

September 3rd 2021

To Future Merton to be forwarded to the Inspector

Dear Sirs

[09 Wimbledon Merton Local Plan Reg19 July21.pdf](#)

Wimbledon: Policy N9.1 – Surrounding Neighbourhoods Policy N9.1 q and Site Allocation Wi3

Submission of Wimbledon Park Residents' Association

These comments are made on behalf of Wimbledon Park Residents' Association (WPRA) which has been established for many years and whose members span the entire Ward of Wimbledon Park, approximately 12,000 residents and 4,500 households.

WPRA take an interest in a wide range of matters affecting the lives of residents and were, more recently, instrumental in the establishment of Wimbledon Park Hall and Café and the Wimbledon Park Community Trust, the charitable trust which runs it. WPRA were also co-founders of the Friends of Wimbledon Park and act as the Friends of Durnsford Recreation Ground. WPRA are supported by residents with a wide range of professional qualifications and experience relevant to these matters.

Summary

WPRA submit that it is wholly inappropriate for AELTC's landholding East of Church Road, in Wimbledon Park, to be within the site allocation Wi3.

Please note that the maps supplied with this draft of the Local Plan appear to be confusing: on page 276 the Park is omitted from Wi3, whereas on page 282 it is included which is also suggested by the accompanying text. It is not clear whether the later entries have not caught up with the change in the overall map. Two numbered entries (Wi4 and Wi14) appear to have been withdrawn. This submission assumes that the Park is to be included in Wi3 and argues that it should be excluded.

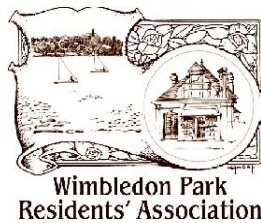
The justifications on page 275 do not support any development to the East of Church Road. Paragraph 9.1.34 supports only AELTC's activities to the West of Church Road. The support of the London Borough of Merton in paragraph 9.1.35 is inappropriate: there are, in fact, no "AELTC facilities" on the East side. When not used as a Golf Course, that side is used for car parking only for the fortnight of the tennis championships.

It is not entirely clear how the Park has arrived on the Site Allocation list, whether a landowner wished to promote their interests in it, or whether it is seen by public bodies as suitable for inclusion. In either case, it is not an appropriate entry in this list since the Park is heavily protected.

AELTC have made an extensive and challenging planning application (21/P2900) for development at the Park and Lake, trusting, according to their Planning Statement, that the change to the Local Plan will go through in order to support it. However, the application is yet to be judged against the significant policies which it offends. It would be quite wrong for the Park to be designated for development in the Local Plan before the substantial harm (or benefits) of any application can be objectively assessed.

There are key Policy, Heritage at Risk, and Conflict of Interest issues which support this submission.

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Introduction

In this submission the London Borough of Merton is referred to as LBM, the All England Lawn Tennis Club is referred to as AELTC and the land on the east side of Church Road is referred to as "the Park".

The Site Allocations map on page 282 shows both the existing AELTC tennis facilities to the west of Church Road, and the whole of their landholding in the Park. These are two entirely different sites:

- To the **West** are **heavily developed**, and constantly redeveloped areas comprising the **extensive sports stadia**, media, hospitality and other facilities of the private members' tennis club known as AELTC.
- To the **East** is **extensive parkland**, designated and protected as **Metropolitan Open Land** (the equivalent of **Green Belt**), a **Designated Heritage Asset registered Grade II***, entirely within a **Conservation Area** extended in 1993 to protect it against development, and sadly on the **Heritage at Risk** register due to its poor management and maintenance by all landowners.

Specific comments on the Draft Local Plan Strategies and Policies

01A The Introduction states in 1.1.5 that the "*Local Plan must be read as a whole document*". We have considered the whole document and focused our comments below on the inconsistent policies related to Site Allocation Wi3 in our submission to ensure the protection of this Historic Heritage Site through National Planning Policy and the London Plan.

01B Under Good Growth Strategy it is stated that "*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*".

Policies need to be implementable, in particular when relating to sites such as Wi3 which are not even included in Merton's Spatial Strategy Opportunity Areas Plan for development. We question if this policy could be referenced in the section relevant to Site Allocation Wi3.

01C Under Urban Development Objectives and Vision we note in Strategic Objective 2: Supporting Resilience, the following pledge (d): "*Protecting and improving the Borough's parks and ensuring public access to formerly private open spaces. Improving access to nature and leisure facilities, including opportunities for sport, physical activities, play and relaxation to help boost people's physical and mental health*".

We would urge the Inspector to reference this policy in the section relevant to Site Allocation Wi3.

