

## PLANNING APPLICATIONS COMMITTEE

20th August 2020.

<b>UPRN</b>	<b>APPLICATION NO.</b>	<b>Item No: DATE VALID</b>
	19/P4094	22.11.2019
<b>Address/Site</b>	Imperial Fields Tooting & Mitcham Football Club Bishopsford Road Morden SM4 6BF	
<b>(Ward)</b>	Ravensbury	
<b>Proposal:</b>	ERECTION OF 6 STOREY RESIDENTIAL BUILDING COMPRISING 77 RESIDENTIAL UNITS WITH ASSOCIATED PARKING AND LANDCAPING	
<b>Drawing Nos;</b>	Site location plan and drawings 17/640/P006 Rev E, 17/640/P600 Rev B, 17/640/P601 Rev A, 17/640/P602 Rev A, 17/640/P603 Rev B, 17/640/P604, 17/640/P605, 17/640/P606 Rev D, 17/640/P008 Rev B 17/640/P610, 17/640/P611, 17/640/P612, 17/640/P613, 17/640/P614, 17/640/P615 & 17/640/P620A Rev A.	

**Contact Officer: Neil Milligan**

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## RECOMMENDATION

- 1) Grant Permission subject to conditions and S106 legal agreement.

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## CHECKLIST INFORMATION.

- Heads of agreement: Yes
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted: Yes,
- Number of neighbours consulted: 116

- Press notice – Yes
- Site notice – Yes
- External consultations: Yes. LB Sutton, GLA, Metropolitan Police, Thames Water, Environment Agency, National Trust, Bat Conservation Trust, GLAAS, Sport England
- Archaeological Priority Zone – Yes
- Flood risk zone - No
- Controlled Parking Zone – No
- Number of jobs created: N/A
- Density 157 Dwellings per hectare
- PTAL 2 (Poor) on a scale of 0 to 6B where 6B is highest.
- Adjacent to the Wandle Valley Conservation Area

## **1 INTRODUCTION**

- 1.1 The application has been brought before the Committee at the request of Councillor Martin Whelton. The application was due for determination by members at the June 18<sup>th</sup> 2020 meeting but was withdrawn from the agenda by the applicant. For the time being, the decision of Merton's Planning Committee is not the final decision as the major application is required to be referred to the Mayor of London for any direction.

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site is an undeveloped parcel of land with an area of approx. 0.4847 hectares and is located at the western corner of the wider TM United Hub site facing the A217 Bishopsford Road. The site has the clubs' sporting facilities directly to the north and is surrounded to the east and south east by Poulters Park, which as with the application site are designated as Metropolitan Open Land. Housing located within the LB of Sutton on Hillfield Avenue is located to the south of the site whilst a mixture of houses, flats and commercial premises face the site along Bishopsford Road.
- 2.2 The site provides a number of sporting facilities and is a Registered Ofsted provider for ages 14-16 and is a Dept for Education Accredited Alternative Education Provider. The applicants have won a number of awards including;
- 2019 - Playfinder – Outstanding Sports Facility Award
  - December 2018 – Playfinder – Outstanding Facility of the Month Award
  - Merit Award Centre
  - Fair Train Bronze Award for work experience placements
  - 2007 MJ Local Government Achievement Awards – Best public-private partnership

- 2.3 The site has recently hosted a number of events including;
- Mental Health First Aid – Imagine Independence
  - Gangs, County Lines and Systematic Youth Violence and Interventions – MVSC
  - First Aid – Job Centre
  - Job entry – Job Centre
  - Adverse Childhood Experiences Film – Metropolitan police
- 2.4 The applicant requested that members be aware of the following facilities on site
- **Merton College, Aurora Centre**  
The Aurora Centre work with young adults with learning disabilities and /or ASD. TM united provide work experience opportunities for the students in gardening and cleaning.
  - **Merton Council**  
TMCSC works with Mellissa Stewart, Commissioning Manager for Alternative Education and RPA to provide career advice for academy students. Member of Merton Council economic and wellbeing committee.
  - **Merton Voluntary Service Council**  
TMCSC works in partnership with MVSC and sits on the local youth partnership group.Venue for the start/finish of the inaugural Wandle 2.5k walk/ fun run for Homestart Merton
  - **Mitcham Job Centre**  
Mitcham Job Centre utilise the venue for training courses and annual disability job fair.
  - **National Trust**  
TM United has worked in partnership with the National Trust on their Green Academies project both at Imperial Fields and Farm Road. They offer training via the AQA Merit Award System to unaccompanied asylum seekers; students form the Aurora Centre and Generate a local disability group.
  - **Sutton and District Training**  
Vocational training and qualifications for the TM United football scholarship programme are run through Sutton and District training.
  - **Sutton Young Care Leavers**  
Activity and workshop sessions for Sutton Young Care Leavers.
  - **United Living**  
Delivering vocational training and qualifications for the community from Farm Road.
  - **Functions, training & events at TM United**  
The function room caters for up to 200 people and is used for meetings, courses, workshops, functions and events. The facility has provided a space

for funeral and wakes for the local Tamil, Hindu and Nepalese community, teacher training, South London Nepalese Gurkha Association cultural events, Ghanaian Independence celebration, Friends in St Helier parties, Merton Volunteer Service Council workshops and awards evening, Club presentations evenings, Christenings, Weddings and Birthday parties.

- **TM United Kickers**

Fun football sessions run by TMCSC for 4-10-year-olds every Tues eve 5-6 pm and Sat morning 9-10 am. Average attendance 15.

- **TM United Youth**

Mixed youth football teams run by TMCSC for children aged 11 to 16-Year-Olds, teams have training from qualified coaches one night a week and play in the Tandridge League on a Sunday. This season teams included 2 x U12, 2x U13, 2 x U14, 2 x U15, 1 x U16 totalling 250 children.

- **TM United Football Scholarship Programme**

A full-time education programme delivered by TMCSC for 16-18-Year-Olds providing opportunities to study BTEC Sport level 2 or 3 or vocational qualifications in plumbing or construction. The current programme has 62 boys registered. Next year the programme will expand to include a degree programme.

- **Tooting and Mitcham Under 18's**

The students within the academy programme have opportunities to play for Tooting & Mitcham United FC at U18 level in the Tandridge League, Isthmian Youth League and in the Virtual Learning UK (VLuk) league.

- **Tooting and Mitcham Under 23's**

Providing a pathway from the youth teams into the first team the U23's team bridges the gap and provides competitive opportunities playing in the Isthmian Development League. The U23's squad consists of 35 players.

- **Tooting and Mitcham United FC**

The senior team at TMUFC play Step 4 football in the Isthmian South Central League, with home games taking place at Imperial Fields 3 pm on Saturday and 7:45 pm on a Tuesday evening. Average attendances to games this season have been over 200. The club has a track record of developing young players to a good standard as demonstrated by the progress of the following players, Abraham Odoh (Charlton Academy), Lexus Beeden (Reading Academy), Saidou Khan (Maidstone first team) and Tope Fadahunsi (Loughborough University).

- **TM Walking Football**

Walking football delivered by TMUFC takes place every Monday evening from 5:30-6:30 pm providing physical and social activity for adults over the age of 50. Average attendance 15.

- **Tooting Bec FC**

Tooting Bec FC ground share with TMUFC, with their first team play at Step 6 in the Combined Counties League. They run 2 other adult men's teams, a women's team, playing in the Greater London Women's League, and a veteran's side.

- **AFC Wimbledon**  
AFC Wimbledon delivers training for their scholars aged 13-16 years at Imperial fields 3 times a week.
- **AFC Wimbledon Girls and Ladies**  
Various youth teams train at Imperial Fields totalling 3 sessions a week.
- **AFC Wimbledon Foundation**  
AFC Foundation uses the facilities at Imperial fields to deliver various activities including Walking Football on a Wednesday evening (20) and a Friday Night League (Kicks sessions) for 14 to 21-year-olds.
- **Fulham Foundation**  
Fulham delivers a Saturday Skills Training session for 5-11-year-olds every Saturday.
- **Elite 10 Coaching**  
Run a Development Centre every Tuesday 5-6:30 pm and an Elite Centre every Thursday 5-6:30 pm at Imperial Fields as well as an Academy programme for 16-19 years olds which has 40 students.
- **St George's Medical School**  
St George's Medical School use the artificial pitches for training and matches for their 4 men's teams on the at Imperial Fields
- **Disability Football**  
Several disability organisations use the facilities at Imperial fields for training and matches including Care Management Group (Adult Male Learning Group), Generate (Adult Male Learning disability) and St Georges Mental Health team. In partnership with AFC Wimbledon, a pan-disability league operates from the facility 4 times a year providing local competition.
- **Annual charity match**  
Held at the end of the season TMUFC organise a charity match to raise fund for Bloodwise, the UK's leading blood cancer research charity
- **Football Training for local clubs**  
The artificial pitches at Imperial fields enable local clubs to run training sessions including, Ahmadiyya Muslim Youth (AMY) FC (Adult Male), Cheam Sports (Adult Male), KFC Club (Adult Male), Morden Shooting Stars FC (Male 11-16 yrs), PRL White Eagles (Polish group, Adult Male), Wimbledon Town FC (Youth), Worcester Park Colts (Youth Male).
- **Merton School Sports Partnership**

Merton SSP uses the facilities to host their primary school games competitions including the Year 5/6 Tag Rugby finals (16 teams), Key Stage 2 Inclusive Football Festival (30 teams), Year 5/6 Football Finals (16 Boys and 16 girls teams).

- **Schools**

Several schools use the facilities for PE curricular sessions, extra-curricular activities and matches including Graveney school (male & female matches), Glenthorne High School (PE sessions, summer term), Cricket Green School (disability coaching with AFC Wimbledon)

- **DSActive**

DSActive run a multisport summer camp for people with Down's Syndrome aged 5+ increasing their physical activity, confidence, social skills & Wellbeingengaging over 50 participants (see case study 1)

- **Rugby at TM United**

Harlequins and Old Rutlishians regularly use the facilities at Imperial Fields for training sessions.

- **Lacrosse at TM United**

The artificial pitches are also suitable for Lacrosse and several teams use Imperial Fields for matches and training. Hillcroft Lacrosse Club has their home games at Imperial Fields using the front artificial pitch. They have 3 men's teams and 1 women's team using the facilities on a regular basis. Putney Ladies and English Lacrosse team request use the facilities on an ad-hoc basis for matches or training.

- **Cycling Proficiency**

### 3. **CURRENT PROPOSAL**

3.1 This application involves the erection of a 6 STOREY RESIDENTIAL BUILDING COMPRISING 77 RESIDENTIAL UNITS WITH ASSOCIATED PARKING AND LANDSCAPING. During the application process the quantum of parking to be provided on site has been reduced from 77 to 55 spaces.

3.2 This proposed brick finished block has four storeys facing Bishopsford Road rising to six storeys towards the rear. The block would be surrounded to the east and south by a revised layout of 55 parking spaces including disabled and EV facilities. The parking would be split into smaller sections through the provision of landscape features with most of the landscaping in the form of trees being located to the north and west of the block with 160sqm playground to the east. A 375sqm communal roof terrace is also proposed at fourth floor level to provide a variety of uses with the remainder of the roof on the higher levels being used to provide PV panels.

