

PLANNING APPLICATIONS COMMITTEE

23rd September 2021

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>Item No:</u> <u>DATE VALID</u>
	21/P1930	14/05/2021
Address/Site	Wimbledon Park Lake, Wimbledon Park, Home Park Road, Wimbledon, London, SW19 7HX	
(Ward)	Village and Wimbledon Park	
Proposal:	ENGINEERING WORKS TO THE LAKE, SPILLWAYS AND EMBANKMENT TO IMPROVE LAKE SAFETY, IN ACCORDANCE WITH THE RESERVOIR ACT 1975 AS AMENDED.	
Drawing Nos	WMBLDN-WAB-XX-XX-DR-C-010 Rev P03, WMBLDN-WAB-XX-XX-DR-C-010101 Rev P03, WMBLDN-WAB-XX-XX-DR-A-20101 Rev P09, WMBLDN-WAB-XX-XX-DR-C-010103 Rev P02, WMBLDN-WAB-XX-XX-DR-C-010104 Rev P02, WMBLDN-WAB-XX-XX-DR-C-010205 Rev P02, WMBLDN-WAB-XX-XX-DR-C-010208 Rev P01, WMBLDN-WAB-XX-XX-DR-C-010206 Rev P02, WMBLDN-WAB-XX-XX-DR-C-010209 Rev P01, WMBLDN-WAB-XX-XX-DR-C-010210 Rev P01, WMBLDN-WAB-XX-XX-DR-C-010202 Rev P02, WMBLDN-WAB-XX-XX-DR-C-010203 Rev P02, WMBLDN-WAB-XX-XX-DR-C-010204 Rev P02, WMBLDN-WAB-XX-XX-DR-C-010201 P03, WMBLDN-WAB-XX-XX-DR-C-010005 Rev P03, WMBLDN-WAB-XX-XX-DR-C-010105 Rev P02, WMBLDN-WAB-XX-XX-DR-C-010106 Rev P02, WMBLDN-WAB-XX-XX-DR-C-010003 Rev P03, WMBLDN-WAB-XX-XX-DR-A-20301 Rev P04, WMBLDN-WAB-XX-XX-DR-C-010001 Rev P02, WMBLDN-WAB-XX-XX-DR-A-20201 Rev P03.	
Contact Officer:	Tim Bryson (0208 545 3981)	

RECOMMENDATION

GRANT Planning Permission subject to conditions.

CHECKLIST INFORMATION.

- Heads of agreement: n/a.
 - Has a screening opinion been submitted: Yes – Application Reference 21/P0708 (EIA not required)
 - Is an Environmental Statement required: No
 - Has an Environmental Impact Assessment been submitted – No
 - Press notice – Yes
 - Site notice – Yes
 - Design Review Panel consulted – No
 - Number of neighbours consulted – 274
 - External consultations – Yes.
 - PTAL score – 2
 - CPZ – Yes Zone P1
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1. INTRODUCTION

- 1.1 The application has been brought before the Planning Applications Committee for consideration as the applicant is Merton Borough Council and therefore the proposal falls outside of the Scheme of Delegation.
- 1.2 The application has been submitted in order to undertake a number of engineering works to improve the reservoir safety of Wimbledon Park Lake, Wimbledon Park, Wimbledon, to ensure compliance with the requirements of the Reservoir Act 1975 (as amended).
- 1.3 The agent on behalf of the applicant has outlined the following in their submission which provides the background to the planning application proposal:

London Borough of Merton in accordance with their statutory obligations under section 10 of the Reservoirs Act 1975 (as amended) conducted a flood study of the Category A large, raised reservoir known as Wimbledon Park Lake. The lake cannot safely pass the design flood in line with the requirements for compliance with the Reservoirs Act in the instance of applicable flood events taking into account predicted climate change effects.

To protect the safety of the reservoir and the integrity of the dam wall several engineering works are required in accordance with contemporary safety guidance. Without improvement works the reservoir could pose

significant risk to people and property downstream in the event of uncontrolled overtopping which may result in a dam breach.

Ward and Burke Construction Ltd have been commissioned by the London Borough of Merton (LBM) to undertake the design, planning and construction of modification works to the existing Wimbledon Park Reservoir dam. These works require the upgrade of the existing spillway and construction of an additional auxiliary spillway to accommodate safe passage of the existing flows to the requirements under the Reservoirs Act (1975 and as amended) for a Category A Reservoir.

Without the proposed works, flood waters from the reservoir pose a significant risk to property and human health and safety in the event of a dam breach.

1.4 Statement of Community Involvement (SCI)

The applicant has submitted a SCI which sets out the engagement with the community and stakeholders prior to the submission of the planning application. The applicant arranged for a Technical Steering Group to be formed in 2017 in which involved representatives from different stakeholders to meet on a monthly basis (such as the EA, AELTC, Historic England). In addition, monthly meetings were also held between November 2020 and January 2021 which included Ward Councillors, Chair of Friends of Wimbledon Park, Chair of Wimbledon Park Heritage Group, Project Consultants and Council Officers. A webpage was created on the Merton Council website which had documents and meeting minutes available for the public to view. Public engagement was undertaken via engagement with the Councillors, Colleagues and Community Group and a dedicated web page on the LBM website.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises the north-eastern part of the lake, associated walkways and embankment within Wimbledon Park. The red line site location area includes temporary access areas for construction and extends to 1.49 ha in size. The existing lake is secured behind an existing earth fill embankment, which is raised above the natural ground level north of the lake. A public walkway is present along the extent of the embankment before dropping towards Ashen Grove Wood to the south. The downstream side of the embankment is covered by a mix of bare ground, scrub, trees and buildings.
- 2.2 The site surroundings within the Park itself comprise associated park activity and buildings, such as tennis courts, walkways, children's play areas, Café and Watersports buildings.

- 2.3 The application site is designated as Metropolitan Open Land (MOL), Open Space and Site of Importance for Nature Conservation (SINC) under the Council's Policies Map. The site forms part of the wider Wimbledon Park which is a designated Grade II* Listed Park, and is also within the Wimbledon North Conservation Area.

3. CURRENT PROPOSAL

- 3.1 The proposal has several elements which can be summarised as follows:

Construction of a new primary spillway:

- Widen the existing concrete spillway from 1.3 m to 6.0 m;
- Reduce the crest of the weir by 50mm to 17.42m AOD;
- Form new reinforced grass spillway at 4.0 m in width to the north and 7.0 m in width to the south of the concrete stepped spillway, the crest of which would be set at 17.455 m AOD;
- Relocate and upsize the drawdown pipe;
- Incorporate an Eel Pass in the new Primary Spillway to comply with Eel Regulations;
- Widen stilling pond;
- Incorporate compound weir within the concrete spillway set at 17.12 m AOD to allow for water levels in the lake to be lowered further should de-silting works be undertaken in the future;
- Install open channel to convey flows to the Wimbledon Park Brook;
- Extend Wimbledon Park Brook to the north-west to provide greater water storage and minimise impact of local flooding within the park;
- Felling of trees to accommodate the works, with compensatory tree planting proposed.

Construction of new auxiliary spillway:

- Formation of new 75 m long Auxiliary Spillway to the north;
- Crest level maintained at 17.70 m AOD;
- Sheet piles repaired and capping to piles;
- Existing footpath replaced with new surface;
- 3 benches removed and relocated.

Raise the crest of the remainder of the embankment between the Primary and Auxiliary Spillways by 250mm to increase freeboard of the lake. This is to be achieved by:

- Increase side sheet piled retaining wall by 50mm and resurface existing walkway with a 75mm cross fall towards the lake;
- Install textured kerb along the back of the walkway;

- Replace existing 1 m section of bare ground along waters edge in the vicinity of the existing trees with a self-binding gravel.

The above proposals have been proposed following the detailed Ground Investigation undertaken by WYG on behalf of the Council assessing the structural state of the lake and surrounding infrastructure. This Ground Investigation report has been submitted with this planning application.

