

PLANNING APPLICATIONS COMMITTEE 15th July 2021

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>Item No:</u> <u>DATE VALID</u>
	21/P1136	16/03/2021
Address/Site	Wimbledon Stadium, Plough Lane, Tooting, SW17 0BL	
Ward	Wimbledon Park	
Proposal:	Application for variation of condition 37 (stadium uses) attached to LBM planning application 18/P3354 (variation of condition application that amended commercial, stadium and residential (increase in number of units from 604 to 632). Changes to condition 37 relate to allowing rugby matches as well as the permitted football matches.	
Drawing Nos	No drawings	
Contact Officer:	Stuart Adams (0208 545 3147)	

RECOMMENDATION

GRANT Variation of condition, subject to condition.

CHECKLIST INFORMATION.

- Heads of Agreement: Original S106 heads of terms still applicable.
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 655
- External consultations: Greater London Authority (GLA), Transport for London (TfL), Environment Agency (EA), Sport England (SE), Department of Communities and Local Government (DCLG), London Borough of

- Wandsworth Council (LBW), Network Rail, Metropolitan Police, NHS England, Merton CCG, Historic England Greater London Archaeological Advisory Service, British Telecom, National Grid, Natural England, Thames Water, London Power Networks, The Football Association, Wimbledon Society, Wimbledon Park Residents Association, and Haydons Bridge Residents Association
- Conservation Area: No, however adjoins the Coppermill Lane sub-area of the Wandle Valley Conservation Area (located southwest of the application site).
 - Public Transport Accessibility Level (PTAL): Level 3 (moderate)/2 (poor) on the TfL Information Database (On a scale of 1a, 1b, and 2-5,6a, 6b where zone 6b has the greatest accessibility).
 - Controlled Parking Zone: No
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1. **INTRODUCTION**

- 1.1 The application has been brought before the Planning Applications Committee for consideration in light of the number of objections received against the application and officer recommendation of grant variation of conditions subject to conditions.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site is 5.1ha in size and is located within the north-east of the borough. The site is entirely within the London Borough of Merton (LBM) however parts of the site to the north and east adjoin the boundary with the London Borough of Wandsworth (LBW).
- 2.2 LBM Sites and Policies Plan (SPP) was adopted at full Council on the 9th July 2014. The site is allocated within the LBM Sites and Policies Plan (2014) for:

'Intensification of sporting activity (D2 Use Class) with supporting enabling development'

The SPP allocation states that *'Developments that facilitate more sporting activity may be enabled by more viable uses, subject to meeting planning policy, evidence and consultation.'*

- 2.3 The site is in the latter stages of being completed in accordance with planning approval 18/P3354 (varying original planning approval 14/P4361 (Stadium, commercial and residential) – to remove crèche & café, 20 new retail car parking spaces, works to Stadium including extended opening times until 23.00 and extensions, new buildings and alterations to

- residential element including increasing the number of residential flats from 604 to 632.
- 2.5 The site is accessed from Plough Lane (B325 in LBM) to the south and Summerstown (B235 in LBW) to the east.
 - 2.6 Beyond the site, to the east and south are light industrial/commercial units, with residential dwellings beyond. To the north of the site is Riverside Road, a partially private road giving access to the Garratt Business Park (LBW) and Cappagh Recycling Centre (LBW). To the west of the site is a National Grid Sub-station (LBM) accessed from Coppermill Lane (LBM), a road in private ownership. In addition to the commercial units along Summerstown, there are also retail units along Plough Lane and adjacent to the junction between Plough Lane and Summerstown (LBM/LBW).
 - 2.7 There is a Public House (The Corner Pin) located at the junction of Riverside Road and Summerstown and which includes habitable accommodation at first floor.
 - 2.8 The River Wandle is located 130m west from the site and Lambeth Cemetery is to the south of the site.
 - 2.9 The southern part of the site has a Public Transport Accessibility Level (PTAL) of 3 (moderate) and northern part of the site has a PTAL rating of 2 (poor). There are 5 train / underground stations within a 1.5 mile radius of the site:
 - Haydon's Road Station (Overground and approximately 0.5 miles south of the site),
 - Earlsfield Station (Overground and approximately 0.9 miles north of the site)
 - Tooting Broadway Station (1 mile east of the site, Northern Line),
 - Wimbledon Park Station (1.1 miles west of the site, District Line),
 - Wimbledon Station (Overground, District line, and Tramlink, and approximately 1.2 miles west the site).
 - 2.10 Local bus number 493 passes the site and a variety of buses run from Garratt Lane (Earlsfield and Tooting Broadway stations) and Wimbledon town centre.
 - 2.11 The site is not located within a Conservation Area, however it is located adjacent to the Copper Mill sub-area of the Wandle Valley Conservation Area, which lies to the north of Plough Lane and to the east of the River Wandle.

- 2.12 Within Merton's Core Planning Strategy (2011), the site falls within the Colliers Wood and South Wimbledon Sub-Area (Policy CS1 and within the Wandle Valley sub- area (policy CS5).
- 2.14 The entire site lies within an Archaeological Priority Zone.
- 2.15 In 2003 the Council declared the borough an Air Quality Management Area (AQMA). Emissions from road traffic have been identified as the major source of pollution in the borough. Air quality in the borough is also affected by pollution generated in neighbouring authorities and across London.

3. **CURRENT PROPOSAL**

- 3.1 Application for variation of condition 37 (stadium uses) attached to LBM planning application 18/P3354 (variation of condition application that amended commercial, stadium and residential (increase in number of units from 604 to 632). Changes to condition 37 relate to allowing rugby matches as well as the permitted football matches.
- 3.2 It must be noted that the proposal only seeks to amend planning condition 37 to allow for both football and rugby matches to be played, there is no other changes to the condition, including the number of permitted matches.
- 3.3 Condition 37 (original)

Stadium Use(s): (Originally condition 39) - The approved Stadium pitch and seating bowl shall only be used for general sporting uses and football matches up to an average of twice weekly, and for no other commercial sport or public events.

Reason: To allow the Local Planning Authority to control the level of sporting and hospitality use within the site to safeguard the amenities of the occupiers of the adjoining and surrounding properties, local transport conditions, and ensure compliance with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016 and policies DM EP2, EP4, T2, T3 and T5 of Merton's Sites and Polices Plan 2014.

Condition 37 (proposed)

Stadium Use(s): (Originally condition 39) - The approved Stadium pitch and seating bowl shall only be used for general sporting uses and football/**rugby** matches up to an average of twice weekly, and for no other commercial sport or public events.