- 3.3 Although originally stated as providing 31 affordable units and 46 private units the proposals are now stated to be 100% affordable on the basis of all the units being shared ownership. The unit mix is indicated as being 15 x1 bed 2 person, 16x 2b3p and 46x 2b4p with 8 as wheelchair accessible or easily adapted for wheelchair use with three of these units at ground floor level, three at first floor and two at second floor level.
- 3.4 The applicant states that the proposals are to be an enabling development to provide new sports facilities on site, namely; 1)A New Entrance Block/Sports Hall:- This is proposed to house the main reception. The ground floor will incorporate changing rooms and amenity space for the front All Weather Pitch (AWP). The first floor is proposed to be a flexible space which will cater for a wide range of sporting activities including:- basketball; futsal; volleyball; badminton; netball; indoor cricket; handball; gymnastics; dance; martial arts and aerobics. & 2) A New Changing Block and education facility:- This would provide changing facilities for the AWP at the rear of the site, together with a clubroom and changing room for a local running club, training, seminar and common rooms for in house education, volunteering and apprenticeships. The applicant also states that the proposals would facilitate funds to cover the associated annual costs with managing and maintaining a biodiversity area in the south east corner of the site. The viability has now been independently verified and shown that the proposals can enable the provision of the sports facilities. The relevant partially implemented planning consents are 07/P0258, 10/P0390 and 14/P2487.
- 3.5 Refuse facilities in the form of 9x 1100ltr Eurobins would be located at the rear of the site. 86 Cycle storage spaces would be provided in a mixture of open and secure stores.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1 **19/P3061** pre-application advice for the erection of a 6 storey residential apartment block comprising 77x self-contained flats with associated car parking and landscaping.
- 4.2 **17/P2550** Non Material Amendment approved to vary condition 2 of 16/P2204
- 4.3 **17/P0592** Planning permission granted for erection of a stand with canopy along the southern boundary of the south eastern pitch.
- 4.4 **16/P2204** Planning permission granted for erection of dome structure for gymnastics use (three year temporary period sought).
- 4.5 **16/P1486** Planning permission granted for replacement of existing grass football pitch with artificial surface.

- 4.6 **14/P2487** Planning permission granted for replacement of existing grass football pitch with artificial surface.
- 4.7 **14/P2478** Application granted for non-material amendments to LBM planning permission 07/P0258 (dated 20/07/2009) comprising at ground floor; the replacement of open hall on north elevation with 12 pitch side storage rooms and the provision of new atriums, and at first floor; the reduction in number of seats from 620 to 616 and positioning of seats across full length of north frontage, alterations to corporate/sports boxes including omission of north facing gallery and relocation of galleries and studios to south elevation.
- 4.8 **10/P0390** Planning permission granted for Proposed amendment to application 07/P0258/FUL (set out below) granted 16-7-09 comprising
- a) Extension of the multi purpose sports facility by 3m towards Bishopsford Road;
  - b) Extension of the changing rooms by 30m<sup>2</sup>.
- 4.9 **10/P0389** Planning permission granted for extensions to the gym and function room to the front of the stadium facing the pitch adding an additional 170m<sup>2</sup> floorspace to the existing stadium
- 4.10 **07/P0258** Planning permission granted for;
- 1) Erection of a sports hall to the north of the existing artificial pitch and two storey building for use as a health centre/sport injury clinic or for other community and recreation/leisure purposes to the south adjacent to Bishopsford Road.
  - 2) Erection of a second stand to the south of the existing football pitch to incorporate multi-function sports and social facilities.
  - 3) Creation of a second artificial multi-purpose pitch and changing rooms towards south eastern end of site.
  - 4) Associated works involving the relocation of existing utilities facilities and new vehicular access onto Bishopsford Road at the north eastern corner of the site.

## **5. CONSULTATION**

- 5.1 The application was advertised by means of a Major Site Notice and Press Notice, letters to Merton residents in the vicinity of the site and a cross border consultation notification to LB Sutton.

## **5.2 PUBLIC OBJECTIONS**



In response to the consultation 26 letters of objection and a petition signed by 63 **residents** was received and further objections received after the parking was reduced and more information submitted by the applicant. The objections raised the following concerns relating to;

- The site is MOL and not appropriate for residential development. It will take away from the openness currently available.
- Development is in a conservation area and results in a loss of greenbelt
- The proposed site was wild grassland enjoyed by the local community before it was fenced off by the applicant.
- The MOL is for playing sport and recreation and the scheme is mostly for the benefit of T&M FC.
- The application fails to demonstrate the Very Special Circumstances.
- The proposed plans changes the intended purpose and mission of The Hub which is currently a not for profit organisation.
- Tooting & Mitcham Football Club Ltd is a “not for profit” organisation that provides sports, recreation and related community facilities to increase health, well-being and sports participation in a Borough. However, the Applicant for the scheme is a Director and the ultimate controlling party of the sister Company - Tooting & Mitcham Sports & Leisure Limited by virtue of his shareholding. The principal business of this Company is renting and operating Investment properties to earn rentals and capital gains. Therefore, the Scheme is not set out for the ultimate benefit of local communities but for the long-term benefit of related parties, one of which is the Director of Tooting & Mitcham Sports & Leisure Limited. He is also associated with Goodwin Associates Limited as he is the ultimate controlling party of that Company. In its last filed accounts for Tooting & Mitcham Sports & Leisure Limited, for 2018 financial year, the Company owes Goodwin Associates Limited £1.8 million plus the interest showing a related party transaction.
- Tooting & Mitcham Sports and leisure Ltd is a private company limited by shares rather than a not for profit organisation. The Company’s nature of business at Companies House is listed as ‘renting and operating of Housing Association real estate’. Further checks on the company status show that there is one Director with “significant control”, Steven Adkins. Mr Adkins is a “property developer” and is the “ultimate controlling party”. The company is only a going concern by virtue of related party loans. There is an outstanding loan of £1.16m from Steven Adkins by virtue of his control of Goodwin Associates which provides the loan to Tooting and Mitcham Sports and Leisure Ltd according to

Note 12 of the accounts submitted on 2 May 2019. This does not seem a sound basis on which to use development to fund further work on sports facilities.

- Area does not need more homes and tarmac, more trees and greenery instead
- Proposals too high and will block light, completely engulfing properties on Hillfield Avenue
- Size and height is overly dominant and unsympathetic to the character of the local area. Does not respect the character of the immediate area, will be too dense, over developed and visually over-bearing.
- The design is unattractive, out of proportion and character with the immediate area.
- Applicant has failed to address Merton's policy on 'Street Scene' showing the relationship between the proposed building and the existing buildings on Hillfield Avenue.
- Misleading to compare the flats to an approved geodesic sports dome which a temporary sports use with the same hours as the club. It does not compare in size or proposed purpose.
- Misleading claims in relation views from Sutton with pictures depicting lots of green space which is not shown on the drawings.
- Misleading of their website to describe the site as 'unused scrubland', failing to give its true designation or why it is protected
- Misleading claim that the site sits 1.5m below the Sutton Council land to the south, this is not true for Hillfield Avenue.
- Misleading to say that the scheme has carefully considered residents on Hillfield Avenue, they are not on the list of neighbours and were not consulted at any stage.
- Misleading for The applicant to state in the detail of its application that the development will not fund all of the work it proposes, yet in the public information at its web site is very unclear about this, and it would be easy to infer that the new build would fund all of the work. This could easily influence some people to support the scheme on the basis of a false impression given by the applicant.
- Overlooking and loss of privacy for Hillfield Avenue including directly into bedrooms, bathrooms, dining rooms gardens.

- Accessway between the site and neighbours is only an 11 foot wide track, not a road as suggested by the applicant.
- Very little space for and no detail of border landscaping to the south of the site
- Not in keeping with the beauty of the meadowlands park
- Deprives the neighbourhood of their playing fields
- Devalues properties nearby
- The development will bring the area down further, the area needs more trees, coffee shops, restaurants and facilities that local residents might actually like to use.
- We need more 3 bedroom units and family homes
- No lifts provided for the upper five floors
- There are restrictive covenants but these are not mentioned in the application
- Lack of pre application consultation with residents, residents in Hillfield Avenue did not receive the two stage consultations (Oct 17 to Jan 18 & Oct 18 to Jan 19).
- Failed to meet the requirements for community involvement.
- Increased pressure on public transport, parking, drainage and local services such as schools and GP surgeries
- 1 parking space per flat is not enough
- Increased safety risk with two busy vehicle entrances to the overall site.
- Increased noise and pollution during the construction phase.
- Existing Hub noise can be excessive and can be operating until 2am
- Noise of 262 potential residents and 77 cars along with delivery and service vehicles will create unacceptable amounts of noise, light pollution and disturbance. Contravenes Human Rights Act.
- Increased smell from large quantity of refuse that would be collected fortnightly.
- Increased risk of anti social behaviour
- Insufficient space for more than one fire tender to access the rear of the site

- It will have a negative impact on people and wildlife and reduce the amount of green space
- Will the building be at risk from flooding.
- Large building and hardstanding around it will increase risk of flooding. The Risk of Flooding from Surface Water, the Risk of flooding from the Groundwater and the Risk of Flooding from Sewers was not addressed by the Flood Risk assessment
- No concern provided there would be no impact on the provision of the football pitches
- Many previous promised developments never came to fruition
- Needs green credentials, acoustic fencing and more tree planting
- The proposals are to make money not enhance lives, the neighbourhood and environment

#### 5.2.1 **Objections to the latest revisions**

- We disagree with comments that the Scheme has carefully considered to respect the local occupiers of houses especially those along Hillfield Avenue. The proposed development is going to negatively impact the quality of life of the current residents of the area on many levels - primarily light and noise pollution 24 hours a day 7 days a week, this is NOT ACCEPTABLE and these concerns are still not addressed:
- Noise pollution - the reduction of a number of car parking spaces from 77 to 55 is not sufficient. The car park will be c. 2 meters from the Hillfield Avenue fence line. Our bedrooms and living accommodation face the proposed site. It will be too intrusive.
- Light pollution - the pictures of views from Hillfield Avenue now depict trees that are 10 meters high. Is the Applicant planting trees that are 10 meters high? This should be put as a condition of any unfortunate planning approval and applicant's legal obligation. The Applicant has previously not lived to his promises.
- When they were upgrading the Hub with one million pounds of public money in 2013, the designs promised replanting trees removed during the build and luscious flowers and trees round the perimeter. It also promised acoustic baffles. What the area ended up with was the removal of 30 or 40 mature trees which masked the noise and pollution from the road and the site and instead they planted gorse twigs which they did not water or maintain in any way so most are dead.

- There were also issues with the collapsed Willow Tree which fell down in August of 2014, on the site immediately next to Bishopsford Road. The Applicant has not made any effort to clean up despite Bishopsford House Residents Association approaching them as well as Merton MP.
- The application for the DOME was only approved without objection because even on that occasion we were not notified by either the London Borough of Sutton or Merton, the same scenario as the current application about which we learned through 2019 Christmas Card. The light and noise pollution from the Dome or 6 storey 77 dwelling is not comparable on any level. It is farcical to even draw comparison of the two as both would produce different noise and light pollution at different times, except the residential dwelling will be here 24 hours a day 7 days a week.
- The footprint of the 6-storey development is still too big and still not in keeping with the immediate surrounding post war houses. The Applicant should look to the neighbouring Bishopsford House in Poulter Park for a sympathetic style of development rather than something which resembles 1970s student accommodation block.
- The quoted 6 storey examples are NOWHERE near the immediate area. The closest examples are only 4 storeys high.
- The development is still on the Metropolitan Open Land - Merton's Open Land Policy DMO1 and London Plan Policy 7.17 and Policy G3 Metropolitan Open Land (New London Plan) all state that the Metropolitan Open Land (MOL) is afforded the same status and level of protection as Green Belt.
- The development still does not demonstrate "very special circumstances" as only the small part of the plan will be financed from the scheme, any development should be entirely for the community benefit. Therefore, MOL boundary should not be changed under any circumstances.
- We disagree with comments about closeness to shops – there are no “real shops” on our doorstep and closest big shops are a car or a bus ride away, therefore encouraging more traffic and pollution in already busy and built up area.
- We also wanted to point out that a number of disparaging and derogatory comments and references have been made about the area in a number of documents which is very unprofessional. As mentioned above the Applicant has not been a good neighbour and has not delivered on any of his past promises or made any effort to improve the area.