4. **PLANNING HISTORY**

- 4.1 21/P0708 - SCREENING OPINION REQUEST FOR WORKS TO THE LAKE, INCLUDING ALTERATIONS TO SURROUNDINGS.–
DECISION: EIA NOT REQUIRED - 09/04/2021

5. **CONSULTATION**

- 5.1 The application has been advertised by major press notice procedure, Conservation Area site notice procedure and letters of notification sent to the occupiers of neighbouring properties.

- 5.2 1 letters of objection has been received raising objection on the following grounds:

- Whilst fully support its primary aim of preventing failure in the dam, the proposed design is shown to increase flooding downstream, contrary to National Planning Policy Guidance.
- Fortunately, the details of the scheme are such that a few apposite planning conditions would allow it to meet the requirements of this guidance.
- Recommend a number of conditions be imposed should permission be granted, which include certification of the top level of the primary outflow weir, new brook to be above ground channel, re-connect underground storm water drain, and replace 3 park benches with flood proof ones.
- Loss of trees;
- Require sensitive landscaping;
- Further detail required of disabled access provision;
- Objector welcomes the following details in achieving safety of the Dam:
 1. Proposed compound spillway enabling lowering of lake level;
 2. Extension of brook through mini-golf area;
 3. Proposed eel pass at the outfall;
 4. Lakeside coir roll to facilitate landscaping;
 5. Principle of compensatory planting;
 6. Timber facing to the sheet piling;
 7. The sleeping policemen at the Revelstoke Road entrance
- Discrepancies over the top water level of the lake;

- Increase in flooding to the park and downstream;
- Recommend condition on the brook being above ground level;
- Loss of trees;
- Disabled access provision to the lake walkways;
- Biodiversity net-gain is not substantiated;
- The replacement benches should be of a design that can accommodate flood flow so they can remain in their position;
- Discrepancies in the reports.

Friends of Wimbledon Park:

- 1) Access to the works should be via Wimbledon Park Road and then down Stadium Lane. Revelstoke Road is a quiet residential cul-de-sac and traffic here needs to be kept to minimum.
- 2) The deculverting of Wimbledon Park Brook is welcome.
- 3) A sleeping policeman at the Revelstoke Road underpass reduces flood risk downstream for the large magnitude flood events. As mentioned during consultations, improvement works for the Revelstoke Road entrance have been approved by LBW and have been submitted to LBM as a cross boundary application. This work should be combined.
- 4) It is of some concern that Ashen Grove Wood is not recognised as ancient woodland. It is anticipated that management plan for this wood will be drawn up with the relevant owners.

Site overview:

- 1) There is evidence that the waterfall is leaking.
- 2) The culvert from the base of the waterfall to the brook should be deculverted and a bridge constructed over the brook.
- 3) The depth of the pond in the rockery can be increased by raising the overflow. This will improve its appearance.
- 4) The brook could be widened in the play area so that steppingstones can be an added attraction.
- 5) The stream should be deculverted for its full length to join the stream at the boundary of the park. The plan suggests a small length of new culvert must be installed; why?
- 6) The works should include a well thought out landscape scheme for new "water gardens" associated with the stream so that it is not a deep tortuous engineered "slot" in the ground which will be rather unsightly and with steep banks which will become a management problem. A wider profiled stream course will also hold greater flood capacity.
- 7) Ideally the crazy golf should be relocated as it takes up potentially very useful water garden space, but if it must stay it too should be properly landscaped.

5.3 Council's Highways Officer:

No objection, subject to conditions and informatives.

5.4 Council's Environmental Health Officer:

No Environmental Health (Noise and Nuisance) objections/comments regarding this application.

5.5 Council's Flood Risk Officer:

The works to the lake while it will not increase flood risk directly, because the flows out of the park are limited by the size of the culvert, the flows to the culvert is occurring over a longer period of time. The model has not considered what effect this will have on the areas downstream if their drainage network are unable to or is limited in its discharge to this same culvert. The model also states that the culverts are assumed to have no blockages, It would have been good to see the effect of blockages within the park. Ideally this should have been assessed and presented in the model report. Notwithstanding this it is possible that this increase in flood risk will be limited to the park itself and the road network and may not result in property flooding.

Overall, I have no reservations to the works to the lake itself but as they have not submitted any method statement with the application they will need to do this before commencement of the works. They have not indicated whether they will be using a coffer dam and how they will manage flows during construction and this detail will need to be included within the method statement.

For the works downstream of the upgraded weir including de-culverting and the new channel they have also not yet provided the sequencing of works and definitive landscaping plans, again this will be a pre-commencement condition.

If you are minded to grant planning permission please ensure that the following conditions are placed on the approval notice.

Condition:

Prior to the commencement of construction a Construction and Environment Method Plan must be submitted and approved by the local Planning Authority. This must also include but not limited to the management of flood risk during construction and the sequencing of works and the environmental protection measures associated with the method of working.

Condition:

This development shall be carried out in accordance with the approved

submitted plans and sections. Any proposed changes must be approved in writing by the Local planning authority.

Condition:

Prior to the commencement of the landscaping of the site, a details landscaping strategy/plan must be submitted and approved by the LPA

Condition: Flood Mitigation Scheme

The development hereby permitted shall not be commenced until such time that full details of the flood mitigation strategy is submitted and approved to the LPA. This shall be submitted for:

- a. the temporary situation while the works are being carried out and
- b. the permanent situation with completed works

The details of these must include but not limited to the following:

- I. Final construction drawings of the de-culverting and replacement open channel in the section immediately downstream of the lake
- II. The finalised arrangement where the flows will be split between the new channel section and the waterfall and rock garden area (this goes into the existing culvert on the western side of the Café Pavilion). The arrangement must demonstrate that the Q95 flow is directed down the new channel.
- III. The details of the sleeping policeman to be installed near the Revelstoke Road entrance to the park

Reason:

To reduce the risk of flooding from the proposed development on-site and ensure flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13. Also to ensure that the channels have a continuous flow thorough them in low flow conditions and do not pose an additional environment hazard.

Informative:

The proposed development will result in an additional ordinary watercourse and thus they will need to apply to the Lead Local Flood Authority for an ordinary watercourse consent. Please find attached the guidance note and form that will need to be filled out and submitted to Selisa.fergusfleary@merton.gov.uk.

5.6 Council's Tree Officer:

No comments have been received.

5.7 Council's Conservation Officer:

No objection.

5.8 Thames Water:

No comments to make on the application

5.9 Transport For London (TFL):

No comments to make on the application.

5.10 Historic England (Heritage Assets)

Summary

Wimbledon Park is the surviving part of an extensive 18th century landscape park extended and re-landscaped by Lancelot 'Capability' Brown from 1765. It is Registered at Grade II* while also forming the focus for two Conservation Areas and Archaeological Priority Areas, and has been on the Heritage at Risk Register since 2016.

The Lake is a 'Category A' large raised reservoir assessed as high risk by panel engineers and requiring work to ensure LB Merton fulfils its statutory obligations under section 10 of the Reservoirs Act 1975 (as amended). The proposed development involves upgrade of the existing spillway, minor raising of the existing embankment and construction of a new auxiliary spillway.

The proposed development, particularly the associated tree removals, will result in some localised physical and visual impacts to the Registered park and garden, representing a low level of harm to its significance. This will reduce considerably post-construction as the various elements of the proposed development settle into the landscape. The proposed development will also deliver some benefits over and above those linked to reservoir safety, namely improvements to the condition and appearance of the path network along the top of the embankment and engineered lake edge.

We consider that the proposed development meets the requirements of the NPPF, in particular paragraph numbers 190, 192, 196 and 200. It also delivers some improvements to the condition and appearance of the Lake, helping towards addressing some of the issues contributing to the Registered park and garden's status on the HAR Register. Thus, Historic England has no objection to the proposed development on heritage grounds.

