

Dear Laura Hutson

Re: LESSA / Bellway planning application 20/P3237

Meadowview Road Raynes Park SW20 9EB

We are a Residents' Association with 1800 household members in our area and we have lobbied on residents' behalf to retain this site for sporting use. That there is local support for this is clear: 83% of the 203 residents' representations sent to Merton Council state that the field should be used for sport.

We are disappointed that Sport England, and other sporting bodies, seem to be unaware of the interest shown by local sports organisations to use the field, as will be explained later.

#### History of the site:

LESSA closed the sports ground in September 2000. It contained two full sized football pitches, and an overlapping cricket pitch, four tarmac tennis courts, a pavilion, and a children's play area, with parking for between 70 and 80 cars.

In 2002-3 we opposed a plan by Barratt Homes Limited to build 111 apartments in 2,3, and 4 story blocks on this land (02/P1042). The Council refused the application for outline planning permission on 17 October 2002, and a Planning Inspector refused the appeal entirely on 19 June 2003. We gave evidence to the Inquiry.

The land was then sold to a company called Doram Properties Limited. That company applied for planning permission on 4 July 2008 to build 44 units of accommodation (08/P1869). But, importantly, the application was for the retention and re-use of 4.07 hectares of playing fields, providing two rugby/football pitches, a cricket ground and tennis courts for community use, and the erection of two sports pavilions. The Planning Applications Committee refused the application formally on 20 February 2009, and Doram appealed.

A different Planning Inspector upheld the appeal and so granted approval on 1 October 2009. It is very important to note the Inspector fully expected that the plan should be completed as a whole, and that the permission to build the housing was dependent on the rest of the ground being made available for community use

[https://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000064000/1000064735/08P1869\\_Appeal%20Decision%20Notice.pdf](https://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000064000/1000064735/08P1869_Appeal%20Decision%20Notice.pdf).

These requirements were set out in a section 106 Unilateral Undertaking.

The evidence before the Inspector was that King's College School wanted to use the ground for their juniors and that it would be made available to other community users for a minimum of 500 hours per annum. A tennis club and pavilion would be provided on part of the land at the owner's expense. If KCS did not want to take up this opportunity, the Council could do so itself. It was, in the inspector's words, "an enabling development". He ruled that: "The proposal would provide high quality playing fields, tennis courts and pavilions which, unlike the original facilities, would be available for use by local people".

The Inspector concluded that “the community, sporting and recreational benefits arising from the proposed development significantly outweigh the loss of a relatively small part of this disused and derelict sports ground”.

Doram sold the entire site to Bellway on 24 May 2010, on this basis. They built the 44 units of accommodation which is now called Meadowview Road, and provided tennis courts and a pavilion for the Raynes Park Tennis Club. They also provided a small play area for the children of residents.

However, King’s College School decided not to take up the option of a lease of the land, which was secured by the Unilateral Undertaking, and the Council did not take up its option under the same Undertaking to do so either.

When the properties were bought privately, the new owners, we have been told, received assurances from Bellway that the large balance of the land would be retained for sport.

Since that time, Bellway has done nothing more than maintain the hedges, and mow the grass. Latterly, the play area has been left unkempt.

As an Association we have since asked Bellway on a number of occasions to meet sporting bodies and schools who wanted to use the land for sport. In particular we put them in touch with Donhead School.

As early as 16 May 2014, Bellway’s Chief Executive wrote to Stephen Hammond MP that:

“There are no further planning obligations on Bellway as owner to enter into arrangements with other organisations for the use of the Sports Fields. I can confirm that Bellway has fulfilled the obligations set down in the Planning Approval and Unilateral Undertaking and that the London Borough of Merton chose not to take up the Option of taking a lease for the Sports Fields. In the circumstances I have asked the Regional Managing Director to contact the Headmaster at Donhead Preparatory School to discuss the situation”.