- Because of all of the above, the local residents still strongly object to this Application.

5.3 **The London Borough of Sutton's Strategic Director for the Environment, Housing and Regeneration** objected to the proposals on the grounds;

- The applicant should have to demonstrate 'very special circumstance' which clearly outweigh the substantial harm to the MOL or Green belt. London Borough of Sutton does not consider that the applicant has in this instance demonstrated very special circumstances which clearly outweigh the harm to the openness of the MOL. From the accompanying Planning Statement, amongst other things, the 'enabling development would allow for the "clearing the Organisation's outstanding financial obligations". It is acknowledged that one of the applicant's subsidiaries is a charity and the other a sports club, however financial support of such organisations should never amount to very special circumstances. No details have been provided of the "Biodiversity Enhancements" so it cannot be ascertained whether these would offset the loss of ecological value of the site, nor have any other details been provided in relation to the other benefits. Whilst it is acknowledged that these would be secured by a S106 legal agreement, some indicative details of these works should be submitted with the application to provide comfort that the cumulative benefits of the enabling development amount to very special circumstances as required by national regional and local policy.
- The proposal would step up in scale towards the MOL making the taller elements of the development, the most conspicuous and visible from the MOL and adjacent MOL in Sutton. 6 stories would be a scale completely out of character with the surrounding area and would be readily visible from both the MOL in Merton and MOL in Sutton.
- This represents substantial harm to the openness of the MOL and associated Metropolitan Green Chain and the Wandle Valley Regional Park and the design in no way tries to alleviate any harm to the openness of the MOL. As such the London Borough of Sutton considers that the proposal is inappropriate development and the scale, massing, siting of the development results in significant harm to the openness of the MOL.

5.4 **Campaign for the Preservation of Rural England** objected strongly on the grounds that;

- Residential development is inappropriate on MOL

- Impact views of the MOL from both Sutton and Merton and supports LBM Sutton's view that it will harm its essential openness.
- Will reduce the ecological value and amenity of the Green chain.
- No clear assessment made of harm to the green chain, only benefits are discussed.
- There are no 'very special circumstances' to justify the development. Enabling sets a precedence that undermines the principle of permanence.
- Not clear if alternatives to the proposals have been thoroughly investigated, could funds have been raised through foundations, lottery funding etc.

5.5 **Mitcham Cricket Green Community & Heritage Group** objected to the proposals on the grounds that;

- The applicant has not engaged with the local community prior to submission of the planning application.
- The applicant's subsequent approach to consultation by hosting events at their own venue will fundamentally distort the results, with a higher level of attendance from those advocating the development and a one-sided promotion of its benefits.
- The proposals have not been reviewed by the Design Review Panel
- A six storey residential development is clearly inappropriate development for the purposes of Metropolitan Open Land and so must demonstrate "*very special circumstances*". We can find no very special circumstances for the proposals.
- In planning policy terms there is a world of difference between the consent in 1997 for sports facilities and associated built infrastructure which might be considered an appropriate use for open land and the development of a six storey block of residential flats which is clearly "*inappropriate*". The reasons for recognising "*very special circumstances*" for sports facilities in 1997 do not apply to a major residential development in 2020.
- We also do not believe that "*very special circumstances*" exist in respect of the investment that may be provided for delivery of TM United's strategic plan. The applicant's Planning Statement confirms that the residential development will in reality only fund a small part of the strategic plan comprising a new

entrance block, changing block and club room. It will not provide for the new south stand, additional seating or “pods” for starter businesses despite the prominence of these aspects in the publicity associated with the scheme. The development proposal will therefore bring only a small part of the benefit envisaged by the TM United strategic plan which, given the stated view that this development is the only means by which it can be funded, must therefore be considered undeliverable.

- The Planning Statement and the promotional video and other documentation also reference the role of Tooting and Mitcham Community Sports Club as “a *‘not for profit’ organisation with charitable aims*”. Instead, Companies House shows this to be a “*private company limited by guarantee without share capital.*” It has a sole director with significant control, Jackie Watkins. The stated “*charitable aims*” of this private company are unclear and it is not registered with the Charity Commission. Despite the impression given in its publicity Tooting and Mitcham Community Sports Club is not a charity.
- There is a lack of detail on the commitment to reinvest funds. The applicant has not even brought forward in the same application those aspects of the strategic plan which could be delivered through the returns on this development in order to allow the proposals to be considered together.
- We do not support the allocation of land within the draft local plan and the development is premature and would result in a net loss of Metropolitan Open Land.
- The proposals are not policy compliant and even in the absence of Metropolitan Open Land designation, they are based on flawed consultation, convincing evidence of public benefit is lacking, they are of limited design quality and they have not been brought forward in a single application.
- The proposed scheme presents an incongruous, bulky elevation to Bishopsford Road. It will also be visually damaging to the open spaces of both The Hub and Poulter Park and disrupt the visual relationship between these open spaces.
- The proposed six storey development has no local precedent and would manifestly be visually intrusive.
- The design approach lacks distinction and does not respond to the character of the surrounding neighbourhood. It will not add positively to the area.



- Extensive surface car parking will dominate the setting of the new buildings and further reduce the area of green land. The provision of electric charging points is meagre.
- The internal design is poor with a significant number of single aspect dwellings in conflict with emerging London Plan Policy D6 which states that *“Housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings.”*
- The provision of limited green walls appears tokenistic, does not extend to the use of the large area of roof, and is no compensation for the significant loss of green space.

5.5.1 The group made additional comments following the withdrawal of the application from the June 18<sup>th</sup> agenda.

- We welcome the Heads of Terms for core and potential s106 obligations agreed by the GLA. But they do not, however, address objections to the scheme or make it policy compliant.
- The matters addressed by the Heads of Terms do not amount to demonstrating the “very special circumstances” necessary to permit inappropriate development on Metropolitan Open Land.
- The scheme cannot provide both affordable homes in a policy compliant manner and the investment in sports facilities which underpins the claimed “very special circumstances”.
- The investment in sports facilities is modest and even the ability to secure this has not been independently verified. It will not provide the south stand, additional seating or starter business pods which feature so strongly in the scheme publicity
- It would establish a precedent resulting in further applications for inappropriate development of Metropolitan Open Land to fund delivery of other aspects of the strategic plan. There is no evidence supporting the claim by the applicant that other funding will become available if the investment provided by this enabling development proceeds.
- It is of inadequate design, visually intrusive, overbearing by virtue of its bulk and height and harms the Wandle Valley Conservation Area and protective designations including Protected Open Land, Green Corridor and the Wandle Valley Regional Park.
- Sutton Council has highlighted the particular impact of the scheme on Poulter Park.

- The scheme also fails to provide affordable housing in a policy compliant manner and it does not meet the Agent of Change principle (London Plan Intend to Publish Policy D13). Sport England's assessment demonstrates a clear risk of the development resulting in "a noise abatement order and result in reduced playing capacity on the AGP "if the specification changes or there are construction issues
- Sport England's acoustic assessment confirms that the residential balconies could not be used at the same time as the adjacent sports facilities
- It is notable that the scheme has not been considered by Merton Council's Design Review Panel and it is our understanding that this is an expectation of any major scheme considered by the Mayor.
- Neither Merton Council's Design Officer nor the Council's Conservation Officer support the design.
- Around half of the flats to be provided are single aspect, it should provide dual aspect homes as a minimum throughout. The scheme has also failed to demonstrate it will avoid overheating

#### 5.5.2 The applicants rebutted the group's comments stating;

- The objection has not considered the proposals in the context of Mo3 (the emerging allocation for 'enabling' residential development) and the new draft Local Plan which has been through two extensive consultation exercises
- The site has received significant community support through this process so far and is firmly in line with '*the direction of travel*' of the Council's emerging Local Plan. This should be given significant weight in favour of the proposals; the objection does not acknowledge this.
- Site is not in either the Mitcham Cricket Green or Wandle Valet Conservation Areas.
- Claims of setting a precedent is misfounded, their case does not acknowledge that there is already a precedent established at the subject site for release of MOL land in terms of the stadium development and masterplan.
- proposed release is specific to the circumstances of this site and the 'harm' versus 'benefits' of developing in this particular location
- criticism of lack of community consultation is unfounded over 300 leaflets delivered and three community events hosted.
- Applicant has been very clear about the very special circumstances which involve the delivery of two specific community building elements

- criticised for referencing the history of the site and the 1997 planning permission in particular; the objector however fails to highlight the more recent planning history and the 2007 masterplan consent.
- The structures of the organisation and 'not for profit' status will be addressed within the forthcoming viability report. The Section 106 agreement will provide the safeguards that the objector is concerned about.
- It is alleged that the proposals are of an excessive height and mass; the applicant does not accept this. There are many other tall building blocks nearby (ranging from four to six storeys in height) and the proposals will sit comfortably within the street scene.
- Proposal seeks to make the most efficient and effective use of the land
- the profile and footprint of the building has been designed to minimise its impact on the openness of the MOL, and it has maximised the amount of green space and landscaping within it. It has been designed by an award-winning architectural practice who have integrated sustainable design features at the outset of their work and incorporated the use of high-quality materials throughout.
- the use of brickwork specifically responds to the advice received at the pre-application stage.
- objection also fails to acknowledge the existence of the houses along Hillfield Avenue and the physical break that those houses already creates with nearby open land, noting that the open space in Poulter Park doesn't physically adjoin the application site until beyond the rear façade of the proposed new building. The views from the adjoining MOL have been carefully considered as demonstrated within the D&A.

#### 5.6 **Wandle Valley Forum** raised objections;

- Concerns at the precedent that would be set by permitting enabling development on this kind of MOL
- The applicant claims it is a not for profit organisation which will invest profits from the development in enhanced community and sporting facilities at The Hub. In reality the applicant is a private company which is neither not for profit nor charitable. There is no guarantee of the investment being put into local sporting and community facilities and the funds generated will only support a small part of what is needed to deliver the strategic plan for The Hub. The

application does not include those elements of the strategic plan for The Hub which it is stated it will fund.

- We are also concerned by the visual impact of the proposed scheme on Metropolitan Open Land in both Sutton and Merton and support the view expressed by Sutton Council that this will harm its essential openness. This network of green space is integral to the character and value of the Wandle Valley
- We note the applicant's consideration of future management of land between The Hub and the river and its intention to collaborate with the National Trust. We welcome the opportunities this provides but there is a lack of detail for what is proposed in an area with sensitive recreational and wildlife considerations. The land also lies outside the ownership of either the applicant or the National Trust.

5.7 **Elliot Colburn MP** representing the Sutton residents wrote objecting to the proposals on the grounds of;

- Negative impact on MOL
- Unacceptable loss of biodiversity to the area and impact on the Wandle Valley Regional Park,
- Unsound building design and impact on residential amenity.

5.8 The applicant undertook their own consultation after the application was submitted. Over 3,000 leaflets were distributed to local residents and business on Wednesday 11<sup>th</sup> and Thursday 12<sup>th</sup> December 2019. A consultation session took place on Saturday 14<sup>th</sup> December from 12-6 pm, which coincided with a free festive football event and 84 people completed forms. Further sessions took place on Friday 10<sup>th</sup> January 4-8 pm and Thursday 16<sup>th</sup> January 4-8 pm and took place in the café bar, A further 18 people attended one of these sessions. An online survey was available from 12<sup>th</sup> December 2019 until 17<sup>th</sup> January 2020 and received 33 responses. The applicant also undertook a diversity survey.

