

Wimbledon Greyhound Stadium, Plough Lane

in the London Borough of Merton

planning application no. 14/P4361

Strategic planning application - update report

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

The proposal

The proposals comprise the demolition of the existing buildings and the erection of a 20,000 seat football stadium (initially 11,000 seat) with hospitality and coach parking, pedestrian streets, 1,273 sq.m. retail unit, 1,730 sq.m. squash and fitness club, 602 residential units with basement parking, refuse storage, 297 car parking spaces, cycle parking, and associated landscaping/open space and servicing.

The applicant

The applicant is **Galliard Homes** and the architect is **Sheppard Robson**.

Issues

1. Consideration of whether the Mayor either:
 - a) Maintains jurisdiction of the application and holds a Representation Hearing to decide it;
 - b) Cancels the direction made by the previous Mayor and hands back authority to Merton Council to determine the application.
2. There are no material changes in circumstances or planning policy. The change in circumstance is that the Mayor has changed.
3. Consultation process prior to the Mayor's decision on the above.

The Council's decision

Merton Council has resolved to grant permission.

Recommendation

That the Mayor's request to consider cancelling the direction made by the previous Mayor to become the local planning authority is consulted on for 14 days ahead of the Mayor making a decision.

Background

1 As set out in the attached Stage 2 report, the application was referred to the previous Mayor at Stage 1 on 19 December 2014, and on 4 February 2015 the previous Mayor considered planning report D&P/3130b/01 (attached). Merton Council was advised that while the principle of development was in general accordance with strategic and local planning policy, the application did not fully comply with the London Plan, for the reasons set out in paragraph 111 of the report; but that the possible remedies set out in that paragraph could help address these deficiencies.

2 On 10 December 2015, following amendments to the scheme, Merton Council decided that it was minded to grant planning permission for the revised application. On 8 March 2016 it advised the Mayor of this decision. Officers advised the previous Mayor that there were no sound strategic planning reasons to take over the application (paragraphs 78 to 84). Having considered the attached planning report ref: D&P/3130b/02 the previous Mayor decided on 22 March 2016 to issue a direction under Article 7 of the Town & Country Planning (Mayor of London) Order 2008 that he was to act as the Local Planning Authority for the purposes of determining the application. However the application was not determined within that Mayoralty and the case remains outstanding.

3 GLA Officers have formed the view that the Mayor has power to withdraw a direction made under article 7 of the Town and Country Planning (Mayor of London) Order 2008 ('Order') that he is to act as the local planning authority. It is GLA Officers' view that the Mayor has implied power to reverse such a direction made pursuant to article 7 of the Order. In the case of *R (Trustees of the Friends of the Lake District) v Secretary of State for the Environment* [2002] P&CR23 it was held in relation to section 77 of the Town and Country Planning Act 1990 that it must be implicit in that section that the Secretary of State can withdraw or revoke a call in direction made by him under that section. It is considered that the Mayor has an equivalent implied power which can be exercised if there are sound planning reasons to do so.

4 The options available to the Mayor are:

- i. Maintain jurisdiction of the application and hold a Representation Hearing at which the Mayor would determine the application; or,
- ii. Use his implied power to cancel the previous Mayor's direction to call in the application and thus returning jurisdiction back to the Council.

5 This report updates the Mayor on whether to progress to a Representation Hearing, or, given his implied powers to cancel the previous Mayor's direction, return jurisdiction to Merton Council to determine the application.

6 This update report should be read in conjunction with the attached Stage 1 and Stage 2 report ref: D&P/3130b/01 and D&P/3130b/02 which contains the site description, an overview of the proposals and an assessment of the proposals against strategic planning policies.

Consultation

7 This report has been published at least 14 days prior to the Mayor's consideration of the case, to enable those wishing to make further representations to do so. An addendum to this report will be prepared prior to the Mayor's consideration of the application, which will set out the

further representations received. This report, the addendum, and the Mayor of London's decision on this case will be made available on the GLA website www.london.gov.uk.

