

## PLANNING APPLICATIONS COMMITTEE

19<sup>th</sup> August 2021

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>Item No:</u> <u>DATE VALID</u>
	19/P4183	21/11/2019

**Address/Site** Dundonald Recreation Ground, Dundonald Road, Wimbledon SW19 3QH

**(Ward)** Dundonald

**Proposal:** ERECTION OF A TEMPORARY BUILDING TO PROVIDE COMMUNITY SPACE, TENNIS CLUB AND CAFE AND ERECTION OF SEPARATE TEMPORARY TOILET FACILITIES.

**Drawing Nos** 18013-0090, 18013-0100, 18013-0101 Rev 1, 18013-0102 Rev 1, 18013-0103 Rev 1, 18013-0104 Rev 1, 18013-0105 Rev 1.

**Contact Officer:** Tim Bryson (020 8545 3981)

---

## RECOMMENDATION

**REFUSE Permission**

---

### CHECKLIST INFORMATION

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental Impact Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- Yes
- Site notice-Yes
- Design Review Panel consulted- No
- Number neighbours consulted – 61
- External consultants: None
- Controlled Parking Zone: Yes
- Conservation Area: No

## 1. INTRODUCTION

- 1.1 This application has been brought to the Planning Applications Committee at the request of Councillor Anthony Fairclough due to the level of public interest in the proposal both for and against it.
- 1.2 The application was deferred from the July Planning Committee meeting due to the meeting finishing late into the evening
- 1.3 The application was also deferred by members at the April Planning Applications Committee meeting for the following reasons:
  1. For the Council's Greenspaces section to provide an updated response to the applicants additional information submitted.
  2. For officers to find out whether there is a Holocaust memorial within the Rose Garden.
  3. For officers to set out which areas of the consultation response by the MET Police Secured by Design Officer have they responded to in their plans.

Since the deferral, officers can provide the following:

With regards to point 1 above, officers have consulted the Council's Greenspaces section and a response can be found under Section 5 (Consultation) of the agenda under the title 'Additional comments from Council's Greenspaces Manager'.

With regard to point 2 above, Council officers have consulted with the Wimbledon Synagogue who have confirmed there is not a holocaust memorial within the Rose Garden at Dundonald Recreation Ground.

With regards to point 3 above, the applicant has made the following amendments to the proposal in response to addressing the issues raised by the MET Police Secured by Design Officer:

- Addition of wall lights on the external of the building. External emergency lighting to the perimeter the design of the lights is a downward projection fitting mounted, which is designed to provide minimal overspill light in the horizontal direction. The lights would be set on a timer so they are only switched on after 6am and switched off after 10pm. the lights would be controlled by infra-red movement sensors.
- Addition of a secured lockable compound at the rear of the building for waste and storage;
- The toilet block doors have been moved to open towards the open space to the front to ensure they are no longer concealed from view;
- Additional windows added to toilet block.
- Cladding surfaces to be coated in an anti-graffiti glaze as well as growing an appropriate non-invasive climbing plant up the wall.
- Grilles, air ventilation apertures and shutters fitted so that they cannot be removed to permit unauthorised access.

## 2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises the Dundonald Recreation Ground. The Rec Ground comprises open fields, tennis courts, children's play area, pavilion building and associated footpaths and landscaped areas. The site surroundings comprises largely residential properties along with the Dundonald Primary School. The site does not lie within a Conservation Area and the site is designated Open Space within the Local Plan.

### 3. **CURRENT PROPOSAL**

- 3.1 The current proposal involves the erection of temporary buildings to provide accommodation for community use, including tennis club and associated café, and toilet facilities.
- 3.2 The proposal includes 2 buildings (one for community use, tennis club and café and one for toilet facilities). The location of the proposed buildings would be adjacent to the eastern elevation of the adjacent Primary School, within the Rose Garden area of the recreation ground. This area of the recreation ground fronts Dundonald Road and is in the north-eastern part.
- 3.3 Both buildings would be single storey with a flat roof and be timber clad with aluminium windows and doors. Both buildings would have a maximum height of 3.6 m. A new pedestrian access would be proposed from Dundonald Road. It is proposed for the buildings to be sited for a temporary 5 – 7 year period.

### 4. **PLANNING HISTORY**

- 4.1 None in relation to the site, but various planning applications for the adjacent Primary School. Notable:

17/P2742 - RETENTION OF EXISTING SECURE STORAGE UNIT AGAINST BOUNDARY WALL AND INSTALLATION OF NEW EMERGENCY LIGHTING TO PERIMETER – Granted 08/11/2017.