Reason: To allow the Local Planning Authority to control the level of sporting and hospitality use within the site to safeguard the amenities of the occupiers of the adjoining and surrounding properties, local transport conditions, and ensure compliance with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016 and policies DM EP2, EP4, T2, T3 and T5 of Merton's Sites and Polices Plan 2014.

- 3.4 The amended condition will still ensure that same parameters as football will be met, with an average of 2 matches per week and matches ending before 22:00.
- 3.5 The rugby season is late, from March to October, with matches starting at 15:00 on a Sunday with 40-minute halves (maximum of 20 matches per annum). If the Club is promoted to Super League then there would be midweek match starting at 19:30 finishing by 22:00 and no more than 20 matches per annum. Overlap of rugby matches towards the end of the football season, albeit only a few games.
- 3.6 Estimated circa 3,000 spectators (and not more than 5,000; subject to Club promotion).
- 3.7 Rugby matches have less stewarding (12) and very low police presence on match day.

4. **PLANNING HISTORY**

4.1 Greyhound Stadium Site

Extensive planning history (relevant planning history below)

- 4.2 18/P3354 - Application under section 73 to vary conditions 3 (approved plans) and 20 (opening hours) and omit conditions 22, 23, 44 and 46 (all relating to café and crèche) attached to LBM planning permission 14/p4361 (football stadium, commercial and residential development).

minor material amendments –

Commercial - removal of crèche & café, 20 new retail car parking spaces

Stadium - internal & external alterations, removal of semi-basement, reduction in car parking, altered cycle parking, condition 20 (opening hours of stadium/shop) reworded to include provision for extra hour opening (until 23.00) as required by the football authorities (matches requiring extra time & penalties)

Residential - additional floor on building a.j & infill block between building a.j & a.n (creating 18 new units). Increased refuse & cycle facilities, re-positioning building b, alterations to elevations, internal layout & housing mix brings number of units from 604 to 632. Shared ownership increase (60 to 181 - 29%) – Grant - 15/07/2019

- 4.3 18/P1746 - Application for non-material amendment relating to LBM planning application 14/P4361 (football stadium, commercial and residential). the non-material amendment includes, columns to cantilevered second floor overhang, reduction of curtain walling, removal of roof lights on squash club, raising podium by 250mm, alterations to footprint of Block C, amendments to fenestration, balconies and brick course detailing, removal of stair core overruns and alterations to the top corner of building A.F – Grant - 03/07/2018
- 4.4 16/P2009 - Pre application advice for the demolition of existing buildings and provision of a new 3,000 person greyhound racing stadium including greyhound race track, 348 x 1 & 2 bedroom apartments, a 555 space multi-storey carpark, retail units, kennel block/trainers area with 182 carpark spaces, squash club, sports centre, sure start preschool, doctors surgery and greyhound racing heritage centre.
- 4.5 14/P4361 - Proposed demolition of existing buildings and erection of a 20,000 seat football stadium (initially 11,000 seat) with hospitality, crèche, café, and coach parking, pedestrian street, 1,273m² retail unit, 1,730m² squash and fitness club, 602 residential units with basement parking, refuse storage, 296 car parking spaces, 1130 cycle parking spaces, and associated landscaping/open space and servicing – Permission Granted - 13/12/2017
- 4.6 13/P3662/NEW - Pre-application advice for the erection of a 20,000 seat football stadium with hospitality and coach parking, 613 residential units with basement parking, 1000 square metre squash and fitness club (with 350 parking spaces and cycle store) and 1000 square metres retail space.

Volante Site, 46 – 76 Summerstown (adjoining development site to the east)

- 4.7 20/P1371 - Demolition of building and erection of a new 10 storey residential block, with basement level, comprising 105 new dwellings, 20 x parking spaces, 194 cycle spaces, landscaping and associated works – Pending decision
- 4.8 18/P3611 - Prior notification for proposed demolition of building – Prior Approval Granted - 23/10/2018

- 4.9 18/P2556 - Deed of variation (removing paragraph 9.1 of part viii of schedule 1 - link to Wimbledon stadium application) relating to the section 106 agreement attached to LBM planning permission 15/P4798 for the demolition of existing buildings and erection of a part 7 (top floor recessed), part 9 (top floor recessed) storey building, comprising 93 flats, 3 associated car parking spaces, 165 cycle parking spaces, hard and soft landscaping and associated works – Grant - 28/08/2018
- 4.10 17/P3119 - Application for non material amendments to internal layout of flats (removal of all 17 studio flats to one person, one bedroom flats, replacement of a 2 bedroom flat on the sixth floor to, 2 x one person, one bedroom flats and 2 x studio's on ground floor changed to a three bedroom flat) relating to planning 15/P4798 (demolition of existing buildings and erection of a part 7 (top floor recessed), part 9 (top floor recessed) storey building, comprising 93 flats, 3 associated car parking spaces, 165 cycle parking spaces, hard and soft landscaping and associated works) – Grant - 11/09/2017
- 4.11 15/P4798 - Demolition of existing buildings and erection of a part 7 (top floor recessed), part 9 (top floor recessed) storey building, comprising 93 flats, 3 associated car parking spaces, 165 cycle parking spaces, hard and soft landscaping and associated works – Grant - 15/08/2017

5. **CONSULTATION**

- 5.1 The application has been advertised by major site notice procedure (advertised in the 08/04/2021 addition of the Guardian Newspaper), display of site notices around the site and letters of notification to the occupiers of neighbouring properties.
- 5.2 In response to the consultation, 24 letters of objection, including letters from The Wimbledon Society and Wimbledon Park Residential Association have been received. The letters raise the following objections:

Highways

- Additional traffic
- Existing transport network unable to cope
- Parking
- Altered cycle parking should not be a reduction
- No additional units should be adding cars to the area
- The development has already increased the amount of traffic on Plough Lane and Haydon's Road, partly due to the building works going on and partly due to the narrowing of Plough Lane along the development in order to incorporate a larger footpath.