N9.1 To ensure that Wimbledon continues its success, the policy lists at items (a) to (q) the actions LBM propose to achieve this.

Item (o): "*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.*"

Item (q): "*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 supporting benefits locally.*"



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Please note that these items (o) and (q) are contradictory: AELTC development "either side of Church Road", would clearly inflict harm and fails to protect the character of the Conservation Area.

Therefore, we ask LBM to review the open-ended endorsement offered to AELTC to undertake development as expressed in item (q).

Policy 9.1.2 Under the heading JUSTIFICATION, Policy 9.1.2 outlines the priorities for Wimbledon town centre. Amongst them there is reference to Design quality. It states: "The future of Wimbledon should draw inspiration from its past. With many existing high quality listed buildings, future development should enhance their character and setting. Buildings should respond to the principles and materials from their context. Careful consideration to building heights and scale must be given, in particular when relating with heritage assets and views from neighbouring conservation areas."

This quoted extract (from Future Wimbledon SPD 2020) should be equally applicable to sites in Surrounding neighbourhoods and/or sites included in the Site Allocations for Wimbledon (Wi3 and Wi16).

We would ask for this policy to be referenced in the section relevant to Site Allocation Wi3 whether the Park is within it or not.

Policy 9.1.35 As mentioned above in our representations with reference to Policy N9.1, the wording of this paragraph should be amended to qualify the LBM support to the continued upgrade and improvement of existing AELTC facilities to maintain its global position as the premier Grand Slam as set out in more detail in the site allocation Wi3.

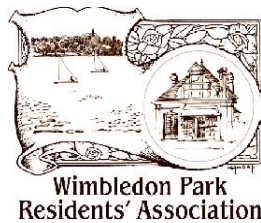
If LBM attaches unconditional priority to support for AELTC's expansion to retain its global position, LBM should have prepared a Special Planning Guidance for the Park and the rest of Site Wi3 setting out in detail the parameters for any development that may be proposed for the site, whether by AELTC or someone else interested in preparing and submitting alternative sustainable proposals. Without such Guidance the tests required by the NPPF cannot be applied.

Specific drafting requests on the draft Local Plan

- In N9.1(q) (Chapter 09, Page 269) the word "either" should be deleted and substituted by "on the west",
- from the map on page 282 the entire area to the East of Church Road SW19 should be excluded from the Site Allocation Wi3 (just as it is omitted from the map at page 276),
- from the text box Site Description on page 283 the 4 paragraphs beginning "Wimbledon Park" to the end ("incorporating the Golf Course") should be deleted,
- from the text box Site Allocation on page 283 after the words "in all sites" insert "to the west of Church Road", and
- from the text box Design and Accessibility Guidance the words from the beginning ("Development of the site...") to the last bullet point ending "all within Wimbledon Park" should be deleted.

NPPF Policy background

In the July 2021 version of the NPPF, policies to protect Green Belt and Designated Heritage Assets survive any presumption in favour of sustainable development (paragraph 11, Footnote 7). If any harm to those assets would "significantly and demonstrably outweigh the benefits" then the development which would cause that harm is not permitted. If this draft Local Plan introduces the Park as a prospective area of development, it will fail to provide the opportunity



to assess that harm. There is already in process a contentious application (21/P2900) for development which remains to be assessed and should provide an appropriate forum at local, regional, and national stage, on appeal and through judicial review, to test these factors. That application alone runs to 101 documents and many thousands of pages which remain to be scrutinised. There is no such scrutiny in this Local Plan process. The NPPF policies which apply to protect the Park are:

8. Promoting healthy and safe communities, Open Space and Recreation.

NB the site is a Golf Club with a large membership to which the public are already admitted.

98: "*Planning policies should be based on robust and up-to-date assessments of the need for open space ... and opportunities for new provision*". It is noted in the text box Infrastructure Requirements on page 284 that the Park is in an area identified as deficient in access to public open space, yet there is no assessment of the extent of this deficiency and of how much of the Park should be available for this purpose. Any policy which encourages private development will only make this worse.

99: "*Existing open space should not be built upon unless ... (c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of current or former use*". The existing use of the Park is as a golf club comprising 940 active members and by the terms of its lease the public are also to be admitted to play golf. The Site Allocation offers no equivalent public use of the Park.

13. Protecting Green Belt Land.

NB The Park is designated as Metropolitan Open Land, that is Green Belt.

137: "*The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*".