12/P1058 - EXPANSION AND REFURBISHMENT OF DUNDONALD PRIMARY SCHOOL COMPRISING REFURBISHMENT OF EXISTING MAIN SCHOOL BUILDING, ERECTION OF PART FIRST FLOOR/PART TWO STOREY EXTENSION TO EXISTING DETACHED REAR ANNEXE BUILDING (TO BE PARTLY SITED ON DUNDONALD RECREATION GROUND) AND CONTAINING THREE NEW CLASSROOMS, NEW MAIN HALL, NEW STUDIO, KITCHEN, LIBRARY, TOILETS AND ASSOCIATED STORES IN ADDITION TO NEW PUBLIC CHANGING ROOM FACILITIES, TOILETS, PAVILION HALL, KITCHEN AND ASSOCIATED STORAGE, AND PROPOSED WORKS TO DUNDONALD RECREATION GROUND COMPRISING OF DEMOLITION OF EXISTING PAVILLION AND SHED BUILDINGS, LOSS OF EXISTING BOWLING GREEN, CREATION OF NEW MULTI-USE GAMES AREA (MUGA), NEW TENNIS COURTS, NEW CHILDRENS' PUBLIC PLAYGROUND, OUTDOOR GYM, NATURE GARDEN

AND NEW ASSOCIATED FOOTPATHS, PLANTING, AND SEATING. –  
Granted 28/11/2013.

## 5. **CONSULTATION**

5.1 The application has been advertised by Conservation Area site and press notice procedure and letters of notification to neighbouring properties. In response 15 letters of objection have been received and 29 letters of support have been received. The grounds of objection are set out below: -

- Loss of trees;
- Harm the peacefulness of the area;
- Unnecessary as there are changing and toilet facilities in the existing pavilion;
- Both the existing community building and the school hall can be hired by the public;
- Rose Garden is a unique area and is also a holocaust memorial;
- Park shouldn't be made smaller for the benefit of the tennis club;
- School expanded and provided the new pavilion for community use;
- No need for such large buildings.

The points raised in support are as follows:

- Benefit to the tennis club;
- Toilets are in need;
- Benefit to the wider community;
- Similar café building in South Park Gardens has been a great success;
- Will provide a shelter for tennis club in the rain;
- Would be good in winter months;
- Visually good design and impact would be low;
- Could be used by the wider community for other uses;
- Would benefit the Friends group and provide a meeting point;
- Need for a café in the park;
- Location in the Rose Garden is ideal as it is between the school and the children's playground;

### *Surrey Tennis:*

Surrey Tennis supports the planning application from Dundonald Rec Tennis Club to erect a building to provide shelter and café facilities along with toilet facilities as we believe that these facilities have the potential to increase usage of the tennis facilities at the Recreation Ground. Tennis is a great outdoor activity for the whole family, providing numerous health benefits, both physical and mental as well as social benefits. Park site facilities involving the local community is important in removing the perception that tennis is an expensive sport to play and a great way to build community pride for their park. By providing indoor and toilet facilities, it would be possible to extend the tennis offering at Dundonald Rec to include LTA and Surrey Tennis supported initiatives such as Open Days, Qourn Family Cup, other competitions and tournaments, Surrey Leagues, etc. all of which require a longer stay in the park, hence the need for shelter and toilet facilities.

Submissions in support by the Applicant, comprising documents titled:

- Additional Evidence 19P4183
- Applicants Supplementary Submission
- Executive Summary Application

The following provides a summary of the additional supporting points made:

- The current facilities attached to the school building are not available for hire;
- The 'community hall' is not available to the public;
- The toilets are not open to the general public and therefore there is an urgent need for public toilets;
- Community groups using the old pavilion no longer have a local community space to them. There is an urgent need for community space;
- Emails from ID Verde showing that toilets are only open for sport bookings, the pavilion is not available as it is used by the school full time Mon-Fri and cricket utilizes during the Summer and football in winter on weekends.
- The need for a sports and community room ancillary to activities in the Recreation ground therefore remains unmet.
- The proposal received overwhelming support during the formal consultation.
- The proposal is in line with local and national Planning Policies which support ancillary development on open space which enhance the use and sustainability of an area, improve public health, and promote engagement in the local community.
- The Rose Graden area received no investment during the Council's work on the Rec from 2013, and remains in poor condition.
- Dundonald's local community groups have demonstrated the need on Dundonald Rec for an accessible community pavilion and public toilets, available throughout the week and weekends. This Application meets those needs and would be of benefit to the sports and leisure use of the Rec.
- Applicant has sought to address tree issues raised.
- Differing views between planning officers. Delays in determining the application.
- Policies in support of the proposal:
  - Paragraph 91 a, c of the NPPF Planning policies and decisions should aim to achieve healthy, inclusive and safe places.
  - Paragraph 92 of the NPPF advises that planning policies should plan positively, including for the provision and use of shared spaces and community facilities to enhance the sustainability of communities and residential environments.
  - CS11 e. Supporting multi use of social, educational, cultural and recreational facilities. CS13 e. Supporting proposals for new and improved cultural, leisure, recreational and sporting facilities.
  - Strategic Policy O8.1 Enhancing existing open spaces and the natural environment, providing habitats for biodiversity to flourish and expand
  - Policy GG1 Building strong and inclusive communities;
  - Policy GG2 Making the best use of land
  - Policy GG3 Creating a healthy city
  - PPG17 Planning for Open Space, Sport and Recreation
  - DM C1 (Community Facilities) of the Adopted Merton Sites Policies Plan (2014).
- Considered there is a need for it, contrary to the Greenspaces Manager comments.
- Wider community benefits to the building.

- The Planning Officer's recommendation to refuse relies on an out-of-date and contradictory statement from GreenSpaces regarding access and usage of existing facilities. The Report incorrectly states that there is adequate provision for community leisure purposes in Dundonald Rec. The evidence proves that the 'community' hall in the new building is not available for community use, contradicting the Officer's assertion. The Planning Officer's report also fails to address the important issue of the lack of availability of public toilets.

Additional comments in support from the Applicant since deferral:

The applicant would like to address some of the questions raised by the Planning Committee from the April 2021 meeting:

*1. Is the Application for the 'tennis club'?*

No. The tennis club is only the leading organisation because it has charitable status and is a not-for-profit organisation with the specific charitable aims of: "Promote sport and fitness activities to encourage community participation in healthy recreation in Dundonald Recreation Ground. Encourage involvement of local school children in tennis programmes both during school time and after school hours on weekdays and at weekends. Encourage involvement of individuals of all ages and abilities to develop and extend their tennis skills." It can also access suitable funding which are only available to sports organisations. This will facilitate fundraising and ensure the scheme has a secure financial basis. This application was conceived in 2018 with members of the Friends of Dundonald Park Committee, as well as local parents, retired residents, and sports and leisure groups using the Rec. It is truly an application from the local community for the local community.

The applicant suggests that the community status of the application is secured by condition to ensure access to the Friends of Dundonald Park and other community users.

*2. Is there a Holocaust memorial in the Rose Garden?*

No, the rose garden is not a designated holocaust memorial – there is a plaque which commemorates the planting of a rose on Holocaust Memorial Day in 2003. This is some distance from the proposed location of the building and the rose bush has since disappeared. However, as the proposed Dundonald community building will be an inclusive centre which values all groups, we have spoken to a representative of the Wimbledon Synagogue and proposed that we should retain the plaque and plant a new rose bush in remembrance, for the entire community. The Wimbledon Jewish Community supports this proposal and Rabbi Adrian Schell has said that he would be willing to be involved in the commemorative planting. If necessary the planting of the new rose can be secured by condition.

*3. Won't the proposal affect the trees and spoil the Rose Garden?*

No, it has been carefully designed to have a positive impact on both the trees and the visual aspects of the rose garden. The current location of the building was agreed during the pre-application phase with the planning officer Richard Allen. As stated in his report the location is in a corner with "poor quality grass". It is next to the busy main access gate to the children's playground and tennis courts. This application offers an opportunity to improve a part of the Rec. which was not

upgraded when these facilities were extended. The project will use the latest technology to prevent any damage to the trees and their roots, and will ensure that rainwater will be channelled to the surrounding plants. The Council's Tree Officer was satisfied with the solutions offered.

The building will have a 'green wall' and associated planting to integrate it into the garden thus providing an attractive focal point in an area which is currently unplanted bare earth. This would offer a considerable improvement in the overall look of the rose garden as well as providing additional plants for wildlife. As suggested by the Tree Officer, the trees will be protected by condition. In addition the applicant would be happy to contribute to new planting in the immediate area; again this could be secured by condition.

Additional comments from the applicant in response to the Greenspaces Managers comments (sent to Members of the committee on 15/07/2021):

### **1.1 School expansion**

The school expansion (over 5 years ago) is not relevant for planning consideration. As you are aware, the community hall which was created is used exclusively by the school and is not available to the community (see below).

