

LB MERTON NEW LOCAL PLAN: EXAMINATION HEARING STATEMENT

MATTER 5: APPROACH TO METROPOLITAN OPEN LAND (MOL)

QUESTIONS 6; 7; 8 & 9:- SITE ALLOCATION Mo3



ON BEHALF OF TOOTING & MITCHAM SPORTS & LEISURE LTD

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1.0 Introduction

- 1.1 This statement is submitted on behalf of our clients, Tooting & Mitcham Sports & Leisure Ltd, covering the Inspector's specific questions relating to the allocation of Site Mo3 (Imperial Fields at Tooting & Mitcham Hub, Bishopsford Road) for enabling residential development and their continued promotion of adjoining land for MOL release including the area for the future south stand development.
- 1.2 A plan showing the location of the emerging allocation Mo3, together with our clients' proposal for further MOL release, in the context of their wider site ownership and the surrounding MOL designation is attached at Appendix NB1.
- 1.3 As the Inspectors are aware (through Magenta's recent communication with the Programme Officer), the Mo3 site allocation area now benefits from planning permission for:- *'Erection of 6 storey residential building comprising 77 residential units with associated parking and landscaping'*. This decision was issued on 22nd December 2021 (under LB Merton's reference 19/P4094), following the Mayor's GLA Stage 2 approval issued in April 2021. A copy of the decision notice, together with the approved layout plan and associated Section 106 agreement, is attached at Appendix NB2.
- 1.4 Habinteg Housing Association are the identified affordable housing provider; they have appointed a full professional team and are in the process of putting together technical material to discharge the pre-commencement matters. Their development programme estimates a start date for the on-site works by January 2023 and completion within 2 years thereafter.

2.0 Organisational Context

- 2.1 TM United FC and TM Community Sports Club (jointly known as the hub) sit side by side; the latter is a 'not for profit' organisation with charitable aims that provides sports, recreation, education, social enterprise and related community facilities, to increase health, well-being and sports participation in a deprived part of the borough. A community-focused ethos is enshrined in the shareholder's agreement that underpins the business, reflected in the Imperial Fields site and all activity through TM United. It works closely with Sport England, the Football Foundation, London Sport, the Clinical Commissioning Group, the local education authority, Wandle Regional Park and Merton Council to provide a variety of services and facilities for local people. These have evolved over the years to respond to ever changing local needs. In doing so, it has become a much cherished and valued asset in the local community.



Fig 01: Organisational Logos

- 2.2 TM United's key achievement has been the development of the site into a unique facility that goes far beyond the standard model of a Football ground, providing sports and leisure facilities; a home to a number of clubs and small community-focused businesses; and a space for community events and education. It receives 6,000 community visits per week across a range of service areas and is seen as a truly independent community venue by local residents. Activities on offer include both elite and community football; boxing; lacrosse; fitness; and soft play.

- 2.3 It should be stressed that the organisation takes their social role within the local community very seriously. It is currently working proactively in liaison with the GLA to promote ideas to help with the escalating issues in London relating to knife crime and gang culture. It should also be noted that during the pandemic the organisation ran 'on-site' vaccine centres and foodbanks.
- 2.4 The overall hub project responds to both the local and national agenda for improving sport; health and wellbeing; and education and enterprise. It delivers as part of numerous partnership projects and programmes on behalf of a number of public and voluntary bodies. Their educational work in the community is especially strong and growing, particularly through promotion of peer-to-peer mentoring and aspirational workshops specifically designed for young people. This has led to a very successful Btec programme attaining a 100% pass rate.
- 2.5 As available local authority funding streams have been seriously cut however, it now requires a capital injection in order to maintain its on-going viability and to complete the final phases of the project. The implementation of planning permission (ref:- 19/P4094), as facilitated by the emerging allocation Mo3, together with the future planned redevelopment of the south stand area for mixed commercial/community use purposes will help to secure this.
- 2.6 Despite the extensive planning history and previous redevelopment of the stadium/community hub, the whole site (with the exception of the emerging Mo3 allocation) remains within designated Metropolitan Open Land. This designation provides an extremely onerous planning policy context for delivering the remaining elements of the masterplan and is fettering their everyday business and community operations including educational programmes (commissioned by Merton Council themselves). Further information about the hub's history; activities; achievements

and relationships is attached at Appendix NB3 (TM United Delivery); information on their Scholarship Programme at Appendix NB4; and Case Study within the Government's Department of Education's document 'Holiday activities and food programme' issued June 2021 at Appendix NB5 (see page 19).