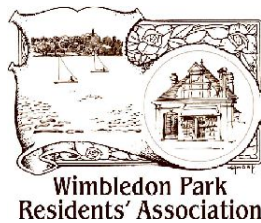
140: "*Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified*". No evidence or justification is advanced for any change to the Green Belt designation of the Park. The justifications in the draft Local Plan apply to the existing AELTC site to the west of Church Road.

141: "*Before concluding that exceptional circumstances exist to justify changes to Green Belt boundary, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development*".

No such examination appears to have taken place. There are many other potential options to locate tennis courts and stadia within and beyond the LBM boundaries apart from the Park.

145: "*Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access ... to retain and enhance landscapes ...*". Far from allocation for development, the Plan should ensure that the Park is renewed, and its Heritage at Risk status removed, with this paragraph in mind.

147 and 149: "*Inappropriate development is, by definition, harmful to the Green Belt ...*", and "*A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt*". This Site Allocation of the Park introduces a presumption of development, contrary to these paragraphs.



15. Conserving and enhancing the natural environment.

NB The Park is a site of importance for Nature Conservation and part of a Green Corridor.

174: "*Planning policies ... should contribute to and enhance the natural and local environment by (a) protecting and enhancing valued landscapes*". This Site Allocation does nothing to protect or enhance the Park.

175: "*Plans should ... allocate land with the least environmental or amenity value*". The Park is of considerable environmental and amenity value, unlike any of the other Wi sites, as is demonstrated in the table at the end of this submission.

16. Conserving and enhancing the historic environment.

NB the Park is in the Wimbledon North Conservation Area, designated Grade II*, also a Heritage Asset on the "At Risk" Register. It is the core of the Capability Brown landscape closest to Central London.

The whole of this Chapter will be relevant to any application for development of the Park and require considerable scrutiny of all proposals. Substantial harm to the Park, which should be wholly exceptional, will have to be found to be outweighed by substantial public benefits for any development to be permitted. The exercise to balance substantial harm and benefits typically requires considerable resources and reports, and a high standard of proof: see for example *Save Stonehenge v Sec of State for Transport* [2021] EWHC 2161 (Admin). No such scrutiny will be possible if the Park is included within the Wi Site Allocations for development.

190: "*Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk ...*". Far from such a strategy, the Site Allocation does not seek to resolve the "at risk" issues but instead offers a free-for-all for development.

200: "*Any harm to, or loss of, the significance of a designated heritage asset ... should require clear and convincing justification. Substantial harm to or loss of ... (b) assets of the highest significance, notably ... Grade II* listed parks ... should be wholly exceptional.*" The Strength of Grade II* listing is lost if the Site Allocation promotes development.

206: "*Local planning authorities should look for opportunities for new development within Conservation Areas ...to enhance and better reveal their significance.*" Far from enhancing the significance of the Conservation Area, this Site Allocation of the Park encourages its development.

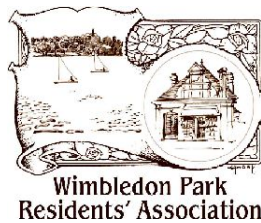
London Plan Policy background

7. Heritage and Culture.

Policy HC1 E: "*Where heritage assets have been identified as being At Risk, boroughs should identify specific opportunities from them to contribute to regeneration and place-making, and they should set out strategies for their repair and re-use.*" The whole of Wimbledon Park is designated as Grade II* Heritage at Risk. This submission demonstrates ("Heritage Park at Risk", below) that far from authorising the prospective development of just one part held by one private landowner, LBM should be promoting a comprehensive plan for the whole of it. The Allocation of part for development is a clear breach of this London Plan Policy.

8. Green Infrastructure and Natural Environment.

Policy G3 A and C: "*Metropolitan Open Land is afforded the same status and level of protection as Green Belt*" and "*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 There is no evidence or justification of any proposal to change the MOL boundary, nor even any suggestion of the necessary consultation leading to such a proposal. The Site Allocation ignores the MOL status of the Park, since it fails to provide the same status and level of protection as Green Belt.

Heritage Park at Risk

The Park has been on the Historic England "At Risk" register since June 2016 when English Heritage (as it then was) wrote to the landowners The Wimbledon Club, Wimbledon Park Golf Club and the London Borough of Merton. The problems were uncertainty around the future, the impacts of divided ownership on landscape management, obscured design views and the deteriorating condition of the lake. In 2016, when the Park was placed on the register as "at risk", the AELTC owned the freehold of the Golf Club, but in 2018 it bought the Golf Club company itself.

This is an extract from the current Register:

"The divided ownership results in differential landscape management. A masterplan exists for the municipal park, but a shared vision for the whole historic landscape is needed."