Update since the previous Mayor called in the application

8 Since the previous Mayor took over the application 22 March 2016 the change in circumstances has been the election of the current Mayor. All other issues, including the details of the proposal, the circumstances of the site and relevant planning policy, have not changed materially, although further representations have been received, as set out below.

9 Since 22 March 2016, further direct representations have been received by the previous Mayor, new Mayor and GLA officers. In total, 93 further individual representations have been received from local residents, school pupils, amenity groups and other organisations. Additionally 87 responses on postcards were received which expressed support for the application but did not include the correspondent's name and address.

10 The correspondence received has been both in support of AFC Wimbledon's proposals and expressing opposition to greyhound racing (23 of the individual responses were in support) and against the proposals, reiterating issues of the loss of the existing greyhound stadium, the transport and traffic impacts, the low level of affordable housing, the flood risk associated with the site, and the development's impact on local social infrastructure (70 responses were in opposition). Several responses have urged the new Mayor to make a timely decision on the application, and some have requested that the Mayor does not choose to hand the application back to Merton Council for its decision. Key correspondence includes:

Councillor Sarah McDermott, Chair of Wandsworth Council Planning Committee

11 Reiterates concerns of Wandsworth Council and its residents regarding the impact of the proposals on the borough, particularly regarding traffic, local services and flood risk. Requests that the Mayor maintains jurisdiction on the application.

People for the Ethical Treatment of Animals (P.E.T.A)

12 Reiterates support for proposals due to the opposition of the society to greyhound racing.

Erik Samuleson (Chief Executive, AFC Wimbledon)

13 Writes in support, and urges timely decision on the application.

Greyhound Board of Great Britain

14 Reiterates opposition to the loss of greyhound racing at this site.

Response to representations

15 The further representations received since 22 March 2016 do not raise any new strategic issues that have not been addressed within the attached Stage 2 report

(ref:D&P/3130b/02) and/or within the previous Mayors initial representations to the Council (ref: D&P/3130b/01).

16 The matter of whether or not to hand back authority to Merton Council to determine the application is considered in this report.

Legal considerations

17 Under Article 7 of the Order the Mayor could continue to act as the local planning authority for this application provided the policy tests set out in that Article are met. In the specific circumstances of this application, these are:

- (a) the development or any of the issues raised by the development to which the application relates is of such a nature or scale that it would have a significant impact on the implementation of the spatial development strategy;*
- (b) there are sound planning reasons for issuing a direction.*

18 As set out in paragraph 3, GLA Officers consider that the Mayor has implied power to withdraw a direction made under article 7 of the Order that he is to act as the local planning authority and that power can be exercised if there are sound planning reasons to do so.

19 There is no precedent from past practice as the only previous change in Mayoral administration occurred before these positive planning powers were introduced. It is envisaged that ordinarily there would be good reasons for the new Mayor to determine a PSI application called-in by his/her predecessor and that the implied power to “hand back” a PSI called-in application to the originating local planning authority, should only be used sparingly as an exceptional course of action. A feature of the present case which stands out is that the decision of the past Mayor was made against the advice of officers who had recommended that there were not strategically sound planning reasons to intervene.

20 As set out in paragraphs 78-84 of the attached Stage 2 report (ref: D&P/3130b/02), Merton Council at its planning committee unanimously resolved to grant permission with conditions and a planning obligation which satisfactorily address the strategic planning issues. The application is considered to be in conformity with the London Plan. As the circumstances of the proposal have not changed, officers still consider that there are no sound reasons to intervene in the determination of the application.

Conclusion and Recommendation

21 Having regard to the details of the application, the matters set out in Merton Council’s committee report, its draft decision notice and the draft heads of terms, the matters raised in representations to the Council and to the Mayor, and the fact that there have been no material change in circumstances since the previous Mayor’s decision, the scheme is still considered acceptable in strategic terms. It is recommended that the Mayor’s request to consider reversing the previous Mayor’s decision to act as planning authority is consulted on for 14 days, after which the Mayor will be able to consider the option of returning the application to Merton Council to determine.

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