Historic England Advice

The significance of Wimbledon Park

Wimbledon Park is the surviving part of an extensive 18th century landscape park, extended and re-landscaped by Lancelot 'Capability' Brown from 1764 for the 1st Earl Spencer. The park focussed on the Earl's manor house at Wimbledon, originally built c1730s for Sarah Churchill to replace an earlier notable 16th century house and gardens (from c1588 for Sir Thomas Cecil). The landscape park was ornamented by Brown's c9-hectare ornamental Lake and dotted with numerous open-grown trees and trees clumps, while it incorporated existing landscape features such as woodland at Ashen Grove and Horse Close Wood.

The Spencer's began selling off parts of their Wimbledon Estate in the 19th century, resulting in the site of the country house and gardens and much of the wider historic extents of the landscape park succumbing to development. While this was happening, the core of the park around Brown's 9-hectare Lake was retained, purchased by private sports clubs and what was to become Merton Council. This relict parkland was then converted for use as public park/recreation ground, private sports club and private golf course.

Amongst such late 19th and 20th century development, various elements of the 18th century designed landscape survive, including the Lake, veteran parkland trees, areas of woodland (pre-dating Brown and incorporated into his designs), and historic vistas to focal features within and outside the park (e.g. grade II* St Mary's Church). These multiple layers of development remain evident, ensuring that Wimbledon Park retains design interest in a national context. Accordingly, it is Registered at Grade II* (NHLE: 1000852). Wimbledon Park forms a substantial part of the Wimbledon North Conservation Area, which is designated by both Merton and Wandsworth Councils. It is a Tier 2 Archaeological Priority Area in two parts Merton APA 2.12 - Wimbledon Park House APZ, and Wandsworth APA 2.15 - Wimbledon Park.

The significance of Brown's Lake

Notable amongst Brown's improvements to Wimbledon Park was the formation of a c9-hectare lake in a shallow valley to the north of the house and at the heart of the extensive landscape park. Brown's design involved erecting a c320m long raised earthen embankment of between 1-4m in height downstream of the confluence of two tributary streams. Utilising the natural underlying clay, this impounded natural surface drainage to deform a large, open water body in a 'natural' style. It served as a point of interest in views and as a destination along designed routes through the wider parkland, as well as supporting recreational and practical land management uses.

Brown's Lake is an example of a complex 18th century artistic and engineering endeavour, part of a holistic landscape design which served not only an aesthetic but also a functional role. It is the main feature surviving from the 18th century designed landscape at Wimbledon Park. Despite some areas of loss, such as the filling in of the southern arm of the Lake in the early 20th century and modifications around the outflow/stilling pond area in the late 20th century, the Lake generally conforms to its 18th century shape and extents as recorded the Richardson map of 1768 and subsequent Ordnance Survey maps. It also represents the chief element of Brown's work for the 1st Earl Spencer at Wimbledon Park, which, when combined with his work for the Spencers' Northamptonshire estates, was one the largest and most significant commissions of Brown's career.

Land ownership and the condition of Wimbledon Park

Currently, Wimbledon Park is divided into three landholdings:

- Merton Council own the Lake and land to the east and north (c27 ha), which it manages as a public park (laid out from the 1920s), including use of the Lake by the Wimbledon Park Watersports and Outdoor Centre;
- The All England Lawn Tennis Club owns the freehold of land west and south of the Lake (c30 ha), including the southern part of the embankment and its existing weir, spillway and stilling pond – the land is leased to Wimbledon Park Golf Club (on site since 1898) which permits use of the banks under licence by Wimbledon Park Angling Club and;
- The private Wimbledon Club owns an area of land west of the Lake (c4 ha), which it manages (since the 1890s) for multiple sports uses. Wimbledon Park was added to the Heritage at Risk Register for London and the South East in 2015 due to the effects of divided ownership leading to areas of differential management, the lack of a coherent site-wide strategy for conservation and on-going management, impacts to designed views, and – of particular relevance to this consultation - the condition of the Lake.

The proposed development

The Lake is a 'Category A' large raised reservoir assessed as high risk by panel engineers and requiring work to ensure Merton Council fulfils its statutory obligations under section 10 of the Reservoirs Act 1975 (as amended). Therefore, works are proposed to the full length of embankment, in areas under both Merton Council and the AELTC's ownership.

The proposed development includes the following:

- lowering the designed water level in the Lake by 50mm and upgrading the existing primary spillway and associated drawdown pipe, with a new 6m wide central concrete structure installed at a lower level and shallower gradient, incorporating a compound weir to control water levels and an eel pass, and creating two flanking areas of turf reinforced with a grass matting system, all totalling 17m in width;
- widening the existing stilling pond and de-culverting the existing outlet structure to create an open channel, linking the pond with the existing open water courses in the public park;
- creation of a new length of 3.5m wide x 1m deep open water channel meandering through the mini golf course and installation of a 'sleeping policeman' barrier at the Revelstoke Road entrance to the public park;
- increasing the height of the existing embankment crest by 250mm through raising the footpath south of the Watersports and Outdoor Centre by 50mm at the Lake's edge and by 125mm at the downstream side via introduction of a raised kerb, achieving a 75mm crossfall back towards the Lake, while also replacing the existing sheet piling along the water's edge and applying facing and coping in timber;
- constructing a new 75m long auxiliary spillway through reconstruction of the embankment path at existing levels and introducing reinforced turf on the downstream side; and
- carrying out associated soft landscape works, including new native planting within the woodland at Ashen Grove and marginal and emergent planting within coir rolls inserted along the sheet piling at the Lake's edge.

Construction access will be from the Church Road entrance in the north of the park via surfaced paths, passing to the rear of the stadium up to the proposed contractor's compound south of the Athletics track.

The impact of the proposals on designated heritage assets

While larger than the existing spillway, the new concrete spillway will have lower side walls (c200mm high) sitting flush with the adjacent areas of reinforced turf, which will be contoured to transition smoothly into surrounding ground levels, particularly the more open lawns of the golf course to the south.

Further north along the embankment, the proposed level changes will be modest and the proposed hard landscape elements associated with the path upgrades are of a scale and materiality appropriate for the character of the public park. Existing mature

trees along the Lake's edge will be retained within areas of permeable self-binding gravel surfacing around their trunks. The proposed cladding of the sheet piling with a new timber facing and coping will reduce the visual impact of this engineered edge to the Lake.

The proposed development will require removal of 9 no. existing trees along the edge of Ashen Grove Wood in the vicinity of the upgraded primary spillway. Of these, 7 have been assessed as being of poor quality with limited life expectancy, while 2 are relatively good quality 'Category B' trees. Furthermore, one veteran Ash tree north of the spillway is potentially at risk due to the proximity of the works, and, as such, it will be subject to temporary root protection measures during construction.

All told, the shape and integrity of the Lake will remain unaffected by the proposed development. The upgrade of the existing spillway and associated tree removals will result in some localised physical and visual impacts to the Registered park and garden, representing a low level of harm to its significance. This will be greatest during construction but should reduce considerably post-construction as the various elements of the proposed development settle into the landscape and proposed planting establishes and matures.

At the same time, the proposed development will deliver some benefits over and above those linked to reservoir safety, namely improvements to the condition and appearance of the path network along the top of the embankment and engineered lake edge, including the softening and screening of more visually intrusive elements by the proposed soft landscape elements.

Policy considerations for these proposals

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission the local authority shall have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they may possess.

The National Planning Policy Framework (NPPF) sets out the government's policies for making planning decisions. It states that the purpose of the planning system is to achieve sustainable development and that protection and enhancement of the historic environment is an overarching objective in this (paragraphs 7 and 8). The NPPF identifies that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their

significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (paragraph 184). It explains how applicants should describe the significance of heritage assets affected and that the level of detail should be sufficient to understand the potential impact of the proposal on their significance (paragraph 189). It notes the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation (paragraph 192). It requires great weight to be given to an asset's conservation, irrespective of the level of harm (paragraph 193).