- Once the development is fully inhabited the amount of traffic, in what is already a bottleneck, will only increase and adding further units will only exacerbate the problem, including a further increase in pollution from the increased and idling traffic.
- Not only is traffic flow poor due to the narrowing of both Haydon's Road and Plough Lane; transport is variable and only one bus currently has a route down Plough Lane (the 493), and that is a single decker which is often full, with more residents it will be even more difficult to get on the bus.
- Residents of the new development are also likely to have cars and there needs to be sufficient parking for them, and for the Stadium, especially if it is to be further used as a rugby venue as well as for the permitted football matches.
- Parking is already at a premium and Merton's proposal to further increase resident parking charges is nothing short of scandalous.
- The development of a MacDonal'd's in the area will also increase the amount of traffic.
- This is a busy route already and one often used by ambulances, given its proximity to Saint George's Hospital. At the moment ambulances struggle to get through and this will be made worse.
- No car parks in vicinity
- Report claims the effect will be short term and occasional. This is unsubstantiated and denies the reality of local environmental conditions where road traffic is already sclerotic.
- Haydons Road dangerous station steps issue be addressed for safety reasons.
- Once social distancing requirement cease and the Stadium is able to operate as originally envisaged, the greatest concern is the impact of crowds of pedestrians on narrow pavements. This could lead to partial closure of some of the main roads in the area causing hellish traffic problems and, worst of all, obstruct vehicles access to and from St Georges Hospital. Should London Ambulance Service be consulted?
- Overcrowding on public transport
- Wimbledon Park Underground Station means crossing the Durnsford Road Bridge which is dangerously narrow for pedestrians. To allow the crowd through, would the police have to stop traffic in Arthur Road and Durnsford Road to allow the fans to walk on the road as they did when Wimbledon FC were at Plough Lane?

Neighbour Amenity

- Additional noise on weekdays and weekends. This will leave little rest bite for residents
- Increased rubbish

- The original planning application confirmed that the main source of noise to local residents would be traffic from adjoining roads and noise generated from the Stadium on match days (this will now be doubled).
- The stadium already creates noise during matches
- Invasion of privacy, overlooking and noise.

Air Quality

- Proposal will create additional problems with air quality.
- Merton Council is dealing with the air quality situation in the Plough Lane area, which looks like discrimination against local residents who are now being forced to pay double to park in front of their homes due to Merton's climate Emergency policy, whilst at the same time supports the influx of thousands of cars into a small, already congested and highly polluted area, thereby causing traffic tailback into Wimbledon and causing air pollution to rocket.

Timing

- Start the season, get people into the stadium, see how it goes with the local residence and the team. Don't start with over populating the area and having twice as much activity as what was promised at the start. The area is not ready for it.
- Object to a doubling of major weekly events at the Stadium before its initial impact on our area can be properly evaluated in normal, non-pandemic conditions
- This application should be brought back in 1-2 years' time after we have seen the impact of the Stadium, and when residents are satisfied that the mitigations put in place by its owners/operators are sufficient.
- There may, in future, be a case for additional events/activities at the Stadium over and above its original planning consent - but permission for this must NOT be granted until the impact of the Stadium facility on the surrounding area is properly evaluated, and local residents properly consulted by the Applicant (not simply via an obscure Council letter). Permission should therefore be refused.

Original Application

- As residents we were promised limitations on the use of the Stadium facility and that there would be careful monitoring of its impact on traffic, public transport, parking, waste and other matters impacting our neighbourhood.
- The original application was presented as solely for use of AFC Wimbledon and would neither be shared with other teams or sports not used to host concerts.

Covid

- Public health impact, AFC Wimbledon have so far failed to publicise any Covid mitigation plans. Impact on neighbours from crowds
- This planning application should be deferred until after the Covid Sports Advisory Committee has reported and local residents in the area have been formally notified of it with an appropriate response period.
- Prevent any sporting relocations of any sort nationally being considered via planning applications until the Covid Sports Advisory Committee has reported back.
- Public Health Director to intervene in the application to protect public health of the local community
- Voluntarily withdraw this application immediately
- In eventuality of crowds attending any sports event causing Covid illness/death where does the liability lie, i.e. whom does the estate sue in event of death/long Covid etc?
- It is plain wrong to bring forward a proposal for any more crowd events at this time on public health grounds.
- Specific sports event Covid mitigation ideas need to be put in place
- Owing to the impact of COVID 19, the impact of the use of the football stadium has not yet been properly tested.

Other

- Crèche and café are needed in area.
- Don't be greedy and don't be ridiculous
- Time and time again Merton Council promises one thing and then delivers another. Please allow yourselves to deliver something first, learn, test and then iterate. Once it's up and running, then consider this.
- This area is full of drunk people, damaging local property, poor policing, rubbish everywhere, too much noise - it's not going to work. If things are running smoothly on the other hand, then of course it could be a great idea.
- The infrastructure in the area is barely sufficient to meet the needs of the current residents.
- Local schools are already full and when the flats are full this will only put more pressure on education
- With the exception of Lidl there are no supermarkets in the area, and both the nearby Tesco and Co-op are small units and insufficient for the proposed number of housing units.
- Local police are already under extreme pressure.

- If the stadium is to be expanded, monies should be secured to pay for the extra services which will be required to maintain the improve local facilities.
- Application lacks substance and only deals with air quality and transport.

Wimbledon Park Res Association (2 letters – 24 April and 26 May)

24 April 2021

Executive Summary

The application to allow rugby matches in the Plough lane stadium which was purpose built for AFC Wimbledon introduces a new sporting activity in an area of poor public transport. It will generate traffic and pedestrian disruption that has not been quantified by the traffic and environmental assessments submitted so far as these were specifically carried out for the case of an AFC Wimbledon only stadium. As such the application can not be passed without satisfactory proper traffic, environmental and air quality assessments.

There are very good reasons, which were implicit in the original application, to suppose that the operation of the stadium for just AFC Wimbledon may be very problematic and it should be properly tested before any increased use is considered.

Very substantial sums of money have already been committed to the football stadium. It is unfair to expect local residents and businesses to put up with additional disruption that ground sharing will entail, particularly when it breaks previous assurances.

1.New sporting venue

[1.1] The change of use to share with a Rugby club does not require significant changes to the stadium and apparently will not exceed the maximum permitted number of matches(104) played each year. However, it will very significantly increase the use of the stadium and if it goes to the permitted maximum use matches will take place on average every third day. We note that the football and rugby seasons have a considerable overlap during which they will both use the stadium. It will essentially double the number of journeys to and from the stadium and it is has the same effect as if a new application to hold a new sporting venue in Plough Lane had been submitted. This will cause substantial disruption for local residents well beyond what was originally envisaged, and indeed in effect promised, when the original AFC application was put forward.

[1.2] Since the original application the traffic levels in the surrounding roads has substantially increased, not least due to the waste processing sites in Weir Road and on the other side of the River Wandle. A Traffic Assessment that takes account of this increased traffic must to be carried out.