#### 5.8 **PUBLIC SUPPORT**

156 letters of support were received following the applicants' own consultation commenting; ( 8 from Morden SM4)

- The development will improve the facilities for the disabled
- Support additional housing that will enable community facilities to be built
- Support more affordable housing and feel this type of accommodation will provide a good opportunity for young people to get onto the housing ladder.
- Provides affordable housing in a deprived area

- More community facilities will be built at The Hub which will be a welcome addition to the site.
- Benefit the local community
- New Sports Hall is a great idea
- It is a real step forward
- The proposed low cost housing is on a currently overgrown area and would provide much needed accommodation in the borough. It meets both the Borough's housing plan and wider needs across London.
- Land will otherwise go unused and become a waste land.
- Land is unused piece of scrubland with no landscape or ecological value.
- Logical piece of land to release from MOL.
- Site has good accessibility to public transport.
- It will provide greater opportunities and new facilities that are much needed in the borough.
- The sense of community is fantastic and all are made welcome.
- Investment in these facilities can provide opportunities for local youths.
- Bringing different backgrounds together
- There will be a drop in crime and Anti-Social behaviour
- It will enable the development of two further community based buildings (new entrance block/sports hall and new changing block with educational facilities.
- Provides financial stability for T&M
- Will bring in money to the club which benefits lower league teams
- It will increase positivity and health and well being to the entire area and people that use it.
- Helps support our children's education and give them a better environment to study and learn.
- Benefit to local small businesses.
- They have supported my small business to develop and grow.
- Strengthen enterprise opportunities through the facilities.
- Great opportunity for LBM to enhance its community facilities.
- Proposed sports hall educational suite will help provide more opportunities for young people with disadvantaged backgrounds
- There are simply no negatives to the local community
- They spend money on football boots and food for disadvantaged youngsters
- It will provide the financial stability required to deliver TM United's Strategic plan including the significant community benefits and facilitating social enterprise.
- More grass pitches would be great
- Supports grass roots football

5.9 **Siobhan McDonagh MP** wrote stating her support for the provision of housing and sporting facilities.

5.10 **AFC Wimbledon Foundation** stated their support

5.11 **Tooting Bec FC** stated the proposals would;

- Allow for more teams to be provided and increase club membership
- Will provide more homes and better facilities for local youth opportunities
- New changing block will help with overuse of current facilities
- New business pods will bring in more business & facility will become a community hub.
- Land serves no purpose and is wasteland with no environmental benefit.

5.12 The **Surrey FA** supported the proposals;

- The area needs further football facilities.
- The existing pitches on site exceed the amount of changing provision on offer and this prohibits the participation of plays particularly women and girls which has seen an exponential growth in the area.
- TMFC is a large part of the community and offers football for many young people in the area.

5.13 **Hillcroft Lacrosse Club** listed the same benefits as the circular letter and that it is a unique opportunity to deliver a truly sustainable development that hugely benefits the Merton community.

5.14 **Merton School Sport Partnership** also signed the circular letter

5.15 **Councillor Nick Draper** supported the proposals stating;

- The application covers 72 apartments in an attractive block to the roadside south of the pitches. The intention is that all the accommodation should be affordable, and the number of flats is entirely in keeping with Merton's and London's needs: I believe that negotiations have met with enthusiastic responses from across the Housing Association sector. The selling of the land will also help to finance a transformation of the facilities available at the ground,

making it even more reflective of the needs of the local community, in particular children, people with special needs, and the financially disadvantaged. Should the project go ahead it will make an enormous positive difference to our community in Morden and beyond.

- I believe there have been objections to the application over its massing. I personally don't see any alternative to Merton building upwards if it is to comply with the Mayor's, and our, aspiration to house the people of London; but a staggered 6 storeys in this location, mirroring in height developments on the other side of Bishopsford Road, is scarcely massing on the scale that London is used to. I believe that architecturally it fits well with the rest of the planned development.
- I also see the opportunity to provide residents with decent, affordable accommodation as one not to be turned down lightly and would ask Planning to approve the application.

He did however raise concerns that there is an over-emphasis on parking spaces stating "I would like to see a reduction of the space allocated to parking, and instead use that part of the land to enhance what is currently a nondescript piece of MOL into a natural vista that the residents of the flats and their neighbours will truly cherish".

## **5.16 STATUTORY EXTERNAL CONSULTees**

### **5.16.1 GLA Comments**

On March 23<sup>rd</sup> 2020 the GLA issued a Stage 1 report which concluded; London Plan and the Mayor's Intend to Publish London Plan policies on; Metropolitan Open Land, sports facilities, the agent of change principle, housing, affordable housing, urban design, inclusive access, heritage, sustainable development and transport are relevant to this application. The application complies with some of these policies but not with others as set out below:

- Principle of development: The housing proposal on Metropolitan Open Land is inappropriate development as it does not preserve the openness of the MOL. The applicant's very special circumstances case including the need for 'enabling development' to fund the new sports and community facilities, could outweigh the harm caused, but further information is needed on these matters. The applicant must demonstrate that the 77 housing units are the minimum necessary to 'enable development' and demonstrate how the value generated by its proposals would be fully used towards the delivery of enhanced sports and community facilities.
- Affordable housing: The applicant's confirmation that it is proposing a 100% affordable housing scheme without grant is welcomed, but different tenure

splits should be explored to comply with London Plan policy. All affordable housing products must meet London Plan definitions, and these and their delivery must be secured through a S106 agreement.

- Urban design: The scheme must deliver high quality design and minimise impact on its MOL setting.
- Heritage: The applicant must submit a heritage impact assessment and the mitigation measures it proposes, which should be secured.
- Sustainable development: Additional energy efficiency measures and a calculated urban greening factor must be provided; all measures must be conditioned.
- Transport: A manual PTAL assessment and changes to onsite parking must be agreed, cycle parking should be increased, and a CLP and DSP must be secured.

5.16.2 The applicants have stated that the 'GLA have now provided their full support (subject to the necessary s106)'. The GLA have actually stated that "very significant progress has been made since March to address the Mayor's Stage 1 concerns - to the extent that a positive recommendation to the Mayor might now be possible. However the issues involved are complex and require careful balancing, and GLA Officers have not reached a settled view on the application as a whole – which would only be possible for example when the final terms and detail of any S106 had been agreed and all consultation comments received and fully considered."

5.17 **Sport England** were consulted and stated an interim position of issuing a holding objection on the grounds that there was not enough information provided by means of an acoustic report to show that the occupiers of the new dwellings would not be adversely affected by the existing artificial grass pitch. Following the submission of further noise reports the objection was removed on the proviso that appropriate conditions were attached to any consent relating to noise impact mitigation.

5.18 **Historic England** confirmed that they considered that there would be no harm to Archaeology as a result of the proposals.

5.19 **The Environment Agency** raised no objections to the proposals subject to the imposition of appropriate conditions relating to contamination, SUDS and piling.

5.20 **Thames Water** raised no objection subject to suitable conditions.

5.21 The **Metropolitan Police** Safer by design officer commented;

- The orientation of the ground floor units should be reconsidered so the front doors promote activity



- Ground floor unit amenity spaces are easy to access and susceptible to burglary
- Areas of undercroft parking lack natural surveillance and should be eliminated from the design.
- Bin and bike store walls susceptible to graffiti and bike store doors are not well overlooked
- No mention of car parking management
- Access control systems and CCTV are needed to prevent anti social behaviour

## 5.22 **LB MERTON Internal consultees**

### 5.23 The Council's **Conservation Officer** commented;

- It's a big thing, the loss of MOL when the original permission was to allow sports use on the land. Residential is quite a different matter. It is a massive development adjacent to conservation area, open land and a nature reserve.
- If we were to allow any residential development on this site what is proposed is out of proportion to anything in the vicinity. The height for a start. They quote other developments but they are a long distance away and visually out of site. The closest residential are two stories. Blocks of flats up Bishopsford Road are only four stories. Therefore to build anything to relate to the context it should not be more than four stories.
- I disagree with their heritage statement where they state the proposal will not impact on any Listed or Locally Listed buildings. The Grade II Listed cottages are just across the Wandle and their views out of the conservation area will be negatively impacted. Views, generally, out of the conservation area will be negatively impacted by such a dominant large development.
- The letters of support undervalue the value of the open land that will be lost by referring to it as scrubland which sustains wild life. The adjacent Astro turf pitch will have already caused a loss of wildlife. This development will cause further damage.
- The development seems to lack communal outside space, play space for example, I like the green walls. how will they be maintained?
- It is my opinion that this proposed development will cause harm to the open aspect of the site and wider area and should be refused despite the social arguments in support of it. Once this open land is lost there is no reclaiming it.

5.24 Merton's **Design Officer** described the proposal as "an office block surrounded by a car park" and had particular concern relating to the number of single aspect units especially given the North-South facing arrangement of the block.

(Officer comment: it is acknowledged that the design officers comments do not discuss the proposals in great detail. See the design considerations section of the report below)

5.25.1 The Council's **Climate change officer** commented that "The applicant has provided all the supporting SAP outputs and conversion spreadsheet as requested. However, the applicant has not addressed the following comments from the email I sent in March:

- Be Lean – the applicant states that it is not possible to achieve the 10% improvement against Building Regulations through energy efficiency alone at this stage in the design. Savings from energy efficiency are not limited to fabric efficiency. The applicant should consider other measures such as waste water heat recovery which could help improve the energy efficiency of the units.
  
- Overheating – the applicant has requested to undertake the overheating analysis as part of a planning condition. However, given that there are such a high number of single aspect units and that the outcome of the overheating analysis could potentially have design and energy use implications, the dynamic overheating modelling should be carried out before permission is granted.

5.25.2 "My main concern at this stage is the lack of dynamic overheating modelling given that the proposed scheme has a number of single aspect units and uses a communal heating system which can increase the risk of overheating. The GLA's comments echo my points regarding the requirement to meet the Mayor's energy efficiency target and to undertake dynamic overheating modelling.

5.25.3 The applicant is saying that they aren't able to improve the fabric efficiency due to space limitations within the unit. However, the applicant will need to clarify why they cannot extend the units outward to meet the requirements.

5.25.4 The applicant should address these issues before the scheme is approved given that the potential mitigation measures required could result in fundamental changes to the design. Pre-commencement conditions to secure the evidence demonstrating that the applicant has mitigated the risk

of overheating and maximised savings through energy efficiency will be required..

- 5.25.4 A pre-occupation condition will also need to be attached to ensure that the applicant delivers the development in accordance with the updated energy statement dated April 2020 which sets out the improvements they have already made in response to my other comments. Please note, **this pre-occupation condition will need to be reviewed at pre-commencement stage once the overheating and energy efficiency comments have been addressed, as the energy statement will have been updated.**
- 5.25.5 In addition, the applicant has not provided internal water use calculations to demonstrate that the proposed development will achieve internal water usage rates not in excess of 105 litres per person per day so this will need to be secured with a pre-commencement condition.
- 5.25.6 The GLA has also recommended including a condition to secure post-construction monitoring for the heat pumps to ensure that they are achieving the expected performance approved during planning.
- 5.25.7 If the pre-commencement assessments result in the scheme requiring design changes to achieve the energy efficiency target or to mitigate the risk of overheating (or both), then there is potential for the Section 106 carbon offset to change.
- 5.26 **Future Merton's open space policy team** commented that, the site is designated as MOL, open space, green corridor and is within the Wandle Valley Regional Park and 400m buffer area. It is also adjacent to the Upper River Wandle SINC and a green chain. The applicant would need to demonstrate very special circumstances in order to outweigh the harm the proposed development would have on the land designated as MOL. Merton Playing Pitch Strategy Action Plan (adopted in October 2019) identifies the following opportunity for the site "The main priority for the site at the moment is to establish a two storey DDA compliant ancillary facility for the AGP at the rear of the site" with an indicative cost of £240,000 - £400,000. While the applicant has stated that the proposed residential development will enable a number of strategic items to be delivered on site, there is limited information or details provided on such proposals.
- 5.26.1 In response , The applicants have stated 'The comments from Future Merton's open space policy team are both surprising and disappointing. The Playing Pitch Strategy (PPS) is factually incorrect and the applicant has made formal requests (both in person and in writing) to amend it, based on analysis undertaken by the former CEO of Surrey FA. There has been no acknowledgement from the Council. The reference to Farm Road is completely irrelevant to the subject planning application.' Merton's

playing pitch strategy is jointly prepared with Sport England, the National Governing Bodies for sport and Merton Council. Many different sporting clubs including Tooting and Mitcham Hub participated in its creation. It was published in October 2019. In October 2019 the applicant received a response from the Football Foundation which covered many of the concerns they raised, including the applicant's promotion of the Farm Road site. The inclusion of the Farm Road site in the officer's report is relevant as the applicant has recommended this site be included in various strategies for investment including Merton's Playing Pitch Strategy'.

