



RESIDENTIAL DEVELOPMENT ON IMPERIAL FIELDS
Planning application 19/P4094
January 2020

1. Mitcham Cricket Green Community & Heritage takes an active interest in the future of the Cricket Green Conservation Area and its environs. We are the civic society for this part of Merton and part of the wider civic movement through membership of the national charity Civic Voice. We have been closely involved in the development of the Merton Local Plan, Borough Character Studies, the Conservation Area Appraisal and Management Plan and numerous development proposals in the area. Our approach to development and change in the area is established in the Cricket Green Charter which was refreshed in 2019 with the support of London Borough of Merton and local councillors (<https://mitchamcricketgreen.org.uk/cricket-green-charter/>). The Charter has been acknowledged in the Conservation Area Appraisal and Management Plan for Cricket Green. We have also contributed to production of the Merton Heritage Strategy as a member of the Merton Heritage Forum. We are members of The Canons Steering Group delivering a £5m Lottery funded project and also undertake practical projects, organise walks and run Mitcham Heritage Day and Community on the Green. We ask that these representations are made available online through Planning Explorer.

2. We have considered the proposals for 77 flats in a new six storey development on Imperial Fields in the context of:

- the site's prominent location along Bishopsford Road on the borough boundary as the land descends to the historic crossing of the Wandle
- the site's designation as part of an important network of Metropolitan Open Land
- the site's relationship with the open spaces of the Wandle Valley, the river Wandle and the Wandle Trail, including the Wandle Valley Conservation Area
- the community contribution of the activities at The Hub
- relevant development plan policies, including the London Plan
- the refreshed Cricket Green Charter.

3. We consider the proposals to be important to Mitcham because of their location along the historic route across the Wandle, the wider impact of The Hub and the precedent of developing Metropolitan Open Land. Our charitable purposes include "*to promote community participation in healthy recreation*" and we start from a supportive position for measures which will achieve this. We support the role the facilities at The Hub can provide for the community, including healthy recreation.

Community engagement

4. The National Planning Policy Framework states that "*applications that can demonstrate early, proactive and effective engagement with the community should*

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be looked on more favourably than those that cannot" (paragraph 128). The applicant has not engaged with the local community prior to submission of the planning application.

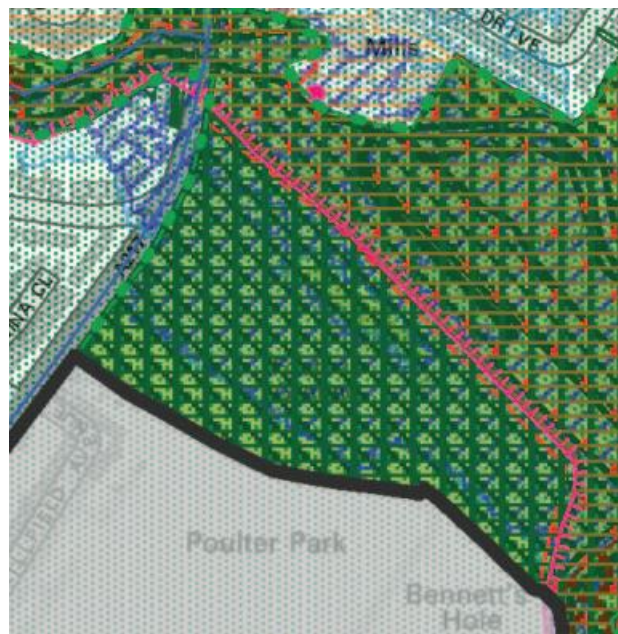
5. We attended one of the three events at The Hub intended to share details of the proposals. We do not consider these to provide a balanced consultation opportunity and their role in this respect should be disregarded. The events are hosted at the applicant's premises, The Hub, which attracts a considerable number of visitors using its facilities and attending football matches. The main feature of the exhibition is a video promoting the development playing on a large screen. This approach to consultation will fundamentally distort the results, with a higher level of attendance from those advocating the development and a one-sided promotion of its benefits. We also note that only one of the events has been held in advance of the 1 January 2020 end date for public consultation on the planning application. It has been indicated that Merton Council will accept representations after this date but even if this is the case, it is not public knowledge and those examining the application on the Planning Portal will see an end date of 1 January 2020, leading to a further distortion of the balance of representations.