### **1.2 A 'quiet area'**

The garden is, in reality, an overspill from the children's playground as well as the main entrance to the playground and the tennis courts. It has not been "used for quiet reflection" since the redevelopment of the school and playground. Children use mostly to ride around with the scooters and to play hide and seek in the bushes. It is busy and noisy.

Moreover, as there are not toilets available near the playground the proposed location of the new pavilion is actually an open-air toilet for the majority of the children, (Please refer to the provided evidence **Appendix 1**).

### **1.3 Formal open space.**

In planning terms the designated use is 'public open space'. It does not have any special purpose beyond public leisure. The purposes of the proposed facility are ancillary to the sport and leisure uses of the rec and are therefore encouraged by planning policy.

### **2.1. Trees**

We have taken expert advice by the same consultant that was used during the school expansion, and so well aware of the area, and proposed the relevant mitigation to preserve and enhance the 'arboriculture assets' at this stage (Please refer to **Appendix 8**). The Council's tree officer has confirmed there is no negative impact on any of the trees and it is acceptable in arboriculture terms.

### **3.1 The MUSA**

The 'MUSA' is a school playground during school hours and tennis courts outside of the 'core times'. It is not the subject of this application and its use is therefore not a material consideration.

### **3.2 Tennis club**

This application is made by Dundonald Rec Tennis Club - a charity - on behalf of the wider community which would have full access to the facility. The proximity of a private membership tennis club (fee paying) is completely irrelevant and cannot be considered as material.

### **3.3 Community hall**

The council's contractor, idverde, has confirmed on multiple occasions that the community hall is in use full-time by the school and is not available to the general public. (Please refer to **Appendices 2-6**)

### **3.4 'Cafe cart'**

This temporary structure does not appear to have planning permission, and they got the keys to use the toilets in the existing pavilions for his employers not for customer use. Nevertheless, its existence demonstrates that there is a need for additional facilities on the rec. It is not, however, a community hall for use by the general public, but a private enterprise. The suggestion that the operators might be able to operate the toilets has clearly not been agreed so doesn't solve the problem.

### **3.5 Electrical supply**

Again this does not appear to have planning permission, but is irrelevant to the current application anyway.

### **Conclusion**

As the Greenspaces opinions are inaccurate, contrary to the evidence and reality, and irrelevant in planning terms, we trust you will look at the facts and revise your recommendation to approve this application.

### **5.3 Wimbledon Society**

The Wimbledon Society wishes to offer the following comments on the above application.

Dundonald Recreation Ground is designated as a public open space in the Council's approved Local Plan and is one of the Council's 25 "Key Parks". (See Management Plan 2014). The Council's Local Plan Policy DM D1 and the Core Strategy Policy CS13 aim to protect designated open spaces from inappropriate development and maintain them as open rather than built spaces. The actual site for the buildings is in an attractive symmetrically arranged garden within the park. The proposed buildings appear to be haphazardly placed, and unrelated to the Rose Garden layout, which is a formally designed rectangular space. It is hard to see how they will not detract from the park.

The proposed buildings are placed over the root systems of several major trees and this is not normally regarded by the Council as being in any way desirable. The form of Application also requires that any works that affect trees should be explained, and this information is not yet provided. The application implies the provision of buildings for community use including a café. It is not clear how the public will access this 'community space'. Opening



hours are not provided for the toilet or cafe, and cleaning arrangements for the toilets are not clear. All of which suggests that these amenities will not be available for public use at all. The comments from the tennis coach suggest that the key objectives for the pavilion are tennis e.g. storage of tennis equipment and shelter for tennis players in the event of rain. Little thought has been given to how the facility is to be used by other users of the park. If these matters have been considered they should be covered in the application.

It is also unclear why the existing facilities of the park are unsuitable for the group. There is perhaps some suggestion that the existing facilities are shared and therefore may be unsuitable for children. But this would apply equally to other sports being played by young people in the park. The buildings are said to be "temporary" but it is unclear how long this is intended to be. If there really is a need or problem how will this be dealt with when the temporary period is over?

As a Society we are in favour of improving the sports facilities in our town and much of the use of this park is for sport. We are also in favour of public toilets within our parks. However, we believe that the issues raised above should be addressed before the application is allowed to proceed.

#### 5.4 Council's Tree and Landscape Officer

Should permission be granted then recommend suitable conditions for tree protection.

#### 5.5 MET Police Secure By Design Officer

Having given due consideration to the details of the security and safety features from the information provided. I have a few concerns with the design and a few recommendations regarding security measures.