However, section 12 of the Unilateral Undertaking states unambiguously:

<b>12</b>	<b>Restriction on the use of and buildings on the Sports Field Land</b>
	Doram undertakes to the Council:
12.1	Not to use or cause or permit the Sports Field Land to be used other than for playing football rugby cricket and other open field sports
12.2	Not to erect or cause or permit to be erected any building on the Sports Field Land other than:
12.2.1	the Pavilion in the location and of the dimensions and design authorised by the Planning Permission (including any necessary approvals required pursuant thereto); and
12.2.2	any addition to the Pavilion or building replacing the Pavilion (which may not be in the same location or of the same dimensions or design as the Pavilion) for which planning permission shall have been granted and in the location and of the dimensions and design authorised by such planning permission

- 12.3 Not to use or cause or permit the Pavilion to be used other than for sports changing rooms and for social and community uses
- 12.4 Save as is provided in Clause 12.2 not to erect or cause or permit to be erected any other structure or erection on the Sports Field Land except any such structure or erection which may be ancillary and incidental to the use of the Sports Field Land for the uses referred to in Clause 12.1 (and for the avoidance of doubt the erection of ball netting shall be deemed to be ancillary and incidental to the use of the Sports Field Land for the uses referred to in Clause 12.1)

On 12 December 2016 the Regional Director of Bellway Homes Ltd (South London Division) wrote to us that: “we are under no further obligation to bring forward land for use as a sports field. We are fully aware of the interest in the sports field from other organisations who are willing to take over the management of the sports field. However, our intention is to seek a further release of the Sports Field Allocation for enabling development, in order to provide delivery of a high quality recreational/community use for the benefit of the local community. It is recognised that the Raynes Park and West Barnes Residents Association is a key stakeholder to any development of the site and will be contacted directly in early 2017 to ensure that the ideas of the Residents Association can be discussed and included in any early proposals for the site”.

We heard nothing from Bellway after that, and the Association was only made aware of their current proposals in August 2020 from a member of the Tennis Club. They have totally failed to consult us. They did not inform us of either of the marketing schemes they held this year, at the Council’s behest. They submitted to the Council that “there is no interest in the site being used solely as sports fields” which was palpably untrue, as we shall show.

#### Future sporting use of the field by local organisations:

We are pleased that Merton Council’s local plan for the site RP6 states that “Sporting or community use of the whole site will have to be demonstrated as undeliverable before any other uses can be considered”. And under “Opportunities” states that: “The site may have opportunities for whole site sports use. Use of the site for sports use or other uses compatible with the designated open space should be actively demonstrated prior to any alternatives being taken forward”.

In the short period since early August 2020 the RPWBRA has identified a number of sporting associations and schools which are keen to use the ground, some of which to our knowledge have contacted Bellway already. They are all local to Merton. Had Bellway consulted us earlier, as they promised to do, and, we assume, deliberately decided not to do, we could have identified sporting partners much earlier.

- i) The AJ Coaching Cricket Academy has offered to take a lease for at least 10 years at £20,000 per annum, and to build a pavilion. It coaches 180 boys and girls each year. The offer was made to Haslams Surveyors LLP by letter dated 14 September 2020, following a letter of interest dated 7 September 2020. The Academy state that Paragraph 113 of Bellway’s Sports Needs and Viability Report, October 2020, is untrue in its claim that: “They have therefore been contacted” since to assess

the viability of the scheme. No such contact was made.

- ii) The Wimbledon United Cricket Club made a detailed offer, setting out that they would finance the pavilion and re-lay the cricket pitch utilising lottery funding and providing the 50% balance of the costs from their own finances and sponsors. Paragraph 114 of the same report dismisses this offer off-hand as not “a compliant viable bid” when it has not been discussed with them.

These two cricket clubs may probably ground share.

- iii) Willington School, a junior school in Wimbledon now in its 136<sup>th</sup> year and which has recently taken in girls for the first time, has expressed an interest in buying the ground, for junior sports in the week, and has instructed a surveyor, and would ground share with the Cricket Academy and the Cricket Club at weekends and in the school holidays. The School first registered an interest with the surveyors on 16 September 2020.
- iv) The Old Emanuel RFC also contacted Haslams and Bellway. Paragraphs 46-50 of the Sports Needs & Viability Report Final updated 4/10/2020 (Nortoft) are at variance with the representation sent to the Planning Department by the OERFC:

## 5. Alleged Marketing of LESSA Site

- 5.1. In June 2019 OERFC identified the LESSA site as a very good prospect for potential alternative relocation once OERC was evicted from Blagdons. Throughout June and July 2019 OERFC attempted to contact Bellway Homes by email and by telephone to discuss the potential purchase or lease of LESSA site. Bellway Homes did not return a single email or telephone call.
- 5.2. When the LESSA site was marketed though Halsams in August 2020 OERFC again attempted to make contact by telephone with Halslams and Bellway to negotiate a purchase or lease of the site. Messages were left and we were assured a call back. Neither Haslams nor Bellway Homes returned a single telephone call.
- 5.3. As a result, OERFC concluded that the marketing of the LESSA site by Bellway and Haslams was neither meaningful or indeed genuine, but instead was a sham intended to support a later planning application by demonstrating that there was no viable purchaser of the LESSA site. This view is supported by the unrealistic price and other terms under which the LESSA site was marketed by Haslams.
- 5.4. This has turned out to be the case. Bellway Homes and their consultants argue that there is no community demand to being the LESSA site back into use. That is not the case. There is a current demand from OERFC to bring the site back into community sports use as part of it’s relocation plan. The community demand will increase significantly within 18 months when OERFC are evicted from Blagdons.