3.0 Inspectors' Relevant Site Specific Questions (Matter 5)

Question 6:- Site Allocation Mo3 relates to an area designated as MOL. Consequently, is the allocation of this site for a mix of uses, including housing, consistent with the Framework and London Plan insofar as the restrictions they impose on 'inappropriate development' are concerned? (Footnote 56:- At paragraph 147ff of the Framework, and in Policy G3 of the London Plan)

- 3.1 The Mo3 site allocation is specifically for '*enabling residential development*' to facilitate the linked delivery of community & sports benefits on the wider site. The principles behind this allocation have been fully endorsed by both LB Merton Council and the GLA, as evidenced by its associated planning permission (see Appendix NB2). It is therefore assumed that this question was posed without the knowledge of Mo3's extant planning permission.
- 3.2 In the determination of this planning application, both Merton and the GLA clearly had due regard to the policies around 'inappropriate development'; the very special circumstances necessary to justify the approved residential development (ref:- 19/P4094) are robustly evidenced through the associated documentation. The benefits flowing from this planning permission were shown to clearly outweigh any harm. In this respect, the GLA Stage 2 report under '*Very Special Circumstances case – conclusion*' states:-

'The scheme would cause harm to MOL by virtue of it being inappropriate development. It would also cause harm to the openness and character of the MOL. However, in light of the above benefits which the Council has robustly secured, GLA

*officers now conclude that the applicant has demonstrated very special circumstances that would clearly outweigh this harm. **The proposal therefore complies with London Plan Policy G3 and accords with paragraph 145 of the NPPF.***' (our emphasis in bold)

3.3 For the Inspectors' interest/background purposes, the benefits flowing from the Mo3 site can be summarised as follows:-

- the provision of a purely affordable housing scheme in excess of normal policy requirements to help meet the needs of local people
- a significant boost to both the quantity and quality of the borough's housing stock, and important contribution to the Council's available five year housing land supply
- the immediately deliverable community elements of the new entrance block/Sports Hall with flexible space catering for a whole range of activities and new changing block and educational suite to the rear all weather pitch
- the on-going management and maintenance regime associated with the establishment of the biodiversity sanctuary area

3.4 This is consistent with the Council's document (18D3) '*Policy Map Changes for MOL*' dated November 2021 which shows Mo3 duly removed from MOL. Given this position, we will address the Inspectors' questions on the basis of our clients' proposed wider site release rather than Mo3 as a stand-alone site which is taken as read.

3.5 With reference to the Framework, paragraphs 147 – 149 set out the relevant tests for approving 'inappropriate' development within the Green Belt; these tests are equally applicable to MOL (London's equivalent status). The planning policy case for the release of other parts of the site including the South Stand area (as illustrated at Appendix NB1) as an extension to the Mo3 allocation is compelling and can be equally

supported by the Framework on the basis of their being exceptional circumstances involved.

- 3.6 With reference to Policy G3 of the London Plan, clause C is clear that any boundary alterations to MOL should be undertaken through the Local Plan process and that such boundaries should only be changed in exceptional circumstances when this is fully evidenced and justified, taking into account the purposes for including land within it.
- 3.7 Dealing with the latter point first, criteria for MOL designation is set out at Clause B of the policy; we set this out below with our commentary included on each of the four points, as follows:-

1) It contributes to the physical structure of London by being clearly distinguishable from the built-up area

The proposed land for MOL release forms a logical parcel for redevelopment, occupying the front and middle sections of the site, the character of which is influenced by its high proportion of previously developed land (pdl); the land occupied by extant planning permission for specific developments (see No1 and No2 as shown on the map at Appendix NB1 covering proposals for a new sports hall and the South Stand redevelopment respectively); and Mo3's prominent road frontage and connection to the adjoining existing built-up area.