[1.3] The Traffic Assessment submitted with the original application only took into consideration the behaviour of the football fans in relation to parking and walking habits when attending football matches for AFC Wimbledon at Plough Lane. This even extended to use of a detailed data on the distribution of the existing AFC fan base and it was tied to the use of the stadium on the days when football is usually played, such as Saturday. In particular it also assumed the lower frequency of stadium usage appropriate to its use by AFC Wimbledon alone. It is now proposed that the stadium is also used by a rugby team that is not local and so has the majority of its fans and staff coming from afar. Games will be played on days which have not been assessed for impact including Sundays. This is not consistent with the assumptions of the transport assessments carried out so far. It is incumbent on Merton Council to properly understand the possibly very negative effects of the proposed change and as a result a new traffic assessment is required. The increased use of the stadium will lead to a substantial increase in traffic and in particular cars parking in nearby roads and this requires an air quality assessment, especially as the area is well known to have air pollution levels that exceed safe levels.

The change to share the stadium with a rugby club introduces a new sporting activity into an area of poor public transport. This will lead to significantly increased traffic and disruption that was not taken into account of in the Traffic Assessment and Environmental Statement submitted with the original application. As such this new planning application requires a new Traffic Assessment, Environmental Statement and Air Quality Assessment to properly evaluate its effects

2 The effects of the original application should be tested before any increase of activity is allowed

The operation of the new stadium for AFC Wimbledon has never been tested, that is, a match with the usual number of fans has never been played. How precisely the fans would get to and from the football matches was not resolved in the original planning application and there are very good reasons to think that this could be very problematic given that the stadium is in an area of very poor public transport.

[2.1] Given the very cramped nature of the Plough Lane site, it is difficult to imagine how the fans and their coaches will be organised without

causing substantial disruption. It was with this in mind that both the TFL report and the transport assessment of Peter Bret (October 2014) submitted with the original application envisaged closures of Plough Lane for at least some of the time. Despite road closure being identified as a likely and necessary measure to facilitate the movement of supporters and stadium attendees, the Traffic Assessment and their Environmental Statements so far submitted did not test the impact of this on traffic flows on the surrounding road network. With few alternative routes across the River Wandle, the potential impact of this will be considerable for residents, businesses and any road users on the wider network. In addition Plough Lane is a main thoroughfare for emergency vehicles and South London traffic, and as mentioned previously, traffic levels have increased since previous reports were submitted.

[2.2] Even at present the traffic can at times have very lengthy tail backs from the Plough Lane-Gap Road-Durnsford Road-Haydon Road. These can stretch from this junction to the bridge on Gap Road and to the southern end of Haydon Park Road. The impact also expands into Wandsworth and Tooting, back towards Earlsfield and St George's Hospital and beyond. Indeed even a small obstacle can at present lead to such tail backs. The resulting traffic chaos from closing Plough Lane is not difficult to imagine.

[2.3] The Transport Assessment submitted with the original application relied on parking spaces for about 5000 plus cars on local residential streets. However, some of these streets will not be accessible to such parking as they now have, or will have, restricted parking. The current application for change of use lists a number of car parks in the vicinity of the stadium. Additionally, no quantitative account is provided of whether there are spaces in these car parks at the relevant times and they could well be full or possibly even closed (as for St George's Road car park which is listed in the applicant's documentation as among the choices for fans, yet has been closed for at least 18 months). In effect there has been no serious modelling of where the cars of the fans will park. It is not a justification to say, as the applicants do, that they cannot park at the stadium. As we remarked above, the ways the fans would travel to and from the stadium was never satisfactorily resolved and in any case the modelling that was carried out was specific to the characteristics of football fans travelling to and from an AFC football match.

[2.4] Doubts were also apparent in the minutes of the Merton Council meeting on 10 December 2015 that granted permission for the original planning application for the Plough Lane site. This document states that

18.1.14 It is proposed that on initial operation of the Stadium, the situation be monitored by the Club for a period of time to be agreed

with LBM as part of an updated Transport Assessment and should any problem arise, a Coach Management Plan be submitted for approval and implementation.

and

18.1.43 Monitoring of the Stadium and residential elements of the development once operational will be key to ensuring that any required mitigation in transport, logistical and amenity terms are installed.

The way the stadium would operate just for AFC Wimbledon was never resolved in the original application and could well cause more disruption than local residents and businesses are prepared to put with. The operation of the stadium for AFC Wimbledon has to be properly tested before any ground sharing can be considered

3. Contradiction of previous Commitments

[3.1] The designation of the Plough Lane site for "Intensification of sporting activity..." in The London Borough of Merton Sites and Policies Plan 2014 and the granting of the subsequent planning permission were engineered to provide a stadium for AFC Wimbledon. Merton Council "arranged" for Galliards to give 14 million to build the stadium and half of the site was gifted, which in turn had a very substantial monetary value.

Merton Council could have pursued a different course of action for the Plough Lane site with the result that similar substantial sums of money would have been used to benefit other, more widely spread, activities in Merton. In addition the local residents and businesses in the area will also have to put up with all the inevitable disruption and it was perhaps with this in mind that they opposed the construction of the football stadium. The financial viability of a football stadium was questioned by some despite the assurances in the original planning application that it was viable.

We now learn that local residents and businesses must accommodate an increased use of the stadium and so even more disruption. It is unfair that local residents and businesses, who would have greatly benefited from an alternative plan for the Plough Lane site, are now expected to make further sacrifices.

Ground sharing was also a course of action that AFC Wimbledon stated they would never do in order to be "good neighbours".

[3.2] The minutes of the Merton Council meeting on 10 December 2015 that granted permission for the original planning application for the Plough Lane site stated that

18.46 The stadium would only be used by AFC Wimbledon and on non-match days would only be used for small scale events such as conferences and hosting visitors in connection with the Clubs community work.

and

4.11 The stadium would be the permanent base of AFC Wimbledon and primarily be used to host football matches between AFC Wimbledon and opposing teams. The football season in England is from August to May each year and generally home games take place once a week. When not in match use, the stadium host community led event.

The proposed change of use of the stadium, which was intended for just AFC Wimbledon, breaks assurances previously given. It is unfair to expect local residents and businesses to make further sacrifices in addition to those already envisaged.