Conflict between an asset's conservation and any aspect of a proposal should be avoided or minimised, including by more sensitive design (paragraph 190 and NPPG).

Local planning authorities should look for opportunities for new development in the setting of heritage assets to enhance or better reveal their significance (paragraph 200). It states that any harm or loss to designated heritage assets requires clear and convincing justification (paragraph 194). Harm must then be weighed against the public benefits of the proposal (paragraphs 196). Furthermore, the London Plan 2021 forms part of Merton Council's development plan.

Its Policy HC1 on Heritage requires effective integration of London's heritage in regenerative change, ensuring that development proposals conserve their significance. It also includes text on heritage assets identified as being 'At Risk', requiring Boroughs to identify specific opportunities for them to contribute to regeneration and place-making and to set out strategies for the repair and re-use.

Historic England's position on the proposals

Historic England recognises that the proposed works to the Lake in Wimbledon Park are necessary for Merton Council to meet its statutory requirements under the Reservoirs Act. HE accept the focussed scope of the resulting Lake Safety Project, which, at this stage, cannot include the much-needed improvements to the condition and appearance of the Lake and other parts of the Registered park and garden. We recognise, and support, the efforts that have been made to ensure that this work does not prejudice future projects such as de-silting operations, potential realisation of a walking route around the Lake, or implementation of other recommendations of Merton Council's Wimbledon Park and Lake Masterplan.

Historic England has participated in the Council's Technical Steering Group during project development since 2017 and had considerable engagement earlier this year as part of extensive pre-application consultation with the applicant. As such, we know that the proposed development in its current form has benefitted immensely from the careful attention paid to historic environment constraints by the design team, supported with specialist advice from recognised experts in Lancelot Brown, his designed landscapes and the features within them, especially ornamental water bodies. This has resulted in revisions to the initial design proposals that have greatly reduced the overall scale of the project, potential visual impacts and required tree removals.

The proposed development, particularly the associated tree removals, will result in some localised physical and visual impacts to the Registered park and garden, representing a low level of harm to its significance. This will reduce considerably post-construction as the various elements of the proposed development settle into the landscape. The proposed development will also deliver some benefits over and above those linked to reservoir safety, namely improvements to the condition and appearance of the path network along the top of the embankment and engineered lake edge. Given this, Historic England has **no objection** to the application on heritage grounds.

We would point out that there remains some potential for further enhancement of the proposed development. Details of the proposed new open water channel through the public park were not available during pre-application consultation, and there may be scope for the width and profile of the new channel to accommodate additional public benefits by relating to adjacent features, such as considering natural play potential where it adjoins the existing play area and fully incorporating the existing waterfall garden and rockery area.

Finally, the proposed development will result in ongoing management and maintenance implications for the public park and parts of the golf course, not only the lake edge and stilling basin but also the continued management and enhancement of woodland at Ashen Grove. We would expect that the management and maintenance plan(s) and associated performance specifications affecting these areas are reviewed and updated accordingly. Also, it will be important that the locations for the Council's planned replacement tree planting responds to the significance of the Registered park and garden and the issues that have contributed to

its inclusion on the HAR Register. Confirmation of these details would be appropriate as planning conditions.

Recommendation:

Historic England has no objection to the application on heritage grounds. We consider that the proposed development meets the requirements of the NPPF, paragraph numbers 190, 192, 196 and 200. It also delivers some improvements to the condition and appearance of the Lake, helping towards addressing some of the issues contributing to the Registered park and garden's status on the HAR Register. Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

5.11 Historic England (Archaeology)

Recommend Archaeological Condition(s)

The Greater London Archaeological Advisory Service (GLAAS) gives advice on archaeology and planning. Our advice follows the National Planning Policy Framework (NPPF) and the GLAAS Charter. NPPF section 16 and the London Plan (2011 Policy 7.8) make the conservation of archaeological interest a material planning consideration. NPPF paragraph 189 says applicants should provide an archaeological assessment if their development could affect a heritage asset of archaeological interest.

The planning application lies in an area of archaeological interest. If you grant planning consent, paragraph 199 of the NPPF says that applicants should record the significance of any heritage assets that the development harms.

Applicants should also improve knowledge of assets and make this public.

The planning application lies in an area of archaeological interest.

The desk-based assessment submitted to support the application (MOLA, May 2018) provides a basic baseline assessment of the historic background of the lake and park, which is supplemented by more in-depth information in the more recent Heritage Statement (MOLA, April 2021). The site is located within a Tier 2 Archaeological Priority Area which covers the historic landscape park of Wimbledon House.

The proposed works appear to be predominantly located to the north-east of the lake, in an area that has previously been disturbed by the development of leisure infrastructure, however some deeper interventions and works to the lake edge may reveal historic landscape features, and so should be monitored by an archaeological watching brief.

I have looked at this proposal and at the Greater London Historic Environment Record. I advise that the development could cause harm to archaeological remains. However, the significance of the asset and scale of harm to it is such that the effect can be managed using a planning condition. I therefore recommend the following condition on any consent:

Condition:

No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Informative:

The written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

This pre-commencement condition is necessary to safeguard the archaeological interest on this site. Approval of the WSI before works begin on site provides clarity on what investigations are required, and their timing in relation to the development programme. If the applicant does not agree to this pre-commencement condition please let us know their reasons and any alternatives suggested. Without this pre-commencement condition being imposed the application should be

refused as it would not comply with NPPF paragraph 199. The archaeological work should include:

Watching Brief

A watching brief involves the proactive engagement with the development groundworks to permit investigation and recording of features of archaeological interest which are revealed. A suitable working method with contingency arrangements for significant discoveries will need to be agreed. The outcome will be a report and archive.

5.12 Natural England:

No comments to make on the application.

5.13 Network Rail:

No comments to make on the application as the railway adjoining the site is the Overground which is owned by TFL.

5.14 Sport England:

No objection.

5.15 Environment Agency:

No comments have been received.

5.16 London Borough of Wandsworth:

No objection.

6. **POLICY CONTEXT**

6.1 The relevant policies within Merton's Sites and Policies Plan (2014) are:

DM C1 Community facilities

DM O1 Open space

DM O2 Nature conservation, trees, hedges and landscape features

DM D1 Urban design and the public realm

DM D2 Design considerations in all development

DM D4 Managing Heritage Assets

DM EP2 Reducing and mitigating noise

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 impact of development
- DM T3 Car parking and servicing standards
- DM T4 Transport Infrastructure
- DM T5 Access to the Road Network

6.2 The relevant policies within the Merton Core Planning Strategy (July 2011) are:

- CS 6 Wimbledon Sub-area
- CS 11 Infrastructure,
- CS 12 Economic Development
- CS 13 Open Space, Nature Conservation, Leisure and Culture
- CS 14 Design,
- CS 15 Climate change,
- CS 16 Flood Risk Management
- CS 17 Waste management
- CS 18 Active transport
- CS 19 Transport
- CS 20 Parking, Servicing & Delivery

6.3 The relevant policies within the London Plan (2021) are:

- 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
- D8 Public realm
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D14 Noise
- S4 Play and informal recreation
- S5 Sports and recreation facilities
- E10 Visitor infrastructure
- HC1 Heritage conservation and growth
- HC3 Strategic and Local Views
- HC4 London View Management Framework
- HC5 Supporting London's culture and creative industries
- G1 Green infrastructure
- G3 Metropolitan Open Land
- G4 Open space
- 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 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
SI 14 Waterways
SI 16 Waterways – use and enjoyment
SI 17 Protecting and enhancing London’s waterways
T1 Strategic approach to transport
T2 Healthy Streets
T3 Transport capacity, connectivity and safeguarding
T4 Assessing and mitigating transport impacts
T7 Deliveries, servicing and construction
T9 Funding transport infrastructure through planning

6.4 Other

- National Planning Policy Framework 2021
- National Planning Practice Guidance 2014
- Planning and Compulsory Purchase Act – 2004
- National Design Guide 2019
- Draft Local Plan 2020
- Draft Sustainable Drainage (SuDS) Design and Evaluation SPD 2018
- Reservoirs Act 1975

7. **PLANNING CONSIDERATIONS**

7.1 The principle planning considerations in this case are: the principle of development, visual amenity, impact on MOL and Open Space, impact on heritage assets, impact on neighbouring amenity, impact on trees and biodiversity, flooding and drainage, highways, transport and accessibility.