- 5.26.2 The PPS also identifies that the T&M Hub lease and manage a second site in the borough for football at Farm Road, Morden. From the information provided, it is not clear exactly how the applicant is proposing to use any funds from the proposed development to invest in the sporting facilities on the main site or on the Farm Road site. The applicant should be asked to demonstrate why the proposed development is required, given the use of this second site for sporting purposes and how any profits from the proposed development will be used to fund sporting facilities at one or both sites, specifically the DDA complaint ancillary facility identified in the PPS.
- 5.26.3 The Planning Statement describes a "Biodiversity Area" in the south east corner of the T&M hub site, for which the annual management and maintenance costs will be funded through profits from the proposed development. The applicant refers to a "joint management plan between TM United, The Environmental Agency and National trust", however has not provided any details for these works. Further details should be sought to indicate how the proposal will be minimising impacts on and providing net gains for biodiversity, in accordance with NPPF 170(d). Any biodiversity maintenance and management costs should be checked with the viability assessment review and would need to be secured through a relevant s106 agreement, should the application be approved.

5.27 **Highways.** No objections received

5.28 **Transport planning** commented that the proposal is unlikely to have significant impact on the adjoining highway and raised no objection subject to:

- Car parking as shown maintained.
- The condition requiring cycle parking.
- The condition requiring Refuse collection.

· Demolition/Construction Logistic Plan (including a Construction Management plan in accordance with TfL guidance) should be submitted to LPA for approval before commencement of work.

5.29 **Flood Risk Manager: no objection** . Initial concerns were raised but following protracted discussions with the applicant's flood risk consultants and the submission of new details for the realignment of the water course the officer has no objection

5.30 **Future Merton Housing** officers commented In principle the proposal for 100% shared ownership does not appear to accord with the council's adopted statutory development plan. In particular Core Strategy Policy CS8 (housing choice) and Sites and Policies DM H3 (support for affordable housing) requires an affordable housing tenure split of 60% social and affordable rent and 40% intermediate rent or sale. This policy requirement reflects and supports addressing Merton's local housing needs as set out in Merton's Strategic Housing Needs Assessment published in July 2019, which acknowledges that whilst affordable home ownership helps address identified housing needs excessive provision would impact the delivery of affordable housing for those in a more acute need.

5.30.1 The council's affordable housing provision requirements are caveated by the council needing to have regard to a number of relevant considerations which include financial viability issues and other planning obligations, therefore the submission by the applicants of the viability appraisal for independent assessment will be an important consideration in determining the acceptability or not of the proposal's departure from these requirements

## 6. **POLICY CONTEXT**

6.1 NPPF (2019). Key sections:

5. Delivering a sufficient supply of homes.

12. Achieving well-designed places.

16. 'Conserving and enhancing the historic environment'. Paragraph 189

6.2 Relevant policies in the London Plan 2016 are; 3.3 (Increasing housing supply), 3.4 (Optimising housing potential), 3.5 (Quality and design of housing developments), 3.6 (Children and Young people's play space), 3.19 (Sports facilities), 5.1 (Climate change mitigation), 5.2 (Minimising carbon dioxide emissions), 5.3 (Sustainable design and construction), 5.7 (Renewable energy), 5.13 (Sustainable drainage), 5.17 (Waste Capacity), 6.9 (Cycling), 7.5 (Public realm), 7.6(Architecture), 7.8 (Heritage assets), 7.17 (Metropolitan Open Land) & 7.21 (Trees and woodlands).

- 6.3 London Housing Supplementary Planning Guidance 2016
- 6.4 GLA Guidance on Preparing Energy Assessments (2018).
- 6.5 DCLG Technical standards 2015
- 6.6 Relevant policies in the Merton Core Strategy 2011 are; CS 9 (Housing targets), CS 13 (Open Space, Nature conservation), CS 14 (Design), CS 15 (Climate change), CS 18 (Transport) & CS 20 (Parking, Servicing & delivery).
- 6.7 The relevant policies in the Merton Sites and Policies Plan 2014 are; DM C1 Community facilities, DM D1 (Urban Design and the public realm), DM D2 (Design considerations in all developments), DM D4 (Heritage assets), DM EP 2 (Reducing and mitigating noise), DM EP4 (Pollutants), DM H2 (Housing mix), DM 02 (Trees, hedges and landscape features), DM T2 (Transport impacts of development) & DM T3 (Car parking and servicing standards).
- 6.8 Intend to Publish 2020 London Plan policies include; GG2 Making the best use of land, GG3 Creating a healthy city, D 2 Infrastructure requirements for sustainable densities, D 3 Optimising site capacity through design-led approach, D 4 Delivering good design, D 5 Inclusive design, D 6 Housing quality and standards, D 7 Affordable housing, D 8 Public realm, D 12 Fire safety, D 13 Agent of change, H 1 Increasing housing supply, H 4 Delivering affordable housing, H 5 Threshold approach to applications, H 6 Affordable housing tenure, H7 Monitoring of affordable housing, S 1 Developing London's social infrastructure, S 4 Play and informal recreation, S 5 Sports and Recreation, HC 1 Heritage conservation and growth, G 4 Open space, G 5 Urban greening, G 6 Biodiversity, G 7 Trees, SI 1 Improving air quality, SI 2 Minimising greenhouse gas emissions, SI 3 Energy infrastructure, SI 8 Waste capacity, SI 12 Flood risk management, T 3 Transport capacity, connectivity and safeguarding, T 4 Assessing and mitigating transport impacts, T 5 Cycling, T 6 Car parking, T 6.1 Residential parking & T 7 Deliveries, servicing and construction.

## 7. **PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations in this case relate to the principle of the use of Metropolitan Open Land for residential purposes, the impact on the MOL of such use, the design and appearance of the proposed building, quality of accommodation provided, affordable housing provision, provision of sports facilities and the impact on neighbour amenity.
- 7.2 **Use of Metropolitan Open Land**  
Issues related to the appearance and impact on the appearance of the MOL are discussed further on in the report.

London Plan policy 7.17 states that the strongest protection should be given to London's MOL and inappropriate development should be refused, except in very special circumstances giving the same level of protection as in the Green Belt. Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of MOL.

7.3 Merton Policy CS13(a) aims to "*protect and enhance the borough's public and private open space network including Metropolitan Open Land, parks, and other open spaces.*" Due to the large amount of green and open space in the borough, the emphasis is on protection and long term management of the existing space (21.2).

7.4 Under the Sites & Policies Plan Policy DMO1 Open space states:

*b) In accordance with the NPPF (74), existing designated open space should not be built on unless:*

*i. an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or,*

*ii. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or,*

*iii. the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

*c) Development proposals within designated open spaces, which have met the conditions set in part b) above, will be required to meet all the following criteria:*

*i. the proposals are of a high quality design and do not harm the character, appearance or function of the open space;*

*ii. the proposals retain and/or improve public access between existing public areas and open spaces through the creation of new and more direct footpath and cycle path links; and,*

*iii. the character and function of leisure walks and green chains are preserved or enhanced.*

7.5 The applicant is justifying the application with reference to site proposals in the Draft Local Plan which have identified the site as being potentially suitable for residential development provided that the development is able to demonstrate very special circumstances through the provision of greater sporting facilities. However this is only a Draft proposal and officers in Future Merton have advised that only very limited weight can be given to the principle of development and

that any future development would also have to meet other policy requirements in relation to the quality and standard of the design and its visual impact on the MOL as well as neighbour amenity. However, it is also recognised that the Draft plan has been in preparation for several years now and has gone through 2 major publication exercises. The NPPF is clear that greater weight can be attached as a plan is advanced through the stages.

- 7.6 The applicant claims this part of the subject land does not perform any of these functions and has already been released for development and it would therefore not cause any harm to the wider character and function of the borough's MOL.
- 7.7 In their Stage 1 report the GLA noted "The applicant asserts that the principle of development in this part of the MOL was established by the Secretary of State's decision in 1997 and that the very special circumstances that were demonstrated at that time still exist. This is not accepted as the application the Secretary of State found acceptable did not include housing and was for a different development. The present application must also be assessed against the current development plan and other relevant material considerations
- 7.8 It is also noted that the applicant has cross-referenced the Council's emerging 'New Local Plan 2020'. However, as this plan is at an early stage, it has only limited weight and cannot be accepted as a very special circumstance in its own right. Furthermore, the nature of any enabling development is not confirmed in the draft plan and is envisaged as only contributing towards sporting facilities. Furthermore, the Mayor objected to Merton's proposed site allocation as it did not set out any very special circumstances case when he commented on the draft plan in January 2019
- 7.9 The applicant has also asserted that the proposed development will be located within previously developed land. However, the proposal will be located on an open space which appears as a formal or informal playing field, which cannot be classified as previously developed.
- 7.9.1 The applicant states that at no stage, have they ever asserted that the' proposed development is sited on previously developed land (pdl). Rather, the application site is part of the wider hub site that does include pdl'. However in their stage 1 response the GLA stated in section 21 that 'The applicant has also asserted that the proposed development will be located within previously developed land. However, the proposal will be located on an open space which appears as a formal or informal playing field, which cannot be classified as previously developed'.
- 7.9.2 It is acknowledged that the GLA have sent a further update to their stage 1 response which is more supportive of the development subject to a



secured S106. However, the stage 1 formal comments are still relevant in the context of the overall scheme

7.10 Finally, the applicant argues that the proposed 77 homes would help meet the increased housing target identified in the Mayor's Intend to Publish London Plan and has referred to the provision of 'a purely affordable housing scheme in excess of normal policy requirement'. However, these arguments are not accepted as Merton Council's housing target did not presume building on MOL.

7.10.1 The applicant has stated 'The Council's projected housing targets must surely be aligned with its new emerging Local Plan work, of which the application site is a fundamental part of. For Officers' to suggest otherwise and that the affordable housing proposal does not contribute towards meeting housing needs in the borough is simply bizarre'. One of the reasons that 100% shared ownership does not meet Merton policy requirements on this specific scheme is that the 100% shared ownership is modelled on having an income of £51,000 - £71,000 per annum. The average income in the Mitcham area is £35,000 per annum – so not very affordable. 100% shared ownership modelled on an annual income of at least over £50,000 does not meet with current policy requirements.

7.11 In relation to the issue of Very special circumstances the GLA concluded "The housing proposal on Metropolitan Open Land is inappropriate development, as it does not preserve openness. The applicant's very special circumstances case including the need for 'enabling development' to fund the new sports and community facilities, could outweigh the harm caused. However, further information and clarifications are required on the extent of and means by which the intended community benefits will be guaranteed and tied into any potential planning permission. The applicant must also demonstrate that the 77 housing units are the minimum necessary to fund specified sports and community facilities. As set out below, it will also be necessary to understand and ensure that the proposed housing would be of the highest possible standard and design, and fully accords with design policies of the London Plan and the Mayor's Intend to Publish London Plan".