4. 106 Agreement

We hope the planning application is refused but if it is granted it will lead to significant flows of traffic and pedestrians. It is inevitable that this will in turn lead to increased costs for waste processing, policing, wear and tear as well as increased parking and other problems for residents. If the stadium is to be used to make money other than its original use as a football stadium then it is not unreasonable that the original investors, which are in effect the local residents of Merton, should be the ones to benefit.

The future use of the stadium should be restricted to no more than 5000 Rugby fans, and it use never be further extended to include any other use than for the London Broncos. A very significant amount of the revenues arising from renting the stadium to London Broncos should be given to the local community to compensate it for the additional problems this additional use will cause, including the necessity of parking consultations, extra litter and waste collections, street maintenance and improved transport facilities such as cycle lanes, bus services and enhancements at Haydons Road Station.

26 May 2021

Executive Summary

The application to allow rugby matches in the Plough Lane stadium will

lead to an additional 120,000-400,000 journeys each year to the local area but the applicants have not presented anything that can be construed as a traffic assessment or an air quality assessment. We believe that if the application is granted without these assessments then it could be subject to a legal challenge.

Even if the traffic and air quality assessments are satisfactory, the application should not be granted unless certain conditions are met. These include that the use of the stadium for just AFC Wimbledon alone should be tested for one year to see if it can work without causing chaos in the local area. There should be no more than two matches in any week, no match-caused closures of Plough Lane and ongoing funds to protect local residents and business. After AFC Wimbledon use alone has been tested, rugby use should only be granted for one year during which its effects can be assessed.

The purpose of this additional note is to discuss in more detail the document compiled by Stantec and submitted by the applicants.

1. Lack of a traffic assessment

A traffic assessment should consist of an account of the numbers that will be travelling, how they will be travelling, the current traffic levels and parking availability in the local area and a modelling of how the new use will affect the local situation.

The document of Stantec contains no detailed account of the numbers of Rugby fans expected to attend, nor any account of how they will be travel to the stadium, nor any account of the traffic levels and parking availability in the local area in 2021 and also no modelling of how the new use of the stadium will affect the local traffic levels. Rather, the Stantec document declares that "Any effects associated with match days would be short term and occasional.. As stated in their document the applicants wish to bring a new sporting activity to the Plough Lane stadium involving rugby and this will involve about 20, and may be possibly 40, additional matches a year with 3000 to 5000 fans at each match. This will generate between 120,000 to 400,000 additional journeys every year. Very surprisingly the applicants even fail to mention that the local area has poor public transport (PTAL score of 2 or 3 depending on location). This extension of usage is likely to bring substantial disruption to the local area which will be neither short term or occasional. Indeed adding rugby matches to the AFCW schedule is likely to increase the number of matches by approximately an additional two thirds, extending usage of the stadium to all-year-round. There is already a provision for non-match day events such as banqueting, conferences and weddings through out the year.

The large number of rugby fans arriving en-masse for each match will affect traffic and pedestrian conditions over an extended period as they have to arrive, attend the match for about two hours and leave. This will inevitably increase traffic levels during these hours. As we have spelt out in our first objection to this application the stadium is so far untested and there are very good grounds to suppose that it will lead to traffic congestion.

The traffic considerations submitted by Peter Brett with the original application in 2014 do not apply to this application as they specifically addressed how AFCW football fans would travel to and from the stadium. There has been no assessment of how rugby fans attending the stadium will travel, where they will be coming from and how their movements will affect conditions on the days they will be playing. In particular the days and timing of rugby matches are different to those of football matches. In addition the traffic levels on local roads have substantially increased in the seven years since the original Brett assessment was carried out, with changes to the ULEZ zone and increased levels of traffic to local industrial units including waste processing plants in Weir and Riverside Roads. This has led to a very significant increase in HGV traffic which was taken to be low in the previous traffic assessments. A proper and recent traffic assessment is required to address this point.

The Stantec document states that "It is expected that supporters are likely to travel by car but are likely to park some distance from the stadium and then walk". This statement lacks any quantitative information. Fans cannot park at the stadium but they will try to park on local streets and in local car parks. While the Stantec document lists some local car parks, the application presents no evidence that there are the required number of parking spaces in these car parks or on the local streets. It also lists one car park that has been closed for several years with no date for its re-opening. Again, a proper and recent traffic assessment is required to address this point.

The original 845-page traffic assessment of Peter Brett, submitted in 2014, does at least try to cover the above list of requirements for a traffic assessment, although, as we explained in our submission at the time, it is deficient in many ways. The traffic assessment in this document was very specifically for AFCW alone playing in the stadium. In particular in section 6 and appendix J the number of fans, where the fans live and how they propose to travel to the stadium is quantified and used to assess the traffic flows. The original traffic assessment of Peter Brett can therefore not be used for a rugby club that has a different fan base which is not local. As has been mentioned by many, it is far from clear that the stadium even for AFC Wimbledon use alone can operate without causing

chaos in the local area. This needs to be tested before consideration is given to extending stadium usage.

2 Lack of an air quality assessment

An air quality assessment must contain an account of the current levels of air pollution in the area and then model the effects of the increased traffic use as specified in the traffic assessment. It has also been suggested by the applicants in the document submitted by Stantec that there is no need for an additional air quality assessment even though the Stantec document states that the rugby fans will come by car. The fact that they do not park at the stadium is irrelevant, they are still coming to the area and causing pollution and, according to planning guidance, the effects of their travel choices must be taken into account. The proposal is in an AQMA (Air Quality Management Area), is likely to exacerbate an existing air pollution, is located within 150 meters of sensitive receptors (residents), will bring sensitive receptors into an area of poor air quality, significantly affect traffic in the immediate vicinity of the proposed development site and further afield and, as explained above, significantly affect AADT levels. Thus according to planning guidelines, such as those of the London Authority, it requires an air quality assessment. The Stantec document does not even mention the fact that local roads have air pollution well in excess of safe levels.

The Environmental Statement submitted with the application for minor amendments in 2018 considers the traffic assessment submitted with the 2014 application to be robust and it suggests rather few changes need to be made. As we have pointed out it is not only out of date but is also based on the use of the stadium for AFC Wimbledon alone.

3. Required conditions of use

- The stadium should be tested for usage for just AFC Wimbledon alone at least for a whole season to see if it can operate without causing chaos in the local area.

Our original objection spells out why that there are very good grounds to think that it will generate problems. An increase from 11,000 to 20,000 football fans would have required such a test as per the original planning permission and it is reasonable to expect that the now proposed increase for an additional sport involving additional days should also require such a test.