It should be noted that across the whole site, the coverage of pdl is 59% and since the redevelopment of the stadium (first opened in 2002) the overall character of the site has fundamentally changed and has inevitably become much more urbanised and less open than was previously the case. As such, the parcel shown for proposed release very much reads as part of the fabric of the existing built-up area; this criterion is therefore not met. In contrast, the parcel shown to be retained as MOL to the rear of the site displays a markedly different character which is predominantly open and green, including the ecological zone. Photographs of the site showing various different viewpoints are included at Appendix NB6.

2) It includes open air facilities, especially for leisure, recreation, sport, the arts and cultural activities

Whilst the wider hub site does include 'open air' facilities by way of sports pitches and an ecological zone, both the pitches to the front of the site and that associated with the main stadium in the central part are surrounded by pdl including an intervening small stand structure located between them which interrupts any views through the site towards the river Wandle. Our clients' proposed release recognises the clear difference in character between these parts of the site and its distinctly more open rear section (including the rear pitch and ecological zone) to the south-east adjacent to the river which is proposed to remain within MOL. As such, whilst there would clearly be some harm by definition by removing the subject pitches, a relaxation of this criterion can be justified by reason of exceptional circumstances to facilitate completion of the masterplan. Mo3 itself comprises un-used grassland and has no public amenity value or access for recreational purposes (it has always been private land).

3) It contains features or landscapes (historic, recreational, biodiverse) of either national or metropolitan value

There are no features of landscape interest, either at national or metropolitan level. The site does however include a biodiversity area of local interest (at its south-eastern corner) which would be unaffected. This criterion is therefore not met.

4) It forms part of a strategic corridor, node or a link in the network of green infrastructure and meets one of the above criteria

The site has a fringe position within the MOL rather than being part of any strategic corridor, node or having link role within a wider network. This is reflected in the Council's Green Infrastructure, Biodiversity and Open Space Study (document:- 15D1; subject of the Inspectors' Question 9) which recommends an amendment to their 'Green Corridor' designation to remove the footprint of the stadium, car park, artificial

sports pitches and access road from the Green Corridor because they no longer meet the Green Corridor criteria of vegetation surface and connectivity (see para 3.126 of Designated Sites Boundary Review Technical Report). It should be noted that the link along the Wandle valley into LB Sutton towards Poulter Park is fully maintained. In this respect, it should also be noted that the Mo3 planning permission secures footpath routes and connections as part of the Section 106 agreement that are unaffected by our client's proposal. There would therefore be no tension between the proposed release and this part of the policy. As such, the subject land can be released from the MOL without harming any of its strategic policy purposes; this applies equally to Mo3 and the other parts of the site which are being promoted by our client for release.

- 3.8 Dealing with the former point, the exceptional circumstances underpinning the Council's reasons for allocating Mo3 within their Local Plan have been fully evidenced through LB Merton's and GLA's endorsement of the '*special circumstances*' case (set out in their Stage 2 report) which led to the approval of planning permission (19/P4094) granted in December last year; see para 3.2.

Question 7:- Given that very special circumstances would likely be needed to justify any residential development proposals at the application stage, is the Site Mo3 policy effective in this regard?

- 3.9 The Site Mo3 policy has been effective in supporting the progression and determination of the planning permission (19/P4094) which followed the Local Plan's clear '*direction of travel*' with due weight increasing after each of the consultation stages. In this regard, the planning application and Local Plan process have been successfully dovetailed, and the policy has therefore been effective (and will continue to be effective post its adoption through the subsequent implementation stages of the Mo3 site's development).

Question 8:- Should the MOL boundary be adjusted to address the element of Site Mo3 likely to accommodate housing, and if so, are the exceptional circumstances necessary to justify such an alteration fully evidenced?