7.2 **Principle of Development**

7.2.1 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.

- 7.2.2 The site lies under designated MOL and Open Space wherein principle certain developments can be considered acceptable. Policy G3 (MOL) of the London Plan outlines that MOL is afforded the same status and level of protection as Green Belt and should be protected from inappropriate development in accordance with national planning policy tests that apply to Green Belt.
- 7.2.3 Policy G4 (Open space) of the London Plan states that proposals should not result in the loss of protected open space and where possible create areas of publicly accessible open space, particularly in areas of deficiency. Planning policy DM O1 (Open space) seeks to protect and enhance open space and to improve access to open space. Subject to considerations of the application against the criteria within this policy, in principle the proposed works can be considered acceptable.
- 7.2.4 The site lies within the Wimbledon North Conservation Area and forms part of a designated Grade II* Listed Park. Both of these are designated heritage assets. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.
- 7.2.5 The Historic Buildings and Ancient Monuments Act 1953 authorises Historic England to compile a register of “gardens and other land” situated in England that appear to be of special historic interest. Wimbledon Park is one such designated park and has been given a Grade II* Listed status, which means it is of ‘more than special interest’.
- 7.2.6 Paragraph 197 of the NPPF 2021 outlines for applications that affect heritage assets, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
 - and c) the desirability of new development making a positive contribution to local character and distinctiveness.

Any harm identified with a proposal on the heritage asset must be considered against the relevant tests within Paragraphs 199 to 204 of the NPPF.

7.2.7 The planning application is required as the Council are responsible for ensuring the lake is safe under the Reservoirs Act and the proposed works require planning permission. This carries significant weight in the overall assessment of the proposal.

7.2.8 Overall, in principle the proposal could be considered acceptable, subject to relevant assessment of the material considerations of the application against the relevant policies.

7.3 Visual amenity

7.3.1 The National Planning Policy Framework sets out that achieving high quality places and buildings is fundamental to the planning and development process. It also leads to improvements in the quality of existing environments. It states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

7.3.2 Planning policy DM D2 (Design considerations in all development) of Merton's Site and Polices Plan 2014 requires all development to relate positively and appropriately to the siting, rhythm, scale, density, proportions, heights, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area.

7.3.3 The proposed works to the spillway to widen it is not in a publicly accessible area. The position of the spillway is circa 50 m south of the lake walkway. Due to the position of the spillway and the position of the lake walkway, any public views would be from a significant distance from across the lake. The new embankment to surround the spillway would be laid with a re-enforced grass crete system, which will allow grass to grow through. Further, soft planting is also proposed on the new embankments around the new culvert/brook to be created from the water pond through the mini-golf area. Whilst this would be new additions to parts of the park, it would be a water feature with soft landscaping and therefore over time officers are satisfied that this aspect of the proposal would not be visually harmful.

7.3.4 The replacement tarmac surface and gravel path would result in an improvement over the existing situation on site. The increase in height to the edging around the lake and to the northern side of the footpath would be minimal and would not affect the wider views within the park. A landscaping plan has been submitted as part of the proposal which includes appropriate soft landscaping to mitigate the proposed works.

- 7.3.5 Overall, the proposal would provide an enhancement to the public walkway around the lake, as well as provide soft landscaping to mitigate the proposed works. The proposal is considered to be visually acceptable and would not cause visual harm and is considered compliant with policies in this regard.

7.4 Impact on MOL and Open Space

- 7.4.1 The site lies under designated MOL and Open Space wherein principle certain developments can be considered acceptable. Policy G3 (MOL) of the London Plan outlines that MOL is afforded the same status and level of protection as Green Belt and should be protected from inappropriate development in accordance with national planning policy tests that apply to Green Belt. Taking into consideration the nature of the proposed works under the current proposal, officers deem it to be considered an 'engineering operation'. An engineering operation is not considered to be a form of inappropriate development in the Green Belt/MOL (Paragraph 150 of the NPPF 2021), as long as it preserves the openness and does not conflict with the purposes of including land within it.
- 7.4.2 The proposed works comprise of a variety of works around the perimeter of the lake. The proposed works to the edge of the lake would result in a small increase in height of the perimeter of the lake by 250mm. Officers consider this would be a very small increase in height and would not cause any material harm on the openness of the wider MOL. The widening of the spill way and associated works would open up this part of the site, but would not cause any harm to the openness of the MOL. The new culvert to be formed within the mini-golf area of the park would be set below ground level and thereby have no impact on the openness. Overall, officers are satisfied that the proposal would preserve the openness of the MOL area and is acceptable in this regard.
- 7.4.3 Planning policy G4 (Open space) of the newly adopted London Plan states that proposals should not result in the loss of protected open space and where possible create areas of publicly accessible open space, particularly in areas of deficiency. Planning policy DM O1 (Open space) of Merton's Sites and Policies Plan (2014) seeks to protect and enhance open space and to improve access to open space. The justification text for policy DM O1 (open space) states that proposals to redevelop buildings in open space should be of high quality design, and of a scale, height and massing that is appropriate to their setting. The proposal would not result in an increase in buildings on the open space, but would alter the appearance of parts of

the lake. The proposed works are of a nature which would be visually associated with the lake and spillway. The proposal includes a replacement footpath with a new surface which will enhance its public usability. The new culvert to be formed within the mini-golf area of the park is a requirement under the proposed drainage strategy to mitigate the proposal. This would be set below ground level and appropriate soft landscaping can be provided to enhance its visual appearance.

7.4.4 Overall, the proposed works would not result in a loss of Open Space for public use, but would provide an enhancement through the provision of a replacement footpath with a new surface.

7.4.5 The proposal is therefore considered to be compliant with Policies G3 and G4 of the London Plan, the NPPF, and local policies CS13 and DM O1 in that there is no resultant loss of designated Open Space or harmful impact on openness of the MOL.

7.5 Impact on heritage assets

7.5.1 The site lies within the Wimbledon North Conservation Area and forms part of a designated Grade II* Listed Park. Both of these are designated heritage assets under the definition of the NPPF 2021. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

7.5.2 The Historic Buildings and Ancient Monuments Act 1953 authorises Historic England to compile a register of “gardens and other land” situated in England that appear to be of special historic interest. Wimbledon Park is one such designated park and has been given a Grade II* Listed status, which means it is of ‘more than special interest’.

7.5.3 Paragraph 197 of the NPPF 2021 outlines for applications that affect heritage assets, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
- and c) the desirability of new development making a positive contribution to local character and distinctiveness.

Any harm identified with a proposal on the heritage asset must be

considered against the relevant tests within Paragraphs 199 to 204 of the NPPF.

- 7.5.4 Historic England describe the significance of the Grade II* Listed Park as follows:

The significance of Wimbledon Park

‘Wimbledon Park is the surviving part of an extensive 18th century landscape park, extended and re-landscaped by Lancelot ‘Capability’ Brown from 1764 for the 1st Earl Spencer. The park focussed on the Earl’s manor house at Wimbledon, originally built c1730s for Sarah Churchill to replace an earlier notable 16th century house and gardens (from c1588 for Sir Thomas Cecil). The landscape park was ornamented by Brown’s c9-hectare ornamental Lake and dotted with numerous open-grown trees and trees clumps, while it incorporated existing landscape features such as woodland at Ashen Grove and Horse Close Wood’.

- 7.5.5 The lake is the largest landscape feature to be built in the park and Historic England describe it as: ‘Brown’s Lake is an example of a complex 18th century artistic and engineering endeavour, part of a holistic landscape design which served not only an aesthetic but also a functional role. It is the main feature surviving from the 18th century designed landscape at Wimbledon Park’.