- For similar reasons we propose that after the use by AFCW alone has been tested, the consent for rugby sharing be limited to one year only so that a proper assessment of the impacts can be

undertaken by the club in conjunction with the Council. and local residents

- Limit stadium usage to a total maximum of two matches a week.

The community and local businesses cannot be expected to deal with large scale disruption for three or more days in a single week.

- There will be no closure of Plough Lane as a result of matches being played

The TFI report of 14 January 2015 submitted with the original application pointed out that Plough Lane would have to be closed for some of the time. The same statement is found in the Peter Brett traffic assessment on pages 177, 186, 315, 801 and 802. The chaos this will cause is spelt out in our first objection. In their recent document TFI do not appear to have considered the disruption that this will cause despite the fact that they had previously committed to negotiations with Merton Council on the operation of the stadium. TFI and Merton Council have not quantified the extent that a twice weekly road closure of Plough Lane would impact hospital access to St Georges Hospital and the heavy traffic flows along Plough Lane and the surrounding roads.

- A substantial proportion of the rent of the stadium for rugby matches is given to spending for protect of local community and businesses from the effects of the additional usage of the stadium

Money will be required to assess, install and manage new CPZ zones and ensure they are systematically enforced for many years to come. There will be a need for additional police, traffic marshals required to guide the fans, additional waste collection, street maintenance and improved transport facilities and enhancements at Haydons Road and other stations. Durnsford Road bridge too is likely to need amends to make it safe for those travelling to and from the stadium, or alternatively Durnsford Road will have to be temporarily closed to allow the passage of fans.

As explained in our original objection, money that might otherwise have come to benefit local residents more broadly, has been used to construct the Plough Lane Stadium. As such local residents have a right to benefit from increased spending on local facilities and services to offset the inconvenience they will suffer.

The Wimbledon Society

In the 18/P3354 (7/2019) planning permission, Condition 37 limited activities to general sporting uses and football matches and no other commercial or public events. This was to allow the Council to control the

level of sporting use, and safeguard the amenities of those in adjoining properties, and deal with local transport conditions.

When the application was referred to the GLA/Mayor, being of strategic importance, transport was raised by the GLA/Mayor as one of the elements of concern.

The football season generally operates between late August and May. The Rugby season is proposed to operate between March and October, ie it is to be a principally summer game.

Because of the disruption to sporting events caused by Covid, spectators have not yet been able to attend matches at Plough Lane. As a result, it has not been possible to verify the assumptions and predictions set out in the transport studies and assessments that formed part of the original planning application. This is important as the site is in a defined area of poor public transport accessibility.

The Minutes of the Council meeting in 12/2015 state that there is a need to update the transport assessments once the Stadium becomes operational. This has not yet been done. So the effects on the local area, and on local residents and businesses etc, are not as yet able to be verified. The extent to which the residents in the new development itself could be affected needs to be verified also: will they be happy with “disturbance” throughout the year? One notes that the application (Stantec 2.4) refers to spectators parking in St George’s Road car park, but this has been closed for more than a year.

The Society considers that this application should not be supported at this time. If, however, the Council is minded to approve, then it is suggested that permission should be limited to say 3 years, to allow a proper evaluation of the transport and other impacts to be verified.

Letter of comment

5.3 One letter of comment received. The letter of comment raises the following points:

- Monitor transport arrangement to ensure fans are not using private cars
- Plans to introduce CPZ’s in Gap Road and surroundings. If weekend sporting events cause additional parking pressure then restrictions should be extended.
- It would also be desirable to monitor parking supply at neighbouring stations which serve Haydon’s Road (such as Wimbledon Chase).

Letters of Support

- 5.4 Two letters of support received. The letters raise the following points:
- The condition refers to football, but does not restrict the use to Association Football. Therefore it appears to me that the playing of Rugby Football, whether League or Union; American Football; Australian Rules Football; or any other code of football will already be permitted.
 - The Stadium has been built. It should be used as much as possible to allow the Association Football Club to generate income to ensure the viability of both the club and the stadium.
 - It appears that local pressure groups like the Wimbledon Society and the Wimbledon Park Residents' Association that opposed the building of the Stadium are seeking to use this application to re-fight a battle they have already lost, on the same grounds of traffic and environment as before. Those factors have already been considered when permission to build the stadium was granted. The restriction of the use of the Stadium to an average of 2 matches per week already deals with those concerns.
 - The number of extra games for rugby will be minimal and therefore is already a limit on the total number of games that can be played at Wimbledon Stadium anyway
 - There is no reason to believe this number would be exceeded.
 - Estimated crowds per rugby game are somewhat lower than for football games.
 - Public transport is very good and there are plenty of options for mainline railway stations, tube state and bus routes.
 - As there is minimal parking at the stadium and in local roads the likelihood is for fans not to drive near to the stadium
- 5.5 Environment Agency (EA) – Falls outside EA remit
- 5.6 Historic England (GLAAS) – No objection
- 5.7 Sport England - Sport England consulted both the FA and the RFL, both of which have confirmed they are supportive of this change. Therefore Sport England has no objection.
- 5.8 Transport for London – No objection
- 5.9 Metropolitan Police (MET)

In respect of the planned changes to Wimbledon Stadium, to include the rugby matches, I note that the season will run from March to October, with

20 matches per annum, with games being held on Sundays initially; this is subject to promotion.

I further note that in terms of anticipated spectator numbers, this will be around 3,000, with no more than 5,000; this again is subject to promotion. It should be noted that Wimbledon Stadium is home to AFC Wimbledon and has been identified as a crowded place.

As you will be aware the UK faces a real threat from terrorism and crowded places, remain an attractive target.

Threat - The current national threat level

The threat to the UK from terrorism is Substantial, which means an attack is likely.

At the time of writing there is no specific intelligence in respect of when and where an attack will take place. However, it is most likely that any attack would involve low sophistication methodologies such as improvised explosive devices (IEDs) utilising homemade explosive, knives and / or firearms and vehicles.

In order to assist in reducing the terrorist threat, AFC Wimbledon have become an ACT Awareness self-delivery site and ensure that staff / stewards have undertaken the ACT Awareness training package annually. This enables individuals within the club and stewards to better understand and mitigate against terrorism.

That being the case, I am mindful to seek a condition that all those concerned in the provision of rugby matches at Wimbledon Stadium, including stewards, should undertake ACT Awareness on an annual basis.

This is in order to address the likelihood that rugby matches held Wimbledon Stadium will most probably have less stewarding, as compared to football matches, and a very low police presence.