- 3.10 Mo3's release from MOL and the associated planning permission (19/P4094) for 77 residential apartments are intrinsically linked; it would therefore be unconceivable for it not to be forthcoming. It is unfortunate that the Inspectors were not made aware of the situation prior to their questions being drafted.
- 3.11 A further release of MOL to extend the Mo3 site to incorporate the front and middle/central sections of the wider site (including the future South Stand area) as part of the Council's overall strategic regeneration plans and aspirations to deliver good growth is equally justifiable for inclusion in the new Local plan on the grounds of 'exceptional circumstances'. The areas proposed for release serve no useful purpose or function within MOL and have not done so for some considerable time.
- 3.12 Within those areas proposed for release, it should be stressed that the South Stand proposal is a particularly important component of the hub's overall masterplan which should not be unnecessarily compromised or have its potential unduly restricted by its current MOL designation. This area already benefits from an extant planning permission (see No2 shown on Appendix NB1); is located immediately adjoining the Mo3 housing allocation; and enjoys good accessibility to public transport including local bus routes and the nearby tramlink, as shown overleaf:-



Fig2- Local Transport Plan

● Bus Stop
 — Tramway

- 3.13 Whilst the extant planning permission for the masterplan including the approved south stand redevelopment (LPA ref 07/P0258) allows for ancillary Class D2 (Assembly & Leisure) uses to be accommodated, the club are seeking much greater flexibility to enhance their future operations at the hub. Options for this space, inter-alia, include small business space/consulting rooms; training centre; IT rooms; sports injury clinic; enterprise pods. Having such commercial flexibility would create enhanced funding opportunities for realising the new multi-purpose south stand and in doing so would also clearly help to facilitate the Council's wider regeneration goals within this

deprived ward of the borough. Moreover, it would involve a socially and economically inclusive, and environmentally sustainable development that would contribute to the London Plan's good growth objectives.



Fig3:- Diagram illustrating location of south stand area (no6) within overall masterplan

3.14 To retain this area as MOL, as shown above (see No6), is both unnecessary and counter-productive in that it will inhibit the good growth intended for this location. A proposed revised boundary, as shown at Appendix NB1, would enable the hub to complete its masterplan and to operate thereafter without being unnecessarily fettered by MOL policy where it is no longer appropriate, whilst also retaining the most important open and ecologically valuable areas as MOL. This change would create a new robust defensible MOL boundary to be secured and maintained into the future, which would also help the Council to take a stricter position on enforcing its MOL boundaries in other more sensitive parts of the designation elsewhere in the borough.

- 3.15 Consistent with the adjoining Mo3 site, the south stand area does not perform any of the functions identified at London Plan Policy G3 and has already in effect been released for development (through the extant planning permission). It has no public amenity value or access for recreational purposes (it has always been private land); there are no features of landscape interest; there is no nature conservation or ecological interest; there would be no impact on any strategic green chain/link role; and there would be minimal impact on the open character of the wider MOL designation. The site's specific allocation for mixed commercial/community use development, as promoted by our client throughout the new Local Plan process, would therefore not cause any harm to the wider character and function of the borough's MOL. In this regard, the land represents a logical and synergic parcel for a mixed-use allocation immediately adjoining the Mo3 housing allocation and urban area generally, and already benefits from an extant permission for redevelopment.
- 3.16 Moreover, such a change would be entirely consistent with the Council's aspirations to encourage and support public/private partnerships, together with a whole range of supportive planning policies at national; regional and local levels. Of particular note in the Council's new Local Plan is Policy IN14.2 (Social & Community Infrastructure), clause d of which specifically supports and encourages the multi-use of social and community infrastructure, and clause e of which supports proposals for new, or extensions to existing social and community infrastructure. The type of multi-use, flexible and adaptable spaces intended for the south stand redevelopment, together with its co-location with the other hub uses and activities, and its potential for inclusion of health and educational facilities, provide the exact model of good practice which the policy promotes.
- 3.17 The wider regeneration case for release is highlighted by the positive London Plan policies regarding sport and recreation facilities (Policy S5; Chapter 5; Social Infrastructure), which recognise the importance of such facilities as a component of social infrastructure, with the objective of ensuring that there is a sufficient supply of