- 7.5.6 Historic England have provided detailed comments on the planning application. Whilst some low level of harm is identified with the tree removal, they acknowledge the proposal is compliant with the NPPF policies. Overall, they have raised no objection to the proposal and note the benefits the proposal will bring.

- 7.5.7 Officers note that a number of the works proposed would be to the infrastructure that encompasses the lake, such as the existing concrete spillway and the existing surrounding walkway. Officers consider these to have low significance value to the lake itself, and are more engineering solutions which require to be upgraded as part of the proposal. Whilst the loss of some mature trees is regrettable, it would only be to a small outer section beyond the lake (10 trees), which have limited wider public view. The overall shape and size of the lake would remain unaffected. Furthermore, Historic England note the benefits with the proposal and the design, in particular the widened concrete spillway which would sit flush with the existing surrounding ground levels at the golf course.

- 7.5.8 The proposed works, in combination with the anticipated soft landscaping measures which could be controlled via condition, are

considered to overall preserve the significance of the Grade II* Listed Park and would not cause harm to its setting.

- 7.5.9 The Conservation Area recognizes the importance of the Lake and the Park in their role as part of the historic landscape as well as providing a natural breathing space for the public to enjoy for outdoor recreation. The proposal would bring much needed upgrades to the safety of the lake and would improve the appearance of the surround to the lake with the replacement public walkway surface. The loss of the trees is balanced against the overall public benefits of the proposal and officers conclude that the proposal would not cause harm to the wider Conservation Area.
- 7.5.10 The site also lies within an Archaeological Priority Area. An archaeological assessment has been submitted with the application and reviewed by Historic England Archeology service. They outline that whilst the works are predominantly to already disturbed areas in the park, some deeper interventions and works to the lake edge could reveal historic landscape features, and so should be monitored by an archaeological watching brief. Historic England therefore recommend a planning condition to capture this necessity.
- 7.5.10 Officers conclude that the proposal would not cause harm to the Conservation Area or the Grade II* Listed Park and is considered to comply with policies in regards to heritage assets. Further, any archaeological features of interest that could be discovered during the works can be mitigated through the watching brief. Officers therefore consider that the heritage assets would be satisfactorily preserved.

7.6 Impact on neighbouring amenity

- 7.6.1 Core Planning Strategy 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. Planning policy DM D2 (Design considerations in all developments) states that amongst other planning considerations that proposals will be expected to ensure provision of appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy, to both proposed and adjoining buildings and gardens.
- 7.6.2 The proposal would consist of a variety of works to the existing lake and associated infrastructure. The nearest neighboring residential properties to the site are located on Home Park Road which is significantly separated from the proposed works for there to not be any material harm.

- 7.6.3 The proposal would result in the temporary closure of the footpath adjacent to the lake. Officers acknowledge that this would be disruptive to the public users and enjoyment of the park and lake, however, this would be for a temporary period and the works would be implemented over winter period so as to minimize disruption in the quietest season. Further, the wider areas of the park would remain open for public use.
- 7.6.4 Overall, the proposal would not cause any material harm to surrounding neighbouring occupiers and is considered to comply with policy in this regard.

7.7 Impact on trees and biodiversity

7.7.1 Planning Policy DMO2 (Nature Conservation, Trees, hedges and landscape features) of Merton's Sites and Policies Plan seeks to protect and enhance biodiversity, particularly on sites of recognised nature conservation interest. To protect trees, hedges and other landscape features of amenity value and to secure suitable replacements in instances where their loss is justified.

7.7.2 The site comprises various trees of which are protected under Tree Preservation Order (TPO) (within the Golf Course) and by virtue of being within a Conservation Area. The application has been accompanied with a detailed Tree Survey, Arboricultural Impact Assessment and Method Statement. A total of 180 trees have been surveyed and the Tree Survey outlines that the following 10 trees would have to be removed to accommodate the widening of the spillway as part of the works and for which are unavoidable:

B1.2 The following trees will be felled:

T115 Oak (B1)	age approx. 100 years
T127 Sycamore (U)	age approx. 60 years
T128 Common Ash (U)	age approx. 30 years
T129 Sycamore (U)	age approx. 20 years
T130 & T130a Willow (B3)	age approx. 60 years (two trees)
T131 Common Ash (U)	age approx. 40 years
T132 Sycamore (C1)	age approx. 40 years
T133 Common Ash (U)	age approx. 40 years
T134 Common Ash (B1/C1)	age approx. 40 years

7.7.3 The tree report outlines that the stems of the proposed felled trees would be retained within the woodland area and re-used for providing wildlife habitat. The branches would be chipped and the chippings used to provide a surface cover for the works access way.

- 7.7.4 The trees to be removed would therefore consist of 4 Cat B trees, 1 Cat C tree and 5 Cat U trees. The felling of these trees is necessary in order for the proposed widening of the spillway to be facilitated. The location of the trees to be felled are in very close proximity to the existing spillway. They form part of the group known as Ashen Grove which forms part of a wider collective group of trees which extends down towards Home Park Road. Although the proposed removal of the trees would open up the spillway area, a significant number of trees would remain and would maintain a buffer between the childrens play area in the park to the east along with the public accessible footpath. Officers note that there would remain a significant number of existing tree species which are of the same species which are designated as Cat B and C to be removed and therefore overall, officers do not raise objection to the loss of the trees proposed. Appropriate conditions for tree protection and for the development to be carried out in accordance with the Tree Survey, Arboricultural Impact Assessment and Method Statement are recommended.
- 7.7.5 The proposal includes the offer of re-planting of new trees elsewhere within the park to mitigate the necessary loss of the 10 trees. Officers consider this to be welcome and of note is supported by Historic England. Officers therefore recommend an appropriate worded condition to secure additional tree planting, of consultation which will be via Historic England to ensure that the trees are of an appropriate species for the wider Grade II* Listed Park landscape. Additional tree planting within publicly accessible places in the park would further enhance visitor experience.
- 7.7.6 Planning policy DM D2 (Design considerations in all developments) of Merton's Sites and Policies Plan (2014) states that all proposals will be expected to conserve and enhance the natural environment, particularly in relation to biodiversity and wildlife habitats and gardens. The site lies within the Wimbledon Park Lake, Woods and Golf Course: Site of Importance for Nature Conservation.
- 7.7.7 The applicant has submitted an Ecology Impact Assessment Report which sets out a comprehensive set of recommendations relating to Habitats (Habitat Retention and Protection & Biodiversity Enhancement), Protected / notable species (Roosting Bats, Nesting Birds & Terrestrial Mammals) and Invasive plant species. The following species were evaluated as the habitat on site could be considered appropriate for these species:
- Bats
 - Eurasian badger

- West European hedgehog
- Breeding birds
- Reptiles
- Amphibians
- European eel
- Stag beetle
- Bluebell
- Oaks of value

7.7.8 The proposed works to the lake sheet piling is considered to have a low ecological impact. There are identified to be a number of positive effects of the proposal on ecology, such as the proposed new culvert to be formed within the min-golf area as part of the drainage mitigation is outlined to have a positive impact on ecology due to the provision of an additional open water way. Further, the felling of the trees proposed would allow more light to the stilling pond area which will assist vegetation.

7.7.9 Overall mitigation measures proposed for the works include:

- Tree protection measures for remaining trees;
- Re-use the tree cuttings within the wooded area and built into stag beetle loggeries;
- Barriers erected along paths to ensure no encroachment of works into wooded areas;
- Works to be ideally done outside of bird nesting season (March to August);
- Positive soft habitat creation on the banks of the new brook/culvert through the mini-golf area;
- Ecologist to check for bat roosts prior to commencement;
- Ecologist to check for amphibians (such as common toads) prior to commencement of works;

7.7.10 Additional biodiversity enhancements are also proposed, such as bird and bat boxes to be installed within existing trees. Further, shrub planting is advised to assist in mitigating the loss of the trees, which would increase opportunities for birds to forage.