5.10 Councils Transport Planner

Observations:

Proposed Changes

The proposed changes to Condition 37 is to include rugby match usage at the Stadium pitch which will be played at the same frequency as the consented football use (maximum average of 2 matches per week).

As with all preceding planning applications, the Annual Average Daily Traffic (AADT) calculations are not affected by match days and this methodology is consistently applied for this addendum.

Parameters

- The same parameters as football will be met, with an average of 2 matches per week and matches ending before 22:00.
- The rugby season from March to October, with matches starting at 15:00 on a Sunday with 40-minute halves (maximum of 20 matches per annum). If the Club is promoted to Super League then there would be midweek match starting at 19:30 finishing by 22:00 and no more than 20 matches per annum.
- Estimated circa 3,000 spectators (and not more than 5,000; subject to Club promotion) with less stewarding (12) and very low police presence on match days.

Original match day assessment presented in the ES Addendum:

“Residual impacts arising from match day scenarios will be mitigated through the football Travel Plan and Stadium Management Plan. Any match day traffic effects will be distributed over a wide part of the highway network, rather than being concentrated on any one location.”

The strategy for the rugby matches will be the same as per the football strategy and would be within the bounds of Condition 37 for 2 games per week on average, and therefore within the existing approval.

Recommendation: The proposed changes are not expected to have a material impact on the local highway network.

- 5.11 Environmental Health (Air Quality) – No objection
- 5.12 Greater London Authority (GLA) – No response received
- 5.13 Department of Communities and Local Government (DCLG) – No response received
- 5.14 London Borough of Wandsworth Council (LBW) – No response received
- 5.15 Network Rail – No response received
- 5.16 NHS England – No response received
- 5.17 Merton CCG – No response received

- 5.18 British Telecom – No response received
- 5.19 National Grid – No response received
- 5.20 Natural England – No response received
- 5.21 Thames Water – No response received
- 5.22 London Power Networks – No response received
- 5.23 The Football Association – No response received

6. **POLICY CONTEXT**

6.1 Adopted Sites and Policies Plan (July 2014)

DM R5 Food and drink/leisure and entertainment uses
DM R6 Culture, arts and tourism development
DM H2 Housing Mix
DM H3 Support for affordable housing
DM E1 Employment areas in Merton
DM E4 Local employment opportunities
DM D1 Urban design and the public realm
DM D2 Design considerations in all developments
DM D4 Managing Heritage Assets
DM EP2 Reducing and mitigating noise
DM EP3 Allowable Solutions
DM EP4 Pollutants
DM F1 Support for flood risk management
DM F2 Sustainable urban drainage systems (SUDS) and; wastewater and water infrastructure
DM T1 Support for sustainable transport and active travel
DM T2 Transport impacts of development
DM T3 Car parking and servicing standards
DM T4 Transport infrastructure
DM T5 Access to the Road Network

Site Proposal 37 – Wimbledon Greyhound Stadium

6.2 Merton Core Planning Strategy (July 2011)

CS 1 Colliers Wood
CS8 Housing Choice
CS9 Housing Provision
CS11 Infrastructure
CS12 Economic Development

CS13 Open space, nature conservation, leisure and culture
CS14 Design
CS15 Climate Change
CS16 Flood Risk management
CS17 Waste Management
CS18 Active Transport
CS19 Public Transport
CS20 Parking, Servicing and Delivery

6.3 London Plan (July 2021)

SD10 Strategic and local regeneration
D1 London's form, character and capacity for growth
D2 Infrastructure requirements for sustainable densities
D3 Optimising site capacity through the design-led approach
D4 Delivering good design
D5 Inclusive design
D6 Housing quality and standards
D7 Accessible housing
D8 Public realm
D11 Safety, security and resilience to emergency
D12 Fire safety
D13 Agent of Change
D14 Noise

H1 Increasing housing supply
H3 Meanwhile use as housing
H4 Delivering affordable housing
H5 Threshold approach to applications
H6 Affordable housing tenure
H7 Monitoring of affordable housing
H9 Ensuring the best use of stock
H10 Housing size mix
S2 Health and social care facilities
S4 Play and informal recreation
S5 Sports and recreation facilities
E11 Skills and opportunities for all
HC1 Heritage conservation and growth
HC5 Supporting London's culture and creative industries
G5 Urban greening
G6 Biodiversity and access to nature
G7 Trees and woodlands
G9 Geodiversity
SI 1 Improving air quality
SI 2 Minimising greenhouse gas emissions
SI 3 Energy infrastructure

SI 4 Managing heat risk
SI 5 Water infrastructure
SI 6 Digital connectivity infrastructure
SI 7 Reducing waste and supporting the circular economy
SI 8 Waste capacity and net waste self-sufficiency
SI 12 Flood risk management
SI 13 Sustainable drainage
T1 Strategic approach to transport
T2 Healthy Streets
T3 Transport capacity, connectivity and safeguarding
T4 Assessing and mitigating transport impacts
T5 Cycling
T6 Car parking
T6.1 Residential parking
T6.4 Hotel and leisure uses parking
T6.5 Non-residential disabled persons parking
T7 Deliveries, servicing and construction
T9 Funding transport infrastructure through planning

7. **PLANNING CONSIDERATIONS**

7.1 The principle planning considerations in this instance relating to the principle of development, highways/transport, residential amenity and air quality.

7.2 Proposal

7.2.1 It should be noted that some of the objections received following public consultation have misunderstood the consultation letter and proposed development. Concerns have been raised over the loss of the crèche, café and an increase in the number of residential units. However these points do not form part of this Section 73 application. This Section 73 application simply seeks to amend condition 37 to allow both football and rugby matches to be played within the Stadium. Most importantly, there are no change to the total number of games already permitted under planning condition 37. Matters relating to the loss of the crèche, café and an increase in number of residential units have already been assessed under the previous application (18/P3354). Therefore these matters do not and cannot be revisited under this application.

7.2.2 For the sake of clarification, below is the original wording of planning condition 37 and the proposed wording of condition 37 to include rugby. As can be seen from the amended condition below, the condition is identical other than adding rugby and most importantly there is no change to the number of matches already permitted.

Condition 37 (original wording)

Stadium Use(s): (Originally condition 39) - The approved Stadium pitch and seating bowl shall only be used for general sporting uses and football matches up to an average of twice weekly, and for no other commercial sport or public events.

Reason: To allow the Local Planning Authority to control the level of sporting and hospitality use within the site to safeguard the amenities of the occupiers of the adjoining and surrounding properties, local transport conditions, and ensure compliance with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016 and policies DM EP2, EP4, T2, T3 and T5 of Merton's Sites and Polices Plan 2014.