6. We understand and respect the intention of Tooting and Mitcham Sports and Leisure Ltd in campaigning for the proposals through an onsite exhibition and online but it is essential to distinguish this from a balanced public consultation opportunity.

7. Given the scale and controversy associated with the development we are concerned that it has benefitted neither from written pre-application advice from Merton Council nor from discussion by Merton's Design Review Panel. We believe it is essential that the scheme is put to Merton's Design Review Panel if officers are minded to recommend approval. This is also an expectation of the Mayor of London.

Protective designations and "very special circumstances"

8. The development site is one of the most protected in Merton, as is evident from the multiple designations shown on this map extract from the existing Local Plan:



9. The protective designations include:
- Metropolitan Open Land (also contiguous with Metropolitan Open Land in Sutton)
 - Protected Open Land
 - Green Corridor

- Wandle Valley Regional Park

10. Existing and emerging development plan policy for the protection of Metropolitan Open Land could not be clearer:

- Existing London Plan – Policy 7.17 *"The strongest protection should be given to London's Metropolitan Open Land and inappropriate development refused, except in very special circumstances, giving the same level of protection as in the Green Belt."*
- New London Plan (intend to publish version) – Policy G3 *"Metropolitan Open Land (MOL) is afforded the same status and level of protection as Green Belt: 1) Development proposals that would harm MOL should be refused. MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt."*
- Existing Merton Local Plan – Policy CS13 *"We will: a. Protect and enhance the borough's public and private open space network including Metropolitan Open Land, parks, and other open spaces"*
- New Merton Local Plan – Policy O8.2 *"The council is fully committed to ensuring that all green and open space throughout the borough remains protected and is well managed to ensure green spaces are available to all. We will: a. Protect and enhance the borough's public and private open space network including protecting Metropolitan Open Land (MOL) and designated open spaces from inappropriate development in accordance with the London Plan and government guidance"*

11. A six storey residential development is clearly inappropriate development for the purposes of Metropolitan Open Land and so must demonstrate *"very special circumstances"*. This is not disputed by the applicant. We have reviewed the applicant's claims that the development meets the *"very special circumstances"* test that will allow an exception to be made to the protection of Metropolitan Open Land. We can find no very special circumstances for the proposals.

12. The two justifications presented are that:

- i. The very special circumstances that resulted in permission in 1997 for The Hub *"still exist"*
- ii. Other avenues to fund delivery of TM United's strategic plan have not been successful and this scheme will enable delivery of significant investment to be provided by a not for profit organisation benefitting the community.

13. The other matters raised by the applicant's Planning Statement relating to issues such as housing, affordability and sustainability address everyday planning considerations that have no bearing on the *"very special circumstances"* test.

14. 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.

15. 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.

16. There is also a lack of clarity as to the entity which is promoting the scheme and its "not for profit" credentials. These are extensively cited in the promotional literature, supporting information and on social media:



17. The applicant – Tooting and Mitcham Sports and Leisure Ltd – is a "private company limited by shares" and not a not for profit. Its function according to Companies House (<https://beta.companieshouse.gov.uk/company/04114467>) is for "renting and operating of Housing Association real estate". 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.

18. 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.

19. Given the significant weight placed by the applicants on their not for profit role in meeting the "very special circumstances" test we must conclude on the basis of the public information available that the test is not met.

20. Regardless of the status of the applicant we are concerned at the lack of safeguards to ensure that The Hub and its future development is not run on a commercial basis and that any funds generated are invested in the stated community infrastructure. While we welcome the community offer provided by The Hub and do not question the motivations of the applicant and all those involved in the various companies there is an absence of the necessary legal safeguards to ensure this and 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.

21. We have also considered other matters relating to the protective designations for the site. The London Plan emphasises that the physical appearance of such land is not relevant to its protection although this is a reason supporting its development cited by the applicants. Moreover, national planning policy recognises that "undeveloped land

can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production" (NPPF, paragraph 188).