good quality stock across London. Of particular relevance is the London Plan policy requirement to maximise the multiple use of facilities, and encourage the co-location of services between sports providers, schools, colleges and other community facilities. The supporting text stresses that it is essential for boroughs to plan strategically for their future provision of core sports facilities and to help tackle inequality of access in London, particularly in deprived areas or for groups with low participation, such as the subject ward.

- 3.18 The policy, inter-alia, recognises that specialist sporting venues and stadiums have an important role to play enabling wider access to sport as well as having an important cultural value. In this regard, Policy HC5 (Supporting London's culture and creative industries) within Chapter 7 (Heritage & Culture) should be highlighted, which seeks inter-alia to enhance existing locally-distinct clusters of cultural facilities and venues.
- 3.19 This builds upon the research work undertaken by the London Assembly (The Regeneration Game:- Stadium-led regeneration, March 2015) exploring the benefits of stadium-led regeneration as a means of enhancing opportunities for local communities and rejuvenating local neighbourhoods. In summary, the research concludes that such projects can act as a catalyst for physical, economic and social regeneration, making sites attractive to new business and residential entrants, creating new jobs and opportunities. Given its juxta-position with the Mo3 allocation, this all ties in seamlessly in supporting the mayor's challenging housing targets, including objectives for affordable housing and his strategic objective to deliver mixed and balanced communities.
- 3.20 Given the wider social benefits that will flow from the hub's further development; the anchor provided by the existing stadium; and in light of the Council's regeneration agenda in the Morden and Mitcham area, as well as their public/private partnership aspirations, it is surprising that it has to date been overlooked as a specific

regeneration project by the Future Merton team. It is not too late however and procedurally, in the event that there is support for this specific proposal as part of the wider area proposed for MOL release, it could be dealt with by means of a '*main modification*' to the plan. We have therefore submitted a draft 'Statement of Common Ground' (SoCG) to encourage such discussion and engagement with LB Merton Officers prior to the relevant hearing session to agree on matters of fact and confirm areas of agreement; see Appendix NB7 attached.

Question 9:- Is the allocation of Site Mo3 consistent with the findings of the 'Merton Green Infrastructure, Biodiversity and Open Space Study 2020 (the Green Infrastructure Study)'?

- 3.21 No conflict was identified through the planning application process and the planning permission that was issued can be viewed as evidence of consistency.
- 3.22 The provision of new and affordable homes and infrastructure is recognised within this document as being a key part of future growth in the borough (Supporting Housing Growth & Quality of Life). As such, Mo3 is fully aligned with this objective; it's wider delivery of social and community benefits and synergic link with the hub are also consistent with other key 'Green & Blue Infrastructure Priorities' identified, such as:-
- *Promoting Physical & Mental Health & Wellbeing*
 - *Supporting Economic Growth & Investment*
 - *Conserving and Enhancing Biodiversity and Ecological Resilience*
 - *Encouraging Walking and Cycling*
- 3.23 In respect of the latter, it is worth stressing that the Public Transport Accessibility Level (PTAL) is 2 (and not 1 as erroneously stated on the last line of the table at p200 of the Council's Submission Version). This is confirmed in the Planning Committee report (ref 19/P4094) and by our highway consultants, Waterman. This is important for the

Inspectors to note, since as currently drafted, it provides a misleading impression of the site's locational credentials. In summary, the site has good access to nearby public transport, including good local bus links that allow access into Central London and the rest of south London (including route 118 to Morden Station on the northern line) and Tramlink 3 service at Mitcham (only 350 metres to the north which links to both Wimbledon Station and Croydon). The site is also well located for nearby shops; services and local schools, as well as having good access to a variety of local green spaces and parkland, including the adjoining Poulter Park.