Condition 37 (amended wording proposed)

Stadium Use(s): (Originally condition 39) - The approved Stadium pitch and seating bowl shall only be used for general sporting uses and football/**rugby** matches up to an average of twice weekly, and for no other commercial sport or public events.

Reason: To allow the Local Planning Authority to control the level of sporting and hospitality use within the site to safeguard the amenities of the occupiers of the adjoining and surrounding properties, local transport conditions, and ensure compliance with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016 and policies DM EP2, EP4, T2, T3 and T5 of Merton's Sites and Polices Plan 2014.

7.2.3 In term of the rugby use, the applicant has provided the following information (football data also provided for comparison purposes):

Rugby

- The same parameters as football will be met, with an average of 2 matches per week and matches ending before 22:00.
- The rugby season is late, from March to October, with matches starting at 15:00 on a Sunday with 40-minute halves (maximum of 20 matches per annum). If the Club is promoted to Super League then there would be midweek match starting at 19:30 finishing by 22:00 and no more than 20 matches per annum. Overlap of rugby matches towards the end of the football season, albeit only a few games.
- Estimated circa 3,000 spectators (and not more than 5,000; subject to Club promotion).

- Rugby matches have less stewarding (12) and very low police presence on match day.

Football

- The average attendance of AFC Wimbledon in the last season pre-dating the pandemic (18/19 season) was 4,297 spectators.
- There were 24 league homes games in every season from the 18/19 to the 11/12 season.

7.2.3 Under the permitted condition 37, football matches could be played up to an average of twice weekly. Technically this would therefore allow a maximum of 104 games per year. The football season is generally from August to May, while the rugby season is generally from March to October. There would be element of overlap, however, it will only be for a handful of games. Overall, the applicant has stated that there are likely to be 55 1st team matches per year (40 football & 15 rugby combined). This would be a total of 55 matches which is well below the permitted 104 games permitted under condition 37.

7.3 Principle of Development

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

7.3.2 In this instance, the principal of development has already been established under the original planning approval 14/P4361 and latter alterations under the Section 73 application (18/P3354 – mainly to increase number of flats from 604 to 632). The application site is in the latter stages of implementing planning approval 18/P3354, therefore the permission is extant in perpetuity by virtue of a material start on site having been undertaken and all planning conditions/S106 heads of terms are activated. Therefore under the current terms of condition 37, a total number of 104 football matches can be played.

7.3.3 The principle of development has therefore already been established and the principle of condition 37 remains unaltered as the total number of rugby and football matches would be considerably less than the permitted 104 matches. Given the fact that there is no increase in the number of games already permitted, officers consider that the scope, purpose and objective of planning condition remains intact and not materially altered.

7.4 Section 73 applications

- 7.4.1 National Planning Policy Guidance 2014 provides guidance on Section 73 applications, which outlines that there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.
- 7.4.2 A section 73 application under Section 73 of the Town and Country Planning Act 1990 (as amended) is, in effect, a fresh application for the entire development, albeit with a variation to those original conditions. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.
- 7.4.3 Planning conditions and legal agreement will still remain in place. Monitoring of the Stadium and residential elements of the development once operational would still occur with a consent of the amended condition, as it would still be a valid requirement under the previous consent.

7.5 **Highways/Transport**

- 7.5.1 One of the main concerns raised by residents following public consultation was the impact on the highway/transport network. The applicant states that the proposed rugby use would generate between 3,000 and 5,000 spectators depending on promotion. Even with promotion, the stadium would be less than half full. There is no material change to the scope, purpose or objective of planning condition 37 as there are no increases in the number of matches already permitted by this condition. As part of the original planning application, an assessment of highways and transport was considered to be acceptable for a 11,000 seater Stadium. The proposed rugby use would be well within the capability levels of the existing Stadium and hence within the parameters of the original highway and transport assessments and condition 37. Officers consider that there is no fundamental difference between how fans would travel for a football match compared to a rugby match, therefore there is no fundamental difference that could be justified to the conclusions of these matters already considered acceptable under the previous applications on the site. Given the above and the fact that there is no increase in the number of matches permitted, officers cannot raise any objection on highways or transport grounds. It should also be noted that the Councils Transport Planner and Transport for London raise no objection to the proposal.

7.6 **Residential Amenity**

- 7.6.1 London Plan policies 7.6 and 7.7, CS policy 14, and SPP policy DM D2 seek to ensure new developments do not unacceptably impact on the

amenities of the occupiers of any adjoining and nearby surrounding properties.

- 7.6.2 The use of the Stadium would be an increase compared to the current number of football matches, however it would still remain well within the total number of matches permitted by planning condition 37. The use of the Stadium for rugby matches would therefore have no additional impact on neighbours beyond the planning considerations already permitted by 14/P4361 and 18/P3354. It should also be noted that the original planning conditions and S106 agreements would still remain in place which will assist in reducing impact on neighbouring amenity.

7.7 **Air Quality**

- 7.7.1 Like transport and highways, the original planning application and latter applications considered air quality to be acceptable. This Section 73 application falls within the limitation already set by planning condition 37 and given that fact that there are no changes to the number of games or any additional development beyond that already permitted, there is no objection on air quality grounds. It should also be noted that the Councils Air Quality Officer raises no objection.

8. **CONCLUSION**

- 8.1 As set out above, officers consider that there is no fundamental change to condition 37 as there is no change to the number of matches already permitted. The proposed changes are therefore considered to be acceptable under the Section 73 application and officers recommend permission be granted subject to conditions.

9 **RECOMMENDATION**

GRANT variation of condition, subject to the following conditions:

1. The remaining substantive conditions and S106 agreement attached to planning permission 18/P3354 continue to apply.

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

2. Condition 37 of planning permission 18/P3354 is varied as follows:

Stadium Use(s): (Originally condition 39) - The approved Stadium pitch and seating bowl shall only be used for general sporting uses and football/rugby matches up to an average of twice weekly, and for no other commercial sport or public events.

Reason: To allow the Local Planning Authority to control the level of sporting and hospitality use within the site to safeguard the amenities of the occupiers of the adjoining and surrounding properties, local transport conditions, and ensure compliance with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016 and policies DM EP2, EP4, T2, T3 and T5 of Merton's Sites and Polices Plan 2014.

And additional Informative:

1. MET - ACT Awareness on an annual basis for Rugby.

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