The proposed pavilion has limited natural surveillance from the houses and vets opposite as it is located within an established line of trees. Any trees in the perimeter should be lopped up to a minimum height of 2.2 metres and any shrubs and hedges should be maintained to 1m, thereby creating a clear field of vision into the park to allow natural surveillance. No structures or landscape features should compromise the existing boundary fencing by providing climbing over points such as the low hanging branches.

The configuration of the two buildings should be redesigned. The proposed design offers a secluded area to the rear of the kitchen which may be susceptible to anti-social behaviour. The door to the WCs is towards the rear of the block and should be relocated towards or in the front elevation.

The pavilion is proposed to be single storey with a flat roof, and should have measures to prevent access and dissuade climbing onto the low roof. Options including defensive planting of a high thorn content vegetation 1 metre in height and approximately 1 metre in depth to prevent approach to the building line; anti-climb paint applied to the flat roof with appropriate signs warning of its use displayed in clear view; and any moveable items such as chairs from the café spill out, or the large black wheelie refuse bins should be fixed to secure point away from the building line to prevent their use as climbing aids. Also the proposed green wall should not provide a climbing aid. The flat roof design should be constructed with materials resistant to intrusion either by cutting through the deck or forcing open roof lights or other openings. If a lightweight roofing system is proposed it must be certificated to LPS1175 B3 or STS 202 BR2 or if a traditional roofing system expanded metal should be included to address criminal penetration via the roof. There is no mention of 'out of hours' protection to the buildings.

The appropriate Secured by Design (SBD) requirements can be found in the design guides on the SBD web site ([www.SecuredbyDesign.com](http://www.SecuredbyDesign.com))

## 5.6 Council's Greenspaces Manager

The applicant does not currently have the approval of the landlord to proceed with this proposed development.

Dundonald Recreation Ground has already (and recently) been subject to substantial and significant development in order to accommodate the neighbouring school expansion which not only took into account the students' needs but the park user's needs too. The addition of more structures (temporary or otherwise) will simply add to the over development of what is a relatively small yet popular green space.

The proposed area for the structures are in the Rose Garden which is a quiet, tranquil area with attractive horticultural and structural features, the introduction of building structures will prove to be detrimental to the current use of the area and will detract greatly from its current use.

The existing newly built building was developed to encompass user needs. It already contains good indoor space and has a modern changing facilities and a community room. Furthermore at present, this building is under-utilised.

The toilets are only opened for sports bookings and events. This is common practice throughout our sites, primarily due to drug use and vandalism. We no longer have manned sites and so these sorts of facilities are vulnerable to abuse.

We as the land owner, strongly and firmly object to any further development of this site.

#### Additional comments from Council's Greenspaces Manager:

### **1. INTRODUCTION**

- 1.1. The application, No. 19/P4183, represents an intensification of development of this local recreation ground in an area that has undergone recent transformation through the expansion and refurbishment of the school (No. 12/P1058), including the creation of a two storey extension partly into the park to house public changing facilities, toilets, hall with kitchen and associated storage. In addition, the creation of a Multi-use Sports Area (MUSA) which is governed by a Community User Agreement (CUA).
- 1.2. The area outlined within the proposed development is an area used for quiet reflection and is unique within the recreation as being the area where more formal horticultural features are located.
- 1.3. The proposed development, through the installation of built features within this area, would have a long term detrimental impact to the intended purpose of this area as a formal open space, impacting on wider park users who utilise this space for purposes not associated with sporting activity.

### **2. ARBORICULTURE IMPACTS**

- 2.1 The proposed development is to occupy an area in close proximity to significant arboriculture assets within the park. The proposal has not sufficiently demonstrated the potential impacts to these assets during the proposed construction phase and any longer term impact that the proposed structures may have on these assets. The close proximity of the development within the trees *root protection zone* raises concern that the intensification of development may have a longer term negative impact on these trees.

### **3. APPROPRIATE DEVELOPMENT**

- 3.1. The proposed development, within submitted documents and in the application, has not substantiated the need for these facility based on site user numbers and the available opportunities that the MUSA can be used by

users to support tennis and other activities. It should be noted that Dundonald Primary School has primary access and use of the MUSA during school operating times to support the education and health of our young people. It would be inappropriate during these times to potentially intensify the use of this area and supporting evidence of current use to support the development is lacking.

3.2. The use of the MUSA to support tennis activity to the wider community within permissible hours is fully supported by the Greenspaces team. However, the proposed development should be considered in the widest context, within very close proximity of this site, a formal tennis club, Wilton Tennis Club, provides a local provision of high quality tennis facilities. The comparable rates for this provision are competitive to those of applied to club users at the Dundonald Recreation Ground.

