion of this land within Site Allocation Wi3 on terms which anticipate development by the AELTC is clearly at odds with the commitment which Merton gave to the community in 1993 and also suggests a potential conflict of interest in Merton's position as both planning authority and Trustee of the land benefitting the covenant which the AELTC gave.

6.2 Despite its assurances and the terms of the covenant given in 1993, the AELTC has now submitted a planning application ref 21/P2900 for a major development of the Golf Course land to the east of Church Road, which will include the erection of a substantial 8000 seat show court stadium with a retractable roof, levelling the ground to install 38 grass courts with connecting pathways in a scattered layout across the site and providing 10 infrastructure buildings. The application signals a major expansion of the AELTC's facilities, with an estimated build programme of 8 years and will require to be assessed against the existing planning policy framework applicable to the site, including the protections afforded by the MOL, Listed Grade II* Heritage and Conservation Area status which currently apply. Even though Merton's new Local Plan is still in Draft form and has yet to be considered by the Inspector in an independent examination, the Planning Statement accompanying the AELTC's application appears to assume that the terms of the Wi3 Site Allocation, including the presumption in favour of development, will be approved. As noted above, any development proposal for protected MOL/Green Belt land must be subject to a full assessment of harm, to be weighed against the evaluation of any benefits which may be offered. By offering the proposed designation in Wi3 in this final Draft of the Local Plan, Merton appear to be looking to avoid their current responsibilities as planning authority to make that evaluation in relation to this application. This should not be permitted.

Yours faithfully

Chairman