22. The London Plan states that changes to Metropolitan Open Land boundaries should be agreed only through a Local Plan review and that this should be "ensuring that the quantum of MOL is not reduced". We note that the site is included as an allocation in the draft Merton Local Plan. We do not support this allocation and the development is premature and would result in a net loss of Metropolitan Open Land. We also note the significant caveats attached to the site allocation such that it is "subject to meeting planning policy, evidence and consultation" and that "high quality design will be required to complement the sensitive setting". The draft site allocation also requires a single application combining the proposals for enabling development with those for investment in The Hub's built infrastructure. It also notes the existence of "protected species" in the area.

23. These representations show that none of these caveats have been met. 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.

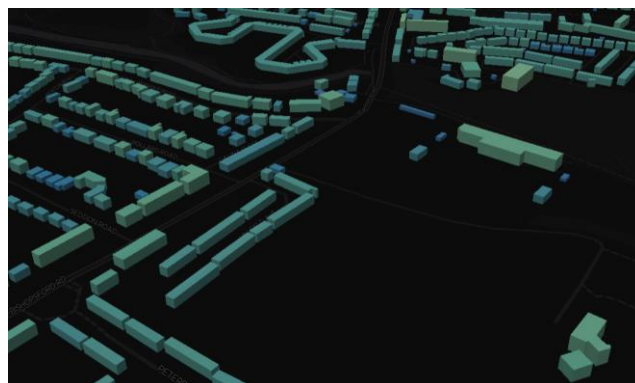
24. We note that Merton Council's public advertisement of the application considers it to be part of the Wandle Valley Conservation Area.

19/P4094 - Imperial Fields
Tooting & Mitcham Football Club,
Bishopsford Road, Morden, SM4 6BF
ERECTION OF 6 STOREY RESIDENTIAL
BUILDING COMPRISING 77 RESIDENTIAL
UNITS WITH ASSOCIATED PARKING AND
LANDSCAPING
Applicant: Tooting & Mitcham Sports &
Leisure Ltd
Conservation Area: Wandle Valley

Other planning considerations

25. Notwithstanding the site's location on Metropolitan Open Land we object to the proposals on the following grounds.

26. Excessive height and mass – The proposals fall well short of meeting the requirement for being a "high quality design" that complements their sensitive setting. There is no precedent for any residential development of this bulk, mass and height in the surrounding area which is almost entirely made up of small low rise residential buildings (see below).



27. 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, as evidenced by this view from Poulter Park:



28. Furthermore, Local Plan Policy O8.2 is supported by the following: *"Development of land outside the boundaries of MOL, but in proximity to it, may damage the open character of the MOL. MOL therefore needs to be protected from development proposals which would be visually intrusive, particularly high buildings or other high structures."* The proposed six storey development has no local precedent and would manifestly be visually intrusive, including as a result of its location on the valley side and in open space that spans the borough boundary. We believe the development would cause substantial harm to existing Metropolitan Open Land as well as failing to demonstrate the very special circumstances needed to develop it.

29. Design quality - the design approach lacks distinction and does not respond to the character of the surrounding neighbourhood. It will not add positively to the area. The flats include intrusive balconies and make poor use of dark aluminium detailing. Despite the greenfield location and being accessible to different modes of public transport there is extensive surface car parking which 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.

30. Affordable housing - we welcome the intention to provide a policy compliant level of affordable homes. We believe the viability study provided should be subject to independent scrutiny.

31. Sustainability - The application is supported by limited information on its sustainability credentials and lacks targets, such as achieving Home Quality Mark. This does not meet the expectations for development of open land or present an appropriate response to the climate emergency. Details of the proposed sustainable urban drainage system and how it will be maintained are unclear.

32. For these reasons we object to this planning application which we believe fails to demonstrate "very special circumstances" and is in conflict with development plan policies 7.17 (London Plan), CS5, CS13, CS14, DM O1, DM O2, DM D1, DM D2 and DM F1 and emerging development plan policy G3 (London Plan) and O8.2.