- 3.24 Furthermore, the Section 106 legal agreement ensures provision of safe and secure pedestrian routes through the site that connect to the footpaths located on the open space on the adjacent site (see Schedule 6 'Open Space'; Appendix 1)
- 3.25 Regarding the biodiversity objective, it should also be noted that the same legal agreement secures the provision of a management plan for the existing Biodiversity Area (Schedule 5 'Biodiversity Area') located within the south-east corner of the wider site. This sanctuary area has been established, with the hub working in successful partnership with the National Trust to provide an area of refuge for wildlife (focusing on creating habitats for local species of importance). The S106 guarantees the on-going management and maintenance regime that is required to ensure this zone continues to thrive and deliver its associated net biodiversity gains.
- 3.26 Turning to the site-specific assessment (Site 22) undertaken by the Council's consultants, TEP (ie. Designated Sites Boundary Review Technical Report, dated March 2020), it is noted that this report was issued before our application for planning permission 19/P4094 was considered by the Council's Planning Committee; GLA Stage 2 report; and subsequent final approval on 22 December 2021. As such, it fails to recognise both LB Merton's and GLA's detailed assessment of the MOL issue as set out in the associated reports and consultations relating to this planning permission. This part of the Council's evidence base is therefore out of date and little or no weight should be attached to it.

4.0 Conclusion

- 4.1 It is important to re-iterate that since its redevelopment the overall character of the wider site has fundamentally changed and has inevitably become much more urbanised and less open than was historically the case.
- 4.2 The Mo3 site allocation is intrinsically linked to planning permission (ref 19/P4094) and its associated release from MOL is undisputable. It does not meet the strategic London Plan criteria for its continued inclusion within MOL and this has been fully endorsed by the granting of planning permission.
- 4.3 The other parts of the wider site, including the future south stand area, proposed for release have a strong synergy with the adjoining Mo3 allocation for housing in terms of promoting socially mixed, sustainable, vibrant and healthy communities, as well as helping to achieve wider regeneration goals within a deprived ward of the borough.
- 4.4 We therefore contend that the opportunity should be taken to change the proposed MOL boundary through the Council's new Local Plan in order to provide a robust long term defensible boundary; to optimise the commercial prospects for developing the south stand; to avoid any potential unnecessary future planning disputes over the application of strict MOL policy; and to align with the Council's strategic policy objective to encourage and support public/private partnerships.
- 4.5 Our proposed new boundary line to the MOL is shown at Appendix NB1 and for the reasons set out in this report we would endorse this proposal to the Inspectors as a main modification to the plan. In our view, it represents a logical adjustment to the MOL, that includes the release of the approved footprint of the south stand and other areas of pdl, whilst importantly retaining the most open and green parts of the site.

- 4.6 The redevelopment of both the Mo3 residential site and the adjoining south stand area (as an expansion of the existing hub facilities) that would be facilitated by this adjustment would represent a model of good practice for delivering mixed uses and sustainable development, with the new apartments enjoying a natural synergy with the extended sports and community uses encouraging healthy lifestyles. Furthermore, it would enhance the overall mix of uses within the masterplan, helping to secure the long-term future and viability of the hub.
- 4.7 We have submitted a draft 'Statement of Common Ground' (SoCG) to encourage engagement with LB Merton Officers prior to the relevant hearing session to confirm matters of fact and explore other areas of agreement, as set out at Appendix NB7. We therefore hope to provide a further agreed version of the SoCG ahead of the hearing, which we trust will be of assistance to the Inspectors' and look forward to receiving their feedback in due course.

List of Appendices:-

Appendix NB1:- Proposed MOL release & context diagram

Appendix NB2:- Decision notice granting planning permission ref 19/P4094; associated S106; & approved layout plan

Appendix NB3:- TM United Delivery

Appendix NB4:- TM United Scholarship Programme

Appendix NB5:- Department of Education 'Holiday activities & food programme' (Case Study at p19)

Appendix NB6:- Site photographs

Appendix NB7:- Draft Statement of Common Ground (SoGC)