7.7.11 Officers welcome the recommendations in Ecological Appraisal as this would conserve and provide enhancements to the natural environment. A planning condition requiring the recommendations set out in the Ecological Appraisal to be implemented can be secured via planning condition.

7.7.12 The proposed development is therefore considered to be in accordance with policies G6 and G7 of the London Plan and policies CS13 and DM02.

7.8 Flooding and Drainage

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

- 1) rainwater use as a resource (for example rainwater harvesting, blue roofs for irrigation)
- 2) rainwater infiltration to ground at or close to source
- 3) rainwater attenuation in green infrastructure features for gradual release (for example green roofs, rain gardens)
- 4) rainwater discharge direct to a watercourse (unless not appropriate)
- 5) controlled rainwater discharge to a surface water sewer or drain
- 6) controlled rainwater discharge to a combined sewer

7.8.2 Merton's policy CS 16 and SPP policies DMF1, DM F2 and DMD2 all seek to ensure that adequate flood risk reduction measures, mitigation, and emergency planning are in place to ensure there is no increase in flood risk offsite or to the proposed development.

7.8.3 The application site is located within flood zone 1, which is considered to be at low risk of flooding from pluvial sources, groundwater, artificial sources, and sewer surcharge. The Environment Agency (EA) online flood mapping tool shows the site of the works to be in Flood Zone 1 (low probability of flooding) from fluvial (river flooding). The site and surrounding area are at risk of reservoir flooding in the event of breach of the dam at Wimbledon Park Lake.

7.8.4 The applicant has provided a Flood Risk Assessment by JBA Consulting. The FRA outlines that 'this FRA has been produced to assess the impact of the proposed new lake outfall and embankment modifications to accommodate safe passage of flood events as necessary under the Reservoirs Act 1975 for a Category A Reservoir'. The proposed works would include the widening of the spillway to assist with everyday water flow from the lake and the new open channel that would be created through the mini-golf area and stilling pond will provide additional storage capacity of the water flows.

- 7.8.5 The Councils Flood Officer has confirmed no objection to the proposal subject to conditions.
- 7.8.6 Overall, the proposal seeks to make the lake safe and provides appropriate mitigation measures to ensure that there is no increase in flood risk to surrounding property and land users. The proposal is therefore considered compliant with policies relating to flood risk.

7.9 Highways, transport and public accessibility

- 7.9.1 Planning Policy T1 (Strategic approach to transport) of the newly adopted London Plan states that all development should make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and ensure that any impacts on London's transport networks and supporting infrastructure are mitigated
- 7.9.2 Core Planning Strategy policies CS20 and CS18 and SPP policy DM T2 seek to reduce congestion of road networks, reduce conflict between walking and cycling, and other modes of transport, to increase safety and to not adversely effect on street parking or traffic management.
- 7.9.3 The proposal is an engineering operation to make the lake safer. The proposal would not (once operational) result in an increase in vehicle movement to and from the site. Nor would it likely result in an increase in visitors to the park or lake. The main aspect of the proposal to consider with regards to highways, transport and accessibility is the construction phase of the proposal.
- 7.9.4 Planning policy T9 (Deliveries, servicing and construction) of the newly adopted London Plan states that development proposals should facilitate safe, clean, and efficient deliveries and servicing. Provision of adequate space for servicing, storage and deliveries should be made off-street, with on-street loading bays only used where this is not possible. Construction Logistics Plans and Delivery and Servicing Plans will be required and should be developed in accordance with Transport for London guidance and in a way which reflects the scale and complexities of developments.
- 7.9.5 The application has submitted a Construction Traffic Management Plan (CTMP) which set out the intention for construction logistics. The document outlines that a site compound can be set up within the athletics track zone of the park, which would be buffered from view by the large conifer trees. This would provide a close access point to the lake and surrounding path networks and would provide a secure area for storage of materials during the works. This area is already served by an existing vehicle access from the north-west corner of the park off Wimbledon Park

Road. A secondary access to facilitate the works is off Home Park Road which would be for pedestrian access only and would be utilized for off-loading materials to be taken into the site. The use of this access way would require the closure of some parking bays in the road, however this would be subject of a separate traffic order submission/request.

- 7.9.6 The Councils Highways Officer has confirmed no objection to the proposed CTMP. The utilization of both the vehicle access from the north-east corner of the park and secondary use of the Home Park Road access would ensure that existing pedestrian public access routes into the park would remain unaffected by the proposal (such as the one off Home Park Road). Further, the proposed compound would be set behind the large conifer trees and would not take up park space accessible to the public. The new surface to the public path around the lake and its slight raised angle would maintain suitable access for all. Overall, officers consider the position of the construction compound to be a positive solution to managing the construction works.

7.10 Climate Change

- 7.10.1 Planning Policy SI 2 (Minimising greenhouse gas emissions) of the newly adopted London Plan states major development should be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:

- 1) be lean: use less energy and manage demand during operation
- 2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
- 3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
- 4) be seen: monitor, verify and report on energy performance.

- 7.10.2 Planning policy CS15 (climate Change) of Merton's adopted Core Planning Strategy (2011) seeks to tackle climate change, reduce pollution, develop low carbon economy, consume fewer resources and use them more effectively.

- 7.10.3 The application proposal is an engineering operation for which there are no policy requirements in regards to climate change. The proposal is required to make the lake safe and has also been accompanied with a Flood Risk Assessment which has taken into account the allowance for climate change.

8. Local Financial Considerations

- 8.1 Merton's Community Infrastructure Levy was implemented on 1st April 2014. This will enable the Council to raise, and pool, contributions from developers to help pay for things such as transport, decentralised energy, healthcare, schools, leisure and public open spaces - local infrastructure that is necessary to support new development. Merton's CIL has replaced Section 106 agreements as the principal means by which pooled developer contributions towards providing the necessary infrastructure should be collected. The proposal would not trigger CIL payments as it is an engineering operation and does not increase commercial floorspace.

9. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

- 9.1 The application does not constitute Schedule 1 or Schedule 2 development. A Screening Opinion has been issued under planning reference 21/P0708 outlining that it is not EIA development. Accordingly, there are no requirements in terms on EIA submission.

10. CONCLUSION

- 10.1 In conclusion, the proposal would facilitate a number of works required to make the lake safe in accordance with the Reservoirs Act. The proposals are considered to be sympathetic to the listed park status, as well as the wider visual amenity of the park. Improvements would be made to the public accessibility of the park with a new replacement footpath surface around the lake. The loss of some trees is a necessity for the works to be implemented and the loss of the trees would be mitigated through replacement tree planting. The proposal has also demonstrated that the development would cause no undue adverse impact and would comply with relevant planning policies relating to highways, open space and MOL, ecology, flood risk and drainage. Overall, and in the balance of considerations, the benefits of the proposal are considered to outweigh the negatives and officers recommend permission be granted. Accordingly, it is recommended that planning permission be granted subject to conditions set out below.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subject to the following conditions:-