3.3. The community hall and changing rooms are managed through the Greenspaces service provider, *idverde*, and there is potential opportunity for Community use of the facility. In specific detail, during the week, from 6:30pm and during the weekends, availability exists for use of the space. Including access to toilet facilities. Evening periods for community use of this facility would address the needs that have been purported within the application and current use data supports capacity.

3.4. Regarding the provision of a café, The Greenspaces team has developed a commercial interest within Dundonald Recreation Ground that provides the users of the site with access to high-quality refreshments. The service is also working with the provider to develop the controlled use of the toilet facilities with the provider acting as the key holder to ensure that the toilet facilities are not damaged. It is important to note that the service does not provide uncontrolled toilet facilities at any of the parks and open spaces across the borough. Publically available facilities are only available in Wimbledon Park as there is a permanent site presence by *idverde* at this location.



3.5. To demonstrate the services investment in the above provision, the service has invested in secure electrical cabling to the café kiosk so it can be operated without causing additional noise or air pollution associated with mobile power provision.

#### 4. CONCLUSION

4.1. The proposed development, whilst noting the ambition to improve use and enjoyment of the recreation ground, is not needed for the reasons and risks

outlined above. The service would not look to support this development and objects to the intensification of any development within the garden area impacted by this proposal.

5.7 Council's Planning Policy Officer:

*Biodiversity*

The site is designated as open space and appears to have a number of trees and other greenery on site. I can't see from the information submitted whether any trees or vegetation are proposed to be removed. The applicant will need to demonstrate that the application will not have any adverse effects on trees, protected or priority species or habitats (CS13 and DM02).

*Open Space and Playing Pitch Strategy (PPS) 2019*

The site is designated as Open Space on the Sites and Policies Map 2014 and the proposal would therefore need to meet the policies of CS13 and DM01.

The revised and adopted PPS is available on the council's website [here](#). The PPS mentions the Dundonald Recreation Ground tennis courts as requiring resurfacing, but does not identify any issues with the ancillary facilities. The PPS should be reviewed as part of this application, as it provides an up to date assessment of playing pitch sites and needs throughout the borough.

*Social & Community Use*

I don't know the details specifically, but my understanding is that there is a Community Use Agreement on the school storage / community centre / toilets to allow these to be utilised for the tennis courts. It seems that this application is proposing to build two more structures that will have the same use as those buildings on the school grounds that should be available for wider community use and I would question the need for additional buildings given that this is a designated open space site.

Page 4 of the D&A statement states that the location of the proposed toilets is the same location as a previous block in 1953, however the two maps show different locations.

As an additional point, the proposed development description is for temporary structures, however I can't see any information submitted that indicates how long these would be in use, or why they are proposed to be temporary. A green wall is proposed on the structures, which suggests that it would not be temporary.

6. **POLICY CONTEXT**

6.1 Sites and Policies Plan and Policies Map (July 2014)

DM O1      Open Space

DM O2	Nature Conservation, Trees, hedges and landscape features
DM D1	Urban design and the public realm
DM D2	Design considerations in all developments
DM D4	Managing heritage assets
DM T2	Transport impacts of development
DM T3	Car parking and servicing standards
DM R2	Development of town centre type uses outside of town centres.
DM C1	Community Facilities

## 6.2 Core Strategy (July 2011):

CS11 Infrastructure  
 CS12 Economic Development  
 CS13 Open Space, nature conservation, leisure and culture  
 CS14 Design  
 CS20 Parking, Servicing and Delivery

## 6.3 London Plan (2021) policies:

Policy D4 Delivering good design  
 Policy D8 Public realm  
 Policy S4 Play and informal recreation  
 Policy S5 Sports and recreation facilities  
 Policy G4 Open space  
 Policy G1 Green infrastructure  
 Policy G7 Trees and woodlands  
 Policy T5 Cycling  
 Policy T6 Car parking

## 6.4 NPPF (2021)

## 7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the principle of development, design/visual impact and impact on Open Space, neighbour amenity, trees, highways and parking.

### 7.2 Principle of development

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

Policy CS13 of the Core Strategy 2011 seeks to protect and enhance the borough's public and private open space network including Metropolitan Open Land, parks and other open spaces. Policy DM O1 of the Adopted Sites and Polices Plan (2014) seeks to protect and enhance open space and states that

the Council will continue to protect Metropolitan Open Land (MOL) and designated open spaces from inappropriate development in accordance with London Plan and government guidance. Policy DM O1 (Open Space) is the relevant policy within the Council's Adopted Sites and Policy Plan concerning development proposals within designated open spaces.