## 6. Alleged Consultation of OERFC

- 6.1. Further, the suggestion at paragraph 47 of the Sports Needs and Viability Report that Nortoft consulted OERFC in relation to the LESSA site is untrue. Such a consultation simply did not happen. We invite Bellway Homes and/or Nortoft to produce any evidence of this alleged consultation.
- 6.2. The Chairman of OERFC did receive one telephone call in or around October 2019 from a consultancy identifying themselves as "3GS" who said they were acting on behalf of a confidential client whose identify they could not disclose. That discussion related to the UWS site at Tamworth Road (identified as Mi14 in the Playing Pitch Strategy). At no point was the LESSA site discussed or even mentioned during that conversation.
- 6.3. Whilst it is correct that it is unlikely that not all of OERFC's needs can be met by the LESSA site alone, this incorrectly assumes that there is a requirement that all of OERFC's facilities have to be on one site. That is not the case.
- 6.4. Neither OERFC (nor the RFU) have such requirement. There are several rugby clubs that occupy one primary site with one pitch and lease further pitches as different locations. A local example of Old Ruts Rugby Club, whose provisions is split across 5 sperate sites. A further example is Rosslyn Park RFC, who have one artificial grass pitch on their principal site, and hire other pitches locally as and when required, including in Richmond Park.

- v) Ursuline Preparatory School responded to the RPWBRA's email asking local organisations would be interested in using the site for sport. We directed them to contact Bellway
- vi) AFC Wimbledon responded to the RPWBRA's email asking local organisations would be interested in using the site for sport. They said they were interested in the site for training facilities for women. We directed them to contact Bellway.

Paragraph 122 of the Sports Needs & Viability Report Final Updated 4/10/2020 (Nortoft) is also inaccurate in stating that "There were no viable, compliant bids from commercial operators, clubs, schools or other bodies to purchase, develop and operate the site as a whole". The footnote to that paragraph is also wrong in stating that Haslams had received no reply as at 4.10.20 of any kind from the AJ Cricket Academy or Wimbledon United CC.

We note that Haslams decided not to place a marketing (for sale/to let) board at the site (paragraph 10.9 of their report) which would immediately have resulted in many earlier expressions interest.

Both the claims in the Sports' Needs & Viability Report Final updated 4/10/2020 (Nortoft) that the offers made were either out of time, or not "viable" are palpably untrue. Bellway should not have been allowed to lodge this application until they had shown clearly that no viable sporting offers had been received. This they have failed to do.

Action required by Sport England:

Sport England, the RFU and ECB need to consult urgently with AJ Coaching Cricket Academy, Wimbledon United Cricket Club, Willington School and the OERFC in order to ascertain how the LESSA sports field can once again be brought into use for the benefit of residents. I am sure that this will allow Sport England to submit a more accurate comment to Merton Council's Planning Department.

Conclusion:

In conclusion we'd like to reiterate the 16% on the original LESSA sports field was lost to residential development when Meadowview Road was built by Bellway in 2010. Permission for this was given as an enabling development by the Planning Inspector.

The proposed site plan for the Meadowview Road applications clearly shows the potential for this site to be used for children's sports.



Since 2010 Bellway has rebuffed sports organisations and schools wishing to use the remaining 84% of the field for children's sport.

Now, Bellway intend to build on the vast majority of the field, leaving only a tiny percentage for tennis, an outdoor gym with trim trail and a small children's play area. This is not what the Planning Inspector gave permission for. We hope that, having made you aware of the history of the site, Sport England will campaign to bring the former LESSA sports field back into use for field sports.

No date is yet set for this application to go before the Planning Application Committee but time is of the essence to protect this sports field and enhance the health, well-being and enjoyment of local children.

I look forward to hearing from you.

John Elvidge

Chairman of the Raynes Park and West Barnes Residents' Association