7.12 Several weeks after the submission of the planning application the applicant submitted a viability report which states that the proposals, subject to grant funding for the affordable housing, could generate sufficient funds to enable the provision of the additional sports facilities in the form of a new Entrance Block/Sports Hall and new Changing Block and Education facility. The independent viability assessment confirmed that the proposals could enable the provision of the sports facilities and provide a level of affordable housing

7.12.1 The GLA advised that the proposals could not be based on Grant funding for the affordable housing and consequently a further viability appraisal was submitted. This confirms that a section 106 could secure the sport facilities based on the viability of the housing being provided and this could therefore constitute very special circumstances

#### 7.14 **Affordable housing**

A residential development of this scale would be required to provide 40% affordable housing provision in order to be policy compliant. The applicants own initial viability assessment showed “A development providing 35% affordable housing is not financially viable and that a development providing 100% affordable housing for London Shared Ownership tenure is not viable without recourse to GLA grant funding, as this results in a negative Residual Land Value. In order to produce a viable position, this option would require a saving of approximately 15% in the construction costs relating to the Community Hub facilities’. The initial viability report provided by the applicants was based on grant funding being forthcoming. The applicants were reminded that the provision had to be based on no funding and provide 35% affordable housing and that funding should be used to increase the level of provision beyond that. The applicants submitted a further viability assessment that stated that 100% Shared ownership would now be viable and that with funding the proposal could then provide 17% of the units for London Affordable Rent and 83% Shared Ownership.

7.14.1 Policy officers noted that In principle the proposal for 100% shared ownership does not appear to accord with the council’s adopted statutory development plan. In particular Core Strategy Policy CS8 (housing choice) and Sites and Policies DM H3 (support for affordable housing) requires an affordable housing tenure split of 60% social and affordable rent and 40% intermediate rent or sale. This policy requirement reflects and supports addressing Merton’s local housing needs as set out in Merton’s Strategic Housing Needs Assessment published in July 2019, which acknowledges that whilst affordable home ownership helps address identified housing needs excessive provision would impact the delivery of affordable housing for those in a more acute need.

7.14.2 The independent viability assessment considered the applicant’s build costs for the sports facilities to be excessive and even allowing for costs for the repositioning of the watercourse the proposals could provide that 3x London Affordable Rent homes and 74x Shared Ownership homes which should form the base position for the enabling development. If grant becomes available the position should change to 21x LAR homes and 56x shared ownership. The report advises that the based position and the grant funded position should be secured by way of a legal agreement. The report also recommends the

application viability review mechanisms at early and late stage of development as outlined in the Draft London Plan and Mayor's SPG and this is considered appropriate in this case.

7.15 The GLA has commented that "officers will continue to engage with the applicant and the Council to explore the implications of different tenure splits and grant to deliver a more diverse affordable housing mix in line with Policy H6 of the Mayor's Intend to Publish London Plan. An early stage review must also be secured in any S106 agreement and a late stage review may also be required depending on the final level and form of affordable housing."

**7.16 Need for additional housing**

The emerging London Plan, now accorded moderate weight in recent appeal decisions issued by the Secretary of State, and anticipated to be adopted in the coming months, will signal the need for a step change in the delivery of housing in Merton. While AMR date shows the Council has exceeded its current 411 target, the target of 918 units per year will prove considerably more challenging. The relaxation of the earlier target (1300+ units) for Merton following the Inspector's finding following the London Plan Examination in Public Panel Report Appendix: Panel Recommendations October 2019 was predicated on not adopting a particular GLA formula to delivering significant new housing on small sites, with larger opportunity sites such as the application site rising in importance.

7.17 The National Planning Policy Framework requires Councils to identify a supply of specific 'deliverable' sites sufficient to provide five years' worth of housing with an additional buffer of 5% to provide choice and competition.

7.18 Table 3.1 of the London Plan identifies that LBM has an annual housing target of 411 units, or 4,107 over the next ten years. However, this minimum target is set to increase significantly to 918 set out in the 'London Plan Examination in Public Panel Report Appendix: Panel Recommendations October 2019', and which is expected to be adopted later this year. This significant increase will require a step change in housing delivery within the LBM.

7.19 Policy H1 'Increasing housing supply' (Draft London Plan Policy) and Table 4.1 of the draft London Plan sets Merton a ten-year housing completion target of 13,280 units between 2019/20 and 2028/29 (increased from the existing 10-year target of 4,107 in the current London Plan). However, following the Examination in Public this figure of 13,280 has been reduced to 9,180. Merton's overall housing target between 2011 and 2026 is 5,801 dwellings (Authority's Monitoring Report 2018/19). The latest Monitoring report confirms that all of the completions this financial year were on small sites of less than 0.25 hectares in size. All of the schemes except one delivered 10 homes or fewer, with one

scheme of 11 homes. There were no large schemes that completed this year, which resulted in a lower number of new homes built in the borough. Merton has always exceeded the London Plan target apart from 2009/10 and this year 2018/19 where there was a 34% shortfall although in total Merton has exceeded the London Plan target by 987 homes during this period 2004/5-2018/19.

7.20 Policy H1 of the emerging London Plan sets out that boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions, especially the following sources of capacity: b) mixed-use redevelopment of car parks and low-density retail parks.

7.21 Members may consider that the proposal to introduce residential use to this MOL site responds positively to London Plan, draft London Plan and Core Strategy planning policies to increase housing supply and optimise sites and support the application to provide additional housing.

7.22 **Residential density**

Table 3.2 of the London Plan identifies appropriate density ranges based on a site's setting and PTAL rating. The area has a public transport accessibility level (PTAL) of 2, where 1 is poor and 6 is excellent. It is considered that the site is located within an suburban area for the purposes of Table 3.2 of the London Plan, given the nature of surrounding built form and the criteria set out in the supporting text to Table 3.2 (density matrix) of the London Plan.

7.23 The proposed development would have a density of 157 dwellings per hectare with a Ptal of 2 and smaller sized units the density of 157 u/ha is significantly above the London Plan policy 3.4 recommendation of 50-95 u/ha which may be considered to demonstrate an over development of the site.

7.24 In terms of the emerging London Plan, Policy D6 (Draft London plan Policy) sets out that: "Development proposals must make the most efficient use of land and be developed at the optimum density. The optimum density of a development should result from a design-led approach to determine the capacity of the site. Particular consideration should be given to:

1. the site context
2. its connectivity and accessibility by walking and cycling, and existing and planned public transport (including PTAL)
3. the capacity of surrounding infrastructure"

- 7.25 The emerging London Plan does not include a density matrix as it does not necessarily provide a consistent means of comparing proposals. Density has been measured and monitored in London over recent years in units per hectare (u/ha). Average density across London of new housing approvals in the monitoring year 2015/16 was 154 u/ha with the highest average density being recorded in Tower Hamlets at 488 u/ha. However, comparing density between schemes using a single measure can be misleading as it is heavily dependent on the area included in the planning application site boundary as well as the size of residential units. Planning application boundaries are determined by the applicant. These boundaries may be drawn very close to the proposed buildings, missing out adjacent areas of open space, which results in a density which belies the real character of a scheme. Alternatively, the application boundary may include a large site area so that a tall building appears to be a relatively low-density scheme while its physical form is more akin to schemes with a much higher density.
- 7.26 Therefore, whilst density is a material consideration, it is not the overriding factor as to whether a development is acceptable; London Plan paragraph 3.28 states that it is not appropriate to apply the density ranges mechanically. The potential for additional residential development is better considered in the context of its bulk, scale, design, sustainability, the impact upon neighbouring amenity, living standards for prospective occupants and the desirability of protecting and enhancing the character of the area and the relationship with surrounding development.
- 7.27 Whilst the density is above the suggested range in the London Plan Table 3.2, density guidelines should not be applied mechanically and a more suitable approach to assessing whether the scheme is appropriate in this location and following the direction of travel of emerging London plan policies, which no longer rely on the density matrix, requires further and more detailed consideration of context, connectivity and local infrastructure. It is a matter of judgement for members to decide whether the significant community and sporting benefits of the scheme would justify the quantum of development proposed.
- 7.28 **Housing mix**
- London Plan Policy 3.8 'Housing Choice', draft London Plan Policy H12 and associated planning guidance promotes housing choice and seeks a balance of unit sizes in new developments. London Plan Policy 3.11 states that priority should be given to the provision of affordable family housing. The GLA commented "The applicant is proposing 15 one-bed and 62 two-bed homes; hence, no family housing is proposed and the Council should confirm whether the scheme's housing mix would meet its identified needs and the scheme's ability to deliver a mixed and inclusive neighbourhood."

Proposed	Sqm	GF	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>	Total	%
2 Bed flat (2B4P)	70	8	9	10	10	7	2	46	59.74
2 Bed flat (2B3P)	61	0	4	4	4	2	2	16	20.78
1 Bed flat (1B2P)	50	2	2	2	2	2	5	15	19.58
Total		10	15	16	16	11	9	77	100

### 7.29 Design/Bulk and massing/Appearance/Layout.

Design of new buildings should ensure appropriate scale, density and appearance, respecting, complementing and responding to local characteristics (London Plan policy 7.6, LDF policy CS.14 and SPP policy DM D2).

### 7.30 Bulk and massing.

London Plan policy 7.4 and SPP policy DM D2 require developments to relate positively and appropriately to the siting, rhythm, scale, density and proportions of surrounding buildings and the pattern and grain of existing streets.

7.31 . Housing in the local area is predominantly low rise in the form of two storey suburban housing although there are some higher four storey blocks opposite the site. This proposal would have four storeys closest to Bishopsford Road but would increase to six storeys towards the back of the building. Whilst this may mitigate some of the impact from Bishopsford Road, the six storeys would still be visible when viewed side-on from Bishopsford Road and would be readily visible from the houses in Hillfield Avenue and from the MOL in Poulters Park. The application has generated a number of concerns and objections from neighbouring residents, the LB Sutton and the CPRE who consider that the bulk and massing of the proposals are inappropriate and overly dominant in this setting. Officers consider the scheme has been designed with the local context considered and the stepped back approach reduces the overall impact. It is a matter of judgement whether the provision of new housing and sports facilities outweighs these concerns.

### 7.32 Design- Appearance.

The proposals have been designed using a light-coloured palette of materials and it may be considered that the use of landscaping would mitigate the impact of the lower level whilst the upper levels are set back to reduce the impression of bulk and two sections of green walls are proposed on the southern elevation to break up the massing. A significant concern relating to the design was the car parking proposals. The London Housing SPG Standard 19 – states that ‘Careful consideration should be given to the siting and organisation of car parking within an overall design for open space so that car parking does not negatively affect the use and appearance of open spaces’. Following officer concerns that the site was dominated by the level of proposed parking surrounding the block revised drawings were submitted for 55 spaces with planting breaking these into smaller bays of typically 4 or 5 bays. The applicants did not request the proposals be considered by the Design Review Panel and neither the Council’s Design officer or Conservation officer were supportive of the design of the proposals in this location.

7.32.1 Members may consider that the dominance of the car parking is not considered to have a detrimental impact on the appearance of the proposal, exacerbated by its setting in the MOL. It is a matter of judgement whether the identified issues with design, size and bulk is outweighed by the benefits in terms of the provision of housing and sports facilities being provided.

7.32.2 Since the withdrawn June report the applicants state “Significant changes have been incorporated into the design to mitigate the issue of the ‘single aspect’ units as set out in the updated Design & Access Statement (see Section 9). These have not been reflected in the Officer’s report”. Officers consider that these mitigations relate to making a smaller footprint and keeping it away from neighbours. They do not address issues of resultant over heating, monotony of the view etc which can result from single aspect units.

7.32.2 It is accepted that alternative designs could allow for less single aspect units. Courtyards for instance would assist, however it is acknowledged that they would significantly increase the footprint of the building and consequently its visual impact on the MOL

### 7.33 Design layout

Although the proposed units all meet the minimum space standards for GIA and amenity space, SPP Policy DM D2, Core Strategy 2011 policies CS 9 Housing Provision and CS 14 Design and London Plan policies 3.3 Increasing Housing Supply, 3.4 Optimising Housing Potential, 3.5 Quality and Design of Housing Developments are all policies that seek to provide additional good quality residential accommodation including the provision of a safe and secure layout.