- 1** The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.
Reason
To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.
- 2** The development hereby permitted shall be carried out in accordance with the following approved plans: WMBLDN-WAB-XX-XX-DR-C-010 Rev P03, WMBLDN-WAB-XX-XX-DR-C-010101 Rev P03, WMBLDN-WAB-XX-XX-DR-A-20101 Rev P09, WMBLDN-WAB-XX-XX-DR-C-010103 Rev P02, WMBLDN-WAB-XX-XX-DR-C-010104 Rev P02, WMBLDN-WAB-XX-XX-DR-C-010205 Rev P02, WMBLDN-WAB-XX-XX-DR-C-010208 Rev P01, WMBLDN-WAB-XX-XX-DR-C-010206 Rev P02, WMBLDN-WAB-XX-XX-DR-C-010209 Rev P01, WMBLDN-WAB-XX-XX-DR-C-010210 Rev P01, WMBLDN-WAB-XX-XX-DR-C-010202 Rev P02, WMBLDN-WAB-XX-XX-DR-C-010203 Rev P02, WMBLDN-WAB-XX-XX-DR-C-010204 Rev P02, WMBLDN-WAB-XX-XX-DR-C-010201 P03, WMBLDN-WAB-XX-XX-DR-C-010005 Rev P03, WMBLDN-WAB-XX-XX-DR-C-010105 Rev P02, WMBLDN-WAB-XX-XX-DR-C-010106 Rev P02, WMBLDN-WAB-XX-XX-DR-C-010003 Rev P03, WMBLDN-WAB-XX-XX-DR-A-20301 Rev P04, WMBLDN-WAB-XX-XX-DR-C-010001 Rev P02, WMBLDN-WAB-XX-XX-DR-A-20201 Rev P03.
Reason
For the avoidance of doubt and in the interests of proper planning.
- 3** The facing materials to be used for the development hereby permitted shall be those specified in the planning application unless otherwise agreed in writing by the Local Planning Authority.
Reason
To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policies D4 and D8 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.
- 4** Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.
Reason
To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies DM D2 and DM EP4 of

Merton's Sites and Policies Plan 2014.

- 5** Prior to first operational use of the works hereby permitted, full details of a landscaping and planting scheme (including tree planting) shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Council's Tree and Landscape Officer and Historic England) and these works shall be carried out within 6 months of the approved discharge of condition, unless otherwise agreed in writing by the Local Planning Authority. The details shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants and trees, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development.

Reason

To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policies G7 and D8 of the London Plan 2021, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, DM F2 and DM O2 of Merton's Sites and Policies Plan 2014.

- 6** The development hereby permitted shall be carried out in accordance with the Arboricultural Survey, Impact Assessment and Method Statement dated April 2021 by Tree King Consulting. Prior to commencement of development, Tree Protection measures shall be installed in accordance with the above documents and shall remain in place until the completion of all site operations.

Reason

To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy G7 of the London Plan 2021, policy CS13 of Merton's Core Planning Strategy 2011 and policy O2 of Merton's Sites and Policies Plan 2014.

- 7** Site supervision: The details of the Arboricultural Method Statement and Tree Protection Plan shall include the retention of an arboricultural expert to supervise, monitor and report to the Local Planning Authority not less than monthly the status of all tree works and tree protection measures throughout the course of the construction period. At the conclusion of the construction period the arboricultural expert shall submit to the Local Planning Authority a satisfactory completion statement to demonstrate compliance with the approved protection measures.

Reason

To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy G7 of the London Plan 2021, policy CS13 of Merton's Core Planning Strategy 2011 and policy DMO2 of Merton's Sites and Policies Plan 2014.

8

Development shall not commence until a working method statement has been submitted to and approved in writing by the Local Planning Authority to accommodate:

- (i) Parking of vehicles of site workers and visitors;
- (ii) Loading and unloading of plant and materials;
- (iii) Storage of construction plant and materials;
- (iv) Wheel cleaning facilities
- (v) Control of dust, smell and other effluvia;
- (vi) Control of surface water run-off.

No development shall be carried out except in full accordance with the approved method statement.

Reason

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

9

Prior to the commencement of the development hereby permitted, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the first occupation of the development hereby permitted and shall be so maintained for the duration of the use, unless the prior written approval of the Local Planning Authority is first obtained to any variation.

Reason

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

10

Prior to the commencement of construction a Construction and Environment Method Plan shall be submitted to and approved in writing by the local Planning Authority. This must also include, but not limited to, the management of flood risk during construction and the sequencing of works and the environmental protection measures associated with the method of working. The approved measures shall be carried out in strict accordance with the details approved.

Reason

To reduce the risk of flooding from the proposed development on-site and ensure flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13. Also to ensure that the channels have a continuous flow thorough them in low flow conditions and do not pose an additional environment hazard.

11

This development shall be carried out in accordance with the approved submitted plans and sections. Any proposed changes must be approved in writing by the Local planning authority.

Reason

To reduce the risk of flooding from the proposed development on-site and ensure flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13. Also to ensure that the channels have a continuous flow thorough them in low flow conditions and do not pose an additional environment hazard.

12

Prior to the commencement of the landscaping of the site, a detailed landscaping strategy/plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To reduce the risk of flooding from the proposed development on-site and ensure flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13. Also to ensure that the channels have a continuous flow thorough them in low flow conditions and do not pose an additional environment hazard.

13

Flood Mitigation Scheme

Prior to the commencement of the new open channel aspect of the development hereby permitted, full details of a flood mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall be submitted for:

- a. the temporary situation while the works are being carried out and
- b. the permanent situation with completed works

The details of these must include but not limited to the following:

- I. Final construction drawings of the de-culverting and replacement open channel in the section immediately downstream of the lake;
- II. The finalised arrangement where the flows will be split between the new channel section and the waterfall and rock garden area (this goes into the existing culvert on the western side of the Café Pavillion). The arrangement must demonstrate that the Q95 flow is directed down the new channel;

III. The details of the sleeping policeman to be installed near the Revelstoke Road entrance to the park.

The approved measures shall be carried out in strict accordance with the details approved.

Reason

To reduce the risk of flooding from the proposed development on-site and ensure flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13. Also to ensure that the channels have a continuous flow thorough them in low flow conditions and do not pose an additional environment hazard.

14

No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason

In the interests of preserving any archaeological features of merit, in accordance with Policy DM D4 of the Sites and Policies Plan 2014 and Policy HC1 of the London Plan 2021.

15

The development shall be carried out in accordance with Chapter 6 of the Ecology Report titled 'Environmental Impact Assessment dated February 2021 by Salix Ecology'. Within 6 months of the completion of the works hereby permitted, an Ecological Management Plan detailing how the mitigation measures within Chapter 6 of the report above have been complied with, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To protect, enhance and mitigate the biodiversity of the site in accordance with the following Development Plan policies for Merton: policies G6 and G7 of the London Plan 2021, policy CS13 of Merton's Core Planning Strategy 2011 and policy O2 of Merton's Sites and

Policies Plan 2014.

- 16** The development shall be carried out in accordance with the Flood Risk Assessment dated May 2021 by JBA Consulting.

Reason

To reduce the risk of flooding from the proposed development on-site and ensure flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13. Also to ensure that the channels have a continuous flow thorough them in low flow conditions and do not pose an additional environment hazard.

- 17** The development shall be carried out in accordance with the Construction Traffic Management Plan dated 27th April 2021 by Ward & Burke Construction Limited. The measures set out within the above report shall be implemented and maintained on site for the full duration of the works until final completion.

Reason

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

- 18** **INFORMATIVE**
You are advised to contact the Council's Highways team on 020 8545 3700 before undertaking any works within the Public Highway to obtain the necessary approvals and/or licences. Please be advised that there is a further charge for this work. If your application falls within a Controlled Parking Zone this has further costs involved and can delay the application by 6 to 12 months.

- 19** **INFORMATIVE**
Any works/events carried out either by, or at the behest of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be co-ordinated under the requirements of the New Roads and Street Works Act 1991 and the Traffic management Act 2004 and licensed accordingly in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in Merton. Any such works or events commissioned by the developer and particularly those involving the connection of any utility to the site, shall be co-

ordinated by them in liaison with the London Borough of Merton, Network Coordinator, (telephone 020 8545 3976). This must take place at least one month in advance of the works and particularly to ensure that statutory undertaker connections/supplies to the site are co-ordinated to take place wherever possible at the same time.

20

INFORMATIVE

The proposed development will result in an additional ordinary watercourse and thus they will need to apply to the Lead Local Flood Authority for an ordinary watercourse consent. Please find attached the guidance note and form that will need to be filled out and submitted to Selisa.fergusfleary@merton.gov.uk

21

INFORMATIVE

The written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.