Paragraph 'b' of the policy outlines that 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. In considering the above, officers note that the proposal would provide temporary buildings for community use, including the tennis club. The application has outlined the benefits of such a facility for sport, such as all year round use. Further, the proposal is directly related to sport and outdoor recreational use. Officers consider that the proposal could be considered under iii) above, however, the key issue is whether there is an established need for the facility.

The Council's Greenspaces Manager has commented on the application and raised objection. The Greenspaces Manager outlines that sufficient facilities are in existence at the Rec Ground with the recent school expansion (planning permission 12/P1058) which provides a pavilion building which contains changing rooms and a hall for use by the community. Officers have reviewed the above permission and note that the floorplans show at ground floor level: changing rooms, shower facilities and toilet facilities, and at first floor level: 65sqm pavilion hall, kitchen, store and toilet facilities. The specific comments from the Greenspaces Manager outlines that this newly built facility caters for needs:

*The existing newly built building was developed to encompass user needs. It already contains good indoor space and has a modern changing facilities and a community room. Furthermore at present, this building is under-utilised.*

The proposal would provide toilet facilities and a community use building with kitchen facilities. These facilities are in existence already at the Rec Ground as part of the above planning permission. Further, the Council's Planning Policy Officer has outlined that the Open Space and Playing Pitch Strategy (PPS) 2019 identifies a need for tennis court resurfacing at the Rec Ground, but not for ancillary facilities.

Taking into account the consultation responses above, officers do not consider that there is an identified need for the proposal. The proposal is therefore considered to be in conflict with Policy DM O1 and Policy CS13

### 7.3 Design/visual impact and impact on Open Space

- 7.3.1 The National Planning Policy Framework (NPPF) states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The regional planning policy advice in relation to design is found in the London Plan (2021), in Policy D4.
- 7.3.2 Policy DM D2 seek to ensure a high quality of design in all development, which relates positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area. Policy DM D4 seeks to ensure that development adjacent to Conservation Areas either preserves or enhances the setting of the Conservation Area. Local Development Framework Policy CS14 supports these SPP Policies.
- 7.3.3 The proposed buildings would be single storey and would be sited adjacent to taller buildings at the Primary School. The buildings would be sited within the Rose Garden section of the Recreation Ground, in the north-west corner. The buildings would be single storey with a flat roof and would be of an ancillary building appearance, with use of timber cladding to elevations and various windows and door openings. The position of the larger building would be sited on the same building line as the adjacent school building. Taking into consideration the adjacent school buildings, the proposal would not cause visual harm to the streetscene of Dundonald Road, given its single storey design and scale.
- 7.3.4 The recreation ground has a formal layout of the rose garden with flower beds and footpaths running central within the space. The proposed buildings would be sited to the western side of the paths and flower beds, coming into very close proximity to this landscaping. This area of the recreation ground provides a tranquil area which is without sport and buildings. Informal grass areas provide natural sitting areas on hot sunny days and benches provide for additional use during colder months. The combination of the landscaping layout, trees and grass areas make up the distinct character of this part of the recreation ground. To the south lies the tennis courts and play area where noise and activity is present. These facilities are largely in parallel with each other and are separate from the rose garden to the north by footpaths. The proposal would provide buildings within the rose garden and are considered to disrupt the tranquil nature of the rose garden, which would bring activity and disturbance to this area of the recreation ground. The proposal acknowledges the trees on site and avoids removal of the trees, however, its position would take up valuable grass space which would be used in summer months particularly for enjoyment of the public. The use of plant climbers to assist with the appearance of the building and its security are noted, however, this measure is not considered to be sufficient to alter officers view. Officers therefore consider that the proposal would cause harm to the setting of the open space and would be a visually intrusive development to this part of the recreation ground.



7.3.6 Overall, the proposal would be sited in a position in the recreation ground which has a detrimental impact on the setting of the open space and public enjoyment of it, causing visual harm to the rose garden part of the recreation ground. The proposal is therefore considered to conflict with policies CS14 and DM D2, DM D3 and DM D4.

#### 7.4 Neighbour Amenity

7.4.1 SPP policy DMD2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise.

7.4.2 The proposed buildings are single storey in nature and are not immediately adjacent to any neighbouring residential occupiers. The closest residential occupiers are located opposite on the north side of Dundonald Road. Whilst the building would have some impact with the use of a new pedestrian link into the park and associated activity from the building, it would be on the opposite side of the road and of a suitable distance. The use and hours of use of the building could be reasonably controlled via planning conditions. Officers are therefore satisfied there would be no material impact on the amenities of neighbouring properties.