The municipal park mentioned here is the area owned by LBM as trustee for the public. So far as we are aware nothing has been done or changed to overcome either the 2016 or the currently expressed reasons for listing Wimbledon Park as "at risk": there still needs to be a meeting of minds and ambitions, a shared vision, of all landholdings to unite the "whole historic landscape".

It seems strange, and a dereliction of their responsibilities as trustee, for LBM to contemplate promoting the singling out of just the AELTC part of the Park for any development. That would simply exacerbate an already serious problem and be less rather than more likely to solve the "at risk" designation.

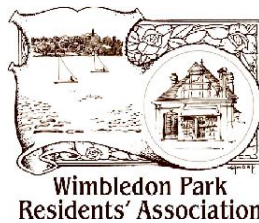
In addition, we would note that despite the lack of a cohesive plan for the Park, the local community and its representatives including this Association have not been involved at all in any discussions to overcome these problems. We have not been informed of any steps to improve it.

We submit that it would be perverse to suggest any development of one landholding alone leaving aside all the other policy reasons preventing development.

Covenants against development and Merton's Conflict of Interest as Trustee of the Park

The entire Park was originally acquired by Wimbledon Corporation in 1915 as a trustee for the public. LBM took it over from Wimbledon Corporation through local government reorganisation. In 1993 LBM sold the freehold of the Golf Course to the AELTC. This was a controversial sale and the local community tried very hard to stop it, fearing future development. In response to widespread concerns, various undertakings were made in public and in the press by both the Leader of LBM and the Chairman of the AELTC that they recognised that the land should remain open land and free of any future building. As a result, LBM formally minuted several steps to protect it for the future, noting that it was Metropolitan Open Land, extending the Wimbledon North Conservation Area to include it and changing their UDP.

LBM also went so far as to impose a covenant on the AELTC, to which the AELTC agreed, in the 1993 Transfer Deed of the Golf Course to prevent future development. The covenant was



for the benefit of the remainder of the Park which LBM retained so that "*building shall not impair the appreciation of the general public of the extent or openness of the property*". LBM must enforce that covenant for public benefit, but now seem to have a difficult potential conflict. If they were to promote development through the Local Plan the AELTC might expect them to release the covenant, or if LBM are offered some consideration to release the covenant, they may feel compelled to promote development. Bearing in mind that LBM have responsibilities as trustees to the public, they would be in breach of trust if they were to promote the incorporation of the Park within the development allocation in this Local Plan.

Wi3 bears no resemblance to all the other sites allocated for development in this part of the Local Plan.

This table summarises the data provided for all 14 Wi sites, and immediately shows how incongruous is the inclusion of the Park in this list, in outright defiance of NPPF 175 "*Plans should ... allocate land with the least environmental or amenity value*". The Park is not "ripe for development", it is safeguarded by numerous significant designations, and it is a true "greenfield". It is also vastly greater than the other sites.

Site	Address	Area in ha	Public or private?	Current use	Designation (eg Listed, Conservation Area, MOL, Nature Conservation)
Wi1	Battle Close	0.97	Public (Merton)	Vacant brownfield	None
Wi2	Broadway	0.21	Public (Merton)	Surface car park	None
Wi3	All England West of Church Road	17.83	Private (All England)	Tennis complex	None
Wi3	Wimbledon Park East of Church Road	73 (NB area not noted in draft)	Private	Golf course, Park and Lake	Listed Grade II*, Heritage at Risk, MOL (ie Green Belt), Conservation Area, Site of importance for Nature Conservation
Wi4	Withdrawn?				
Wi5	Hartfield Road Car Park	0.45	Public (Merton)	Surface car park	None
Wi6	Highlands House	0.16	Private (Orion, BFL)	Existing building	None
Wi7	Rufus	0.2	Private (Astranta)	Existing buildings	None
Wi8	South Wimbledon Station	0.21	Public (TfL)	Station and premises	Listed Grade II
Wi9	28 St George's	0.06	Public	Vacant	None



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	Road		(Merton)	brownfield	
Wi10	30 St George's Road	0.05	Public (Merton)	Vacant brownfield	None
Wi11	Victoria Crescent	1	Private (F & C)	Existing building	None
Wi12	Wimbledon Stadium	5.29	Private (various)	New building: why included?	None
Wi13	Sainsbury's Worple Road	0.22	Eskmuir	Existing building	None
Wi14	Withdrawn?				
Wi15	YMCA Broadway	0.21	Private (YMCA)	Existing building	None
Wi16	Centre Court	1.8	Private (Romulus)	Existing buildings	Part listed Grade II Conservation Area

Yours faithfully

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