- 7.34 The applicants were advised at the pre application stage that officers were concerned about the single aspect nature of most of the units, London Housing SPG Standard 29 states 'Developments should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided.' Around half the units are single aspect. Concerns were also raised about the use of long internal corridors, London Housing SPG. Standard 14 - states 'Where dwellings are accessed via an internal corridor, the corridor should receive natural light and adequate ventilation where possible.' The corridors and the cores receive no natural light or ventilation, however these have now been reduced in length to 30m. It is acknowledged that the design of the scheme has its shortfalls. However, again, it is a matter of judgement whether the provision of housing and sports facilities outweighs these considerations
- 7.35 A number of issues were identified by the Metropolitan Police Safer by Design Officer; The orientation of the ground floor units should be reconsidered so the front doors promote activity, Ground floor unit amenity spaces are easy to access and susceptible to burglary, areas of undercroft parking lack natural surveillance and should be eliminated from the design, Bin and bike store walls susceptible to graffiti and bike store doors are not well overlooked. These design flaws were not addressed by the applicant but members may consider that the provision of housing and sports facilities outweighs these considerations.
- 7.36 **Playspace and amenity space provision.** London Housing SPG Standard 5 (and London Plan Policy 3.6) – For developments with an estimated occupancy of ten children or more, development proposals should make appropriate play provision in accordance with the Mayor's Play and Informal Recreation SPG which expects a minimum of 10 sq.m. per child to be provided in new developments, and makes clear that play space should not be segregated by tenure. In accordance with the above, the scheme has been calculated to generate a child yield of 32, given this there is a requirement to provide 320 sq.m. of play space across all age groups. The proposals the minimum of 160 sq.m. of play space for 0-4-yearolds, which given the location of the development within playing fields which may be suitable for the other age groups
- 7.37 In addition to the playground the proposals provide 495sqm of amenity space, as shaded dark green on drawing 006 E, which comprises of the garden spaces to the back of the accommodation block and the park area. The ground floor units would all have self-contained amenity spaces of around 30sqm whilst all the upper floor flats would have policy compliant balconies in addition to which there would be 375sqm of Communal roof terrace. The 1255sqm of general landscaping is shown as the lighter green spaces on the updated plan 006 E. A



calculation has been undertaken by the applicant to show that the site achieves a 0.4 Urban Greening Factor, and as such complies with the London Plan.

**7.38 Neighbour Amenity.**

London Plan policies 7.4 and 7.6 and SPP policy DM D2 relate to amenity impacts such as loss of light, privacy, overshadowing and visual intrusion on neighbour amenity and the need for people to feel comfortable with their surroundings.

7.39 A large number of objections were received in relation to the impact of the block on the amenity of neighbouring residents. Residents overlooking the site currently enjoy relatively open views across the site. It is acknowledged that the block has been located as far from the houses on Hillfield Avenue as possible. The block will still be clearly visible with 4, 5 and 6 storey elements.

7.40 Concerns were raised in relation to loss of privacy. The communal terrace would be located to the front of the site and the distance between the Communal Terrace and the back gardens of the houses on Hillview is 30m. Amenity balconies for the flats on the south side of the building would look towards neighbours on Hillfield Avenue at a distance of between 38-40m from the rear garden fences of those properties. Officers consider that at this distance issues of privacy, overlooking and loss of light would not warrant a refusal of the application.

7.41 Objections were received raising concerns that the proposals would result in a loss of light to neighbouring properties. However a combination of the separation distance and relative positioning of the block to the north of the closest neighbouring properties means that officers consider that the proposals would not materially harm the amenity of neighbours from a loss of light.

**7.42 Parking, servicing and deliveries.**

Core Strategy Policy CS 20 requires proposals to have regard to pedestrian movement, safety, serving and loading facilities for local businesses and manoeuvring for emergency vehicles as well as refuse storage and collection.

7.43 The revised proposals involve the provision of 55 car parking spaces including 8 dedicated for disabled parking and 11 for electric vehicle charging. The GLA noted the applicant should provide 20% of all car spaces with active electric vehicle charging points (EVCP), with the remainder provided with passive provision.

7.44 With a proposed 168 cycle spaces the proposals exceed the required 147 long stay cycle parking spaces and 3 short stay spaces. All cycle parking should be provided in line with the London Cycle Design Standards (LCDS), short stay spaces should be located close to building entrances and integrated into the public realm. A minimum of 25% of cycle parking provided should be Sheffield stands at the conventional spacing of 1.2 metres. A further 5% of the parking should be Sheffield stands spaced more widely (1.8 metres between stands) to accommodate larger cycles. A condition requiring details of the cycle parking should be provided, which reflect both the Mayor's Intend to Publish London Plan policy and the LCDS is recommended.

7.45 **Communal and sports facilities**

London Plan Policy 3.19 (Sports facilities) encourages the provision of sporting facilities and the proposals have generated a lot of support from users of the current facility as well as local sports bodies who would welcome the provision of new facilities that the applicant states can be provided as a direct result of this enabling development which were approved but never fully implemented.

7.46 The GLA recommended full details of the affordable and accessible usage of the new facilities must be agreed with and secured by the Council. This should include details of pricing and levels of provision in the form of a draft community use agreement which should be submitted prior to any Stage 2 referral to the Mayor.

7.47 **Flood risk and drainage**

Following the submission of revised details and information and subject to the imposition of appropriate conditions there are no longer any objections to the proposals on the grounds of flood risk.

7.48 **Heritage impact.**

Chapter 16 *'Conserving and enhancing the historic environment'*. Paragraph 189 of the NPPF 2019 states:- *'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance'*.

7.48.1 The applicants submitted a Heritage Impact Assessment that they compiled themselves as the proposals have the potential to impact views from the

Wandle Valley Conservation Area and a very small section of the CA is within the applicant's wider site ownership. This area of land is occupied by a biodiversity sanctuary area where the club are working in partnership with the National Trust to maintain an area of refuge for wildlife that has been created, particularly focusing on habitats for local species of importance.

- 7.48.2 The HIA includes a set of 12 views from the CA towards the site and determined that "from 5 out of the 12 locations, the new development will not be seen. There are only two views (at locations 2 and 4), where the new development will be reasonably prominent, but those views are not harmful to the WVCA or its setting".
- 7.48.3 The applicants' own HIA concluded "For all of these reasons, we conclude that the relevant conservation policies, both at local and national level, are satisfied and accordingly no harm will be caused to the heritage asset of WVCA".
- 7.48.4 There have been a large number of objections from various officers, local people, local interest groups, Sutton council and National organisations such as the Campaign for the Preservation of Rural England but Members many consider the provision of affordable housing and sports facilities outweighs the impact on this heritage asset.

#### 7.49 **Noise impact**

Sports England raised concerns relating to the impact of noise from the All Weather Pitch on the amenity of the occupiers of the new units. A noise impact assessment was therefore commissioned and this sets out mitigation measures that can be taken to allow all flats and residents within the scheme not to be adversely impacted by the proximity to the AWP and how all apartments will comply with the Sport England Guidelines

- 7.49.1 The Sport England's acoustic data was derived from 9 separate measurements including Hockey, football and rugby matches. The use of the Sport England Guidance and associated data included within it addressed the concerns of the Sport England objection.
- 7.49.2 An area source was therefore plotted and calculated (prior to the introduction of the buildings) within the IMMI noise modelling software and calibrated to ensure that the sound source, ie the AWP pitch met 58dB LAeq, 1 hour. Residential properties as well as boundary conditions, were then added to the model to ensure that it was as robust and realistic as possible. With the residential receptors of the proposed scheme placed into the mapping software, reception points were added at the Northern façade closest to the AWP, as well as East, West and Southern positions for comparison. Due to

the limited traffic flow because of the nearby bridge collapse. In order to overcome this, the Calculation of Road Traffic Noise (CRTN) dated 1988 was used within the IMMI noise modelling software. Specific inputs included a 2018 road traffic count (18 hour) to be 161,186 vehicles, with 5.5% heavy goods vehicles and using 50kph, as detailed in the reference documents for roads lower than 30mph. With closed windows utilising triple glazing, all habitable spaces (ie bedrooms and living room areas) will meet the reduced criterion discussed in Section 2 of the report. Rapid/Purge ventilation and background ventilation will be provided by mechanical ventilation as detailed within the accompanying Calford Seaden Energy report dated November 2019.

7.49.3 The report concluded that noise modelling approach demonstrates that future residents within the scheme, with the mitigation measures recommended, will not be impacted by sport related sounds from the AWP and/or road traffic noise from the A217. It is suggested that to provide background ventilation of the residential scheme, MVHR will be considered, avoiding the need for residents to open windows. Additionally, there will be a requirement to upgrade the glazing to protect future occupants from noise with an Rw of 33 dB and an RTraffic value of up to 37 dB depending on the location of the habitable spaces. This should future proof the development.

7.49.4 If members are minded to recommend approval of the application a condition that the works are undertaken in accordance with the recommendations of the Noise Impact Assessment compiled by Acoustic Associates dated January 2020 and those required by Sports England is recommended.

#### 7.50 **Fire safety and resilience**

In accordance with Policy D12 'Fire safety' of the Mayor's Intend to Publish London Plan, all major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor. The GLA have stated that the Council should ensure this statement is submitted, shared with GLA officers and secured through appropriate planning conditions and/or S106 clauses.

7.50.1 The application was submitted with a Fire Strategy which made a number of design recommendations including;

- As the escape route from the apartments bordering the atrium on the first floor is not separated from the void each apartment should be provided with an alternative exit which can be an escape window.
- The common corridor should be separated from the atrium by an FD30S fire door.
- The problem with this design is that it creates 4 single end corridors each that would have to be independently vented with a 1.5m<sup>2</sup> natural shaft as

- none have access to an outside wall allowing fitting of a simple AOV. Venting would also be needed to the longer corridor i.e. 5 shafts in total.
- A more advantageous layout principle is shown in the sketch below involving the use of a linking corridor. (this can be reflected at the other end as well).

7.50.2 Given that over half the wheelchair accessible units are not on the ground floor, which is not referenced in the strategy and design changes would be required, the need for a full Fire Statement is self evident for occupier and fire fighter safety and a condition is recommended. .

## **8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS.**

- 8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly there is no requirement for an EIA submission.
- 8.2 The GLA were satisfied that the applicant has provided the relevant modelling output sheets for the Be Lean and Green stage of the energy hierarchy. The carbon dioxide savings meet the on-site target set within Policy 5.2 of the London Plan for domestic uses.
- 8.3 However, despite the application being submitted with an Energy Statement the Council's Climate change officer considered that the proposals failed to demonstrate the required 10% improvement through energy efficiency. This requirement has been flagged in the GLA's guidance on preparing energy assessments since 2018. However, the proposed development would only achieve a 6.43% improvement through energy efficiency measures.
- 8.4 The applicant has not adequately assessed the risk of overheating and has requested to undertake the overheating analysis as part of a condition which is recommended. However, if the overheating analysis finds that the risk of overheating is unacceptable with the current design, significant changes to the scheme may be required, which would then have knock-on effects on the energy statement and the carbon offset contributions.

## **9. CONCLUSION**

- 9.1 The site is located on land designated as Metropolitan Open Land and as such any development on the land is required to demonstrate Very Special Circumstances to justify this. Sutton Council and others are of the opinion

that the applicant has failed to demonstrate that the test of very special circumstances has been met and concerns relating to the harm to the openness and character of the MOL have also been raised by neighbouring residents as well as the Campaign for the Preservation of Rural England, The Wandle Valley Forum and the Mitcham Cricket Green Community and Heritage Group as well as neighbouring residents. Others support the application due to the benefits of the scheme. It is also acknowledged that the site has provided significant community facilities over the years to the benefit of residents. The applicant states that the proposals would be able to provide a 100% affordable shared ownership housing development that would also enable the provision of;

i) A New Entrance Block/Sports Hall incorporating changing rooms and amenity space with a flexible space which will cater for a wide range of sporting activities including:- basketball; futsal; volleyball; badminton; netball; indoor cricket; handball; gymnastics; dance; martial arts and aerobics

ii) ) A New Changing Block and education facility:- This would provide changing facilities for the AWP at the rear of the site, together with a clubroom and changing room for a local running club, training, seminar and common rooms for in house education, volunteering and apprenticeships.

iii) The applicant also states that the proposals would facilitate funds to cover the associated annual costs with managing and maintaining a biodiversity area in the south east corner of the site.