7.4.5 Overall, the proposal would not cause material harm to the surrounding amenities of neighbouring residential properties and is therefore considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments).

#### 7.5 Sustainability

7.5.1 In light of the Government's statement and changes to the national planning framework it is advised that conditions would not be attached requiring full compliance with Level 4 of the Code for Sustainable Homes but would be attached so as to ensure that the dwellings are designed and constructed to achieve CO2 reduction standards and water consumption standards equivalent to Code for Sustainable Homes Level 4.

7.5.2 As per CS policy CS15, minor residential developments are required to achieve a 19% improvement on Part L of the Building Regulations 2013 and water consumption should not exceed 105 litres/person/day. Non-domestic development (office/commercial) under 500m<sup>2</sup>, does not require assessment under CS Policy CS15. There are therefore no sustainability requirements required for the proposal. It should further be noted that the proposed buildings would be sited for a temporary period.

#### 7.6 Highways and Parking

- 7.6.1 Development should not adversely affect safety on the transport network. Similarly Core Strategy policy CS20 requires that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management.
- 7.6.2 Core Strategy Policy CS 18 promotes active means of transport and the proposal includes on-site secure cycle parking for both the residential and office uses of the proposal.
- 7.6.3 The proposal would serve the public and community for use associated with the existing recreation ground (such as tennis). Given the location of the proposed building, officers consider that it could attract some additional vehicle movement to Dundonald Road as the on-street parking is closest to the proposed building. Officers note that the closest parking bay is a designated loading bay and that the other spaces on the road are pay and display. It is therefore unlikely that the proposal would lead to significant vehicle parking issues on the surrounding road. Other nearby residential roads are for permit holders only within the CPZ.
- 7.6.4 The proposal is therefore considered to be acceptable in terms of impact on highways and parking.

## 7.7 Trees

- 7.7.1 The applicant has submitted a Tree Report to provide an assessment of the impact of the proposal on the trees on site. The report concludes that small shrubs would have to be removed to accommodate the proposal, and the proposal would be within the root protection areas of two mature trees. It is outlined to accommodate this the proposed ground level of the buildings would be above ground level and the buildings would sit on piled foundations to minimise any impact. Subject to the strict measures to be incorporated in the design of foundations and construction, officers consider that appropriate conditions can be imposed in order to secure the long term health of the mature trees on site.

## 7.8 Local Financial Considerations

- 7.8.1 The proposed development would not be liable to pay the Merton and Mayoral Community Infrastructure Levy (CIL) as it is for temporary buildings.

## 7.9 Temporary permission

- 7.9.1 The application proposes a temporary planning permission for the two buildings for 5 – 7 years. Whilst this could be controlled via planning conditions, officers consider that the impacts assessed above would be enough to outweigh the temporary nature of the proposed buildings. Further, officers note that the buildings would have to be on foundations (as detailed in the applicants Tree Report) and thereby would be permanent in their appearance. The harm to the open space and the setting of the Rose Garden is considered to be significant, even for a temporary period.

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.

9. **CONCLUSION**

- 9.1 The proposal would be sited within the rose garden section of the recreation ground and is considered to cause harm to the open space, its setting and the visual impact on the rose garden in a negative way. It is not considered that the need for the proposal has been justified and is therefore in conflict with Open Space policies. Officers therefore recommend permission be refused.

**RECOMMENDATION**

**REFUSE** permission for the following reasons:

1. The proposed development, by virtue of its siting, scale and form would result in an erosion of the open character of the designated Open Space (Dundonald Recreation Ground) without demonstrating a requirement for its need, contrary to Policy DM O1 (Open Space) of the Adopted Merton Sites and Polices Plan (2014) and Policy CS13 (Open space, nature conservation, leisure and culture) of the Core Strategy 2011.
2. The proposed development, by virtue of its siting, scale, form and associated activity, would result in a detrimental impact on the setting of the rose garden part of the Dundonald Park Recreation Ground and would be visually intrusive to this part of the Recreation Ground. The proposal is therefore in conflict with Policy DM O1 (Open Space) and DM D2 (Design considerations in all developments) of the Adopted Merton Sites and Polices Plan (2014) and Policy CS13 (Open space, nature conservation, leisure and culture) of the Core Strategy 2011.

This page is intentionally left blank