9.2 Following independent verification of the viability of these proposals it has been confirmed that they would enable the provision of the sports facilities and at least 3x LAR units and the remainder in shared ownership. If members consider that the tests for very special circumstances have been met then it is recommended that the provision of these enabled projects be subject to a legally binding s106 agreement.

9.3 It is acknowledged that the scale, bulk and massing of the proposed block at up to six storeys has been considered by some to be excessive for this sensitive location. It is clearly visible and will be seen in the context of the relative openness of the MOL

9.4 The proposals will however provide 77 predominantly shared ownership affordable housing units and subject to a legally binding s106 a number of previously approved but not fully implemented sports facilities will be provided for the benefit of the overall community. As is always the case with planning applications the relative benefits of a proposal needs to be weighed against any detrimental impacts. This report has demonstrated that these issues in relation to this site are finely balanced and officers consider that significant weight can be attached to the provision of housing and the

sporting facilities to be provided. It is a matter for Members to judge whether those competing interests outlined in the report are sufficiently reconciled to follow the officer recommendation

9.5 **Approval is recommended:** subject to conditions and s106 agreement.  
10 **Conditions and Legal Agreement Heads of Terms**

10.1 s106 Heads of terms

- Affordable housing provision including early and late stage review mechanisms.
- A New Entrance Block/Sports Hall
- A New Changing Block and education facility
- funds to cover the associated annual costs with managing and maintaining a biodiversity area in the south east corner of the site.
- The carbon offset contribution proposed is £78,392 in accordance with the applicant's latest Energy Strategy dated April 2020.
- Subject to the results of the planning condition number 16 relating to energy efficiency and overheating, the applicant may review the carbon offset contribution in line with the new Energy Statement. This sum will be agreed at the time of the assessment and would need to be agreed prior to commencement of development as this would allow the applicant to amend the scheme to optimise energy efficiency and mitigate overheating.
- full details of the affordable and accessible usage of the new facilities must be agreed with and secured by the Council. This should include details of pricing and levels of provision in the form of a draft community use agreement which should be submitted prior to any Stage 2 referral to the Mayor.
- Fire Statement

10.1.1 The GLA recommended the following heads of terms if Members were minded to recommend approval;

**Core s106 issues:**

- A guarantee that the full value of the enabling housing would be used to deliver identifiable and agreed new sports and community facilities – which might be best achieved by an updated viability assessment being submitted to Merton Council prior to implementation to transparently demonstrate this.
- Delivery of the sports and community benefits prior to occupation/housing start on site and robustly secured going forward.

- Any additional sports or community funding would be used to provide additional facilities, not to part fund those elements that it had been agreed would be funded from the profits from the housing.
- The submission of a new or updated Community Use Agreement that included full details of the affordable and accessible usage of the new facilities prepared in conjunction with Sport England.
- The delivery of the 3xLAR units and 74 shared ownership affordable housing units (without grant).
- A requirement to seek affordable housing grant to “improve” the AH tenures through a named Registered Provider ideally to deliver at least 35% affordable rented or social rented accommodation.
- Full incorporation of London Plan affordable housing definitions and requirements.
- Payment of any carbon off-setting contribution.

**Other potential S106 matters and/or conditions:**

- Provision of 8 wheelchair accessible units across all floors and close to lifts.
- Provision of the children’s play space.
- Delivery of safe and secure pedestrian routes through the site.
- Implementation of mitigation measures as outlined in the Fire Strategy Statement.
- Implementation of all energy, drainage and UGF (0.4) measures.
- Delivery of Blue Badge parking, cycle parking and Heathy Streets initiatives in accordance with relevant Mayoral standards.

The applicant agreed these matters as potential Heads of Terms for any S106 agreement to in order to address Mayoral concerns. The GLA strongly suggested the applicants discuss them with you as LPA.

## 10.2 Conditions

- 1) A1 Commencement Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.
- 2) A7 Built to plans Site location plan and drawings 17/640/P006 Rev E, 17/640/P600 Rev B, 17/640/P601 Rev A, 17/640/P602 Rev A, 17/640/P603 Rev B, 17/640/P604, 17/640/P605, 17/640/P606 Rev D, 17/640/P008 Rev B, 17/640/P610, 17/640/P611, 17/640/P612, 17/640/P613, 17/640/P614, 17/640/P615 & 17/640/P620A Rev A  
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3) Standard condition [Materials]: The facing materials to be used for the development hereby permitted shall be those specified in the approved drawings 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: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

- 4) Standard condition [Landscaping]: Full details of a landscaping scheme shall be submitted to and approved in writing by the LPA and these works shall be carried out in the first available planting season following the completion of the development or prior to the occupation of any part of the development, whichever is the sooner. The details shall include on a plan, the size, species, spacing, quantities and location of the plants, such details shall include the replacement TPO tree. Any trees which die within a period of 5 years from the completion of the development, are removed or become seriously damaged or diseased or are dying, shall be replaced in the next planting season with others of the same approved specification, unless the LPA gives written consent to any variation. 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 5.1, 7.5 and 7.21 of the London Plan 2016, 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.
- 5) Standard condition [Hardstandings]: The hardstanding hereby permitted shall be made of porous materials, or provision made to direct surface water run-off to a permeable or porous area or surface within the application site before the development hereby permitted is first occupied or brought into use. Reason: Reason: To reduce surface water run-off and to reduce pressure on the surrounding drainage system in accordance with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2016, policy CS16 of Merton's Core Planning Strategy 2011 and policy DMF2 of Merton's Sites and Policies Plan 2014.
- 6) Standard condition [Refuse storage]: The development hereby approved shall not be occupied until the refuse and recycling storage facilities shown on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times. Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with the following Development Plan policies for Merton: policy 5.17 of the London Plan 2016, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.
- 7) Standard condition [Cycle storage]: The development hereby permitted shall not be occupied until the cycle parking shown on the plans hereby approved

has been provided and made available for use. These facilities shall be retained for the occupants of and visitors to the development at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

- 8) Parking facilities to be implemented prior to occupation including 20% of all car spaces with active electric vehicle charging points (EVCP), with the remainder provided with passive provision. Reason: To ensure the provision of a satisfactory level of parking and comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Policies Plan 2014.
- 9) Standard condition [Timing of construction]: No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays. Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Page 35 Plan policies for Merton: policy 7.15 of the London Plan 2016 and policy DM EP2 of Merton's Sites and Policies Plan 2014.
- 10) Details of site access and road junction layout to be approved: Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014
- 11) H12 Delivery and Servicing Plan to be Submitted
- 12) H13 Construction Logistics Plan to be Submitted (major development)
- 13) The development hereby approved shall be undertaken in accordance with the recommendations of the Noise Impact Assessment compiled by Acoustic Associates dated January 2020. Reason to protect the amenity of occupiers in accordance with Policy DM EP 2 of the Merton Sites and Policies Plan 2014
- 14) Prior to the practical completion certificate being issued, sound testing shall take place inside the flats which face on to the Artificial Grass Pitch and are most exposed to pitch activity noise to ensure that the sound levels do not exceed 30dB LAeq,16hr or 31.3dB LAeq,1hour, whichever is higher. If the

results fail to meet those set out in the report, remedial work will be carried out and retesting will be carried out in the affected area(s), prior to the occupation of the affected flat(s).

*Reason: To protect the Artificial Grass Pitch's availability of use and to accord with Development Plan Policy DM EP 2 of the Sites and Policies Plan 2014*

- 15) The mechanical ventilation system to provide background and purge ventilation mentioned in the planning application is to be commissioned and tested prior to occupation of the flats, and thereafter maintained in accordance with the manufacturers' instructions.

*Reason: To protect the Artificial Grass Pitch's availability of use and to accord with Development Plan Policy DM EP 2 of the Sites and Policies Plan 2014*

**16) Energy Strategy & Overheating Assessment**

'No development shall commence until the applicant submits to, and has secured written approval from, the Local Planning Authority an updated energy strategy and supporting evidence demonstrating that the proposed development has maximised savings through energy efficiency and mitigated the risk of overheating in line with the GLA's guidance on preparing energy assessments (2018)

**REASON:**

To ensure that the development achieves a high standard of sustainability, makes efficient use of resources and minimises the risk of overheating, and to comply with the following Development Plan policies for Merton: Policies 5.2 and 5.9 of the London Plan 2016, and Policy CS15 of Merton's Core Planning Strategy 2011.

**17) District Heat Networks – London Heat Networks Manual**

'No development shall commence until the applicant submits to, and has secured written approval from, the Local Planning Authority evidence demonstrating that the development has been designed to enable connection of the site to an existing or future district heating network, in accordance with the Technical Standards of the London Heat Network Manual (2014).'

**REASON:**

To demonstrate that the site heat network has been designed to link all building uses on site (domestic and non-domestic), and to demonstrate that sufficient space has been allocated in the plant room for future connection to wider district heating, in accordance with London Plan policies 5.5 and 5.6.

**18) Internal water usage rates**

No part of the development hereby approved shall commence until evidence has been submitted to and approved in writing by the Local Planning Authority confirming that the development will achieve internal water usage rates of no greater than 105 litres per person per day.

**REASON:**

To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: Policy 5.15 of the London Plan 2016, and with Merton's Core Planning Strategy 2011.

19) Carbon reductions and internal water usage rates

'No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the development has achieved CO2 reductions in accordance with those outlined in the Applicant's Energy Strategy dated April 2020, and internal water consumption rates of no greater than 105 litres per person per day.

**REASON:**

To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: Policy 5.15 of the London Plan 2016, and with Merton's Core Planning Strategy 2011.

- 20) The development hereby permitted by this planning permission shall ensure that finished floor levels for all residential units shall be set no lower than 300mm above the 1 in 100 year plus climate change flood level (in metres above Ordnance Datum) as agreed in the submitted Flood Risk Assessment and Addendum. The measures shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the Flood Risk Assessment and Addendum or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

**Reason:** To reduce the risk of flooding to the proposed development and occupants.

- 21) Prior to the commencement of development, a detailed drainage investigation and inspection (via CCTV survey) of the existing drainage ditch shall be undertaken to check its capacity, condition and any lateral connections and flow direction. As the proposed scheme includes realignment of the drainage ditch, no culverting must be undertaken and this inspection is required to be done before any realignment or diversion work to ditch takes place. **Reason:** To reduce the risk of flooding to the proposed development is not increased and the capacity and condition of the ditch is not compromised before any diversion takes place.

- 22) No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been submitted to and approved in writing by the local planning authority. The drainage scheme will include detailed drainage layout construction drawings and dispose of surface water by means of a sustainable drainage system (including green roofs, permeable paving, SuDS tree pits and Raingardens) at a restricted runoff rate (no more than 3l/s) and attenuation provision of no less than 328m<sup>3</sup>, in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards. **Reason:** To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

**Informatives:**

The prior written consent of Merton Council as Lead Local Flood Authority, under the Land Drainage Act is required for any proposed works to the existing ditches (Ordinary Watercourse) including any proposed realignment or diversions. Any proposal for culverting other than for access via a small bridge will not be permitted.

No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

No waste material, including concrete, mortar, grout, plaster, fats, oils and chemicals shall be washed down on the highway or disposed of into the highway drainage system

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