

19/AP/1867 'Objecting' public representations to the Mayor which included the negative impact of the health in the community

I am troubled as to the implications of the Southwark's Planning Committee, which approved on 27.07 2020 application 19/AP/1867 submitted by Meadow/Dulwich Hamlet Football Club.

This meeting was held when many residents were not able to voice their concerns having taken advantage of the easing of lock down to go away .

[Redacted - Personal information] the Health of ALL Southwark residents is a concern.

Southwark has a high rate of Obesity and and mental health issues. The ability to partake of the tranquility and wild life while undertaking a walk is a special resource. This space is close to major large Supermarket not in remote park or countryside which may be accesible to non car owners.

I appreciate a walk through Greendale after a 'heavy day at work' to set me up for next day and quiet the stresses of the shift

I am particularly concerned that it appears from the badly chaired meeting that no notice was taken of the London and Southwark plans to protect Metropolitan Open Land (MOL). The approved plan allows Dulwich Hamlet Football Club (DHFC) (financed by Meadow a New York based developer) to build a pitch on the current Astro turf and a large section of other MOL. The pitch will be surrounded on 3 sides (all on MOL) by 7 concrete terraces with a 10ft wall behind, a chain fence which on match days (for 5 hours) will be covered by canvas blinds - the FA rule to prevent fans watching the match for free!

This will all obstruct the openness of the Green Dale MOL and contravene Policy 7.17 relating to MOL.

Green Dale Fields is home to several protected species including stag beetles, hedgehogs, bats, mistle thrushes all of whom will be effected by the building of the stadium.

It has been suggested that there may be 'special circumstances' for building a new stadium for DHFC on MOL. DHFC currently has a Stadium and room to expand if required at Champion Hill - a point made by the Planning Inspector in 2003 when he turned down an application to build on Green Dale Fields. I therefore believe a new Stadium is not a reason for destroying MOL.

Green Dale Fields is the only open space in South Camberwell and is well used by the community, in particular the Astro turf which provides a safe play area for children, teenagers and adults. It is surrounded by some 2,000 residences which are largely flats with no outside space.

I therefore urge you to keep to your promise to protect MOL and turn down this ill thought out planning application.

I am writing as one who lives near Greendale and Dulwich Hamlet Football Club to suggest that you postpone accepting the DHFC Application to build on MOL on Greendale 19/AP/1863, for the following reasons:

- the Southwark Planning Meeting on 27 July appears legally flawed, and seems to have been an attempt to rush through the decision
- given the pressing problems of the Covid-19 and climate change, it would seem wise to defer a decision on the Application, which was put in well before the present pandemic, and in different circumstances: the immediate problems now are freely-accessible space for people to relax and feel comfortable in, and maintaining as much communal and fresh air and open land as possible
- DHFC does not need a new ground, and we should now be wary of encouraging people to crowd together; consider the spike in Covid-19 cases after Atletico Madrid fans were allowed to go to Anfield just before lockdown.

Please defer your decision until we have more stability and a clearer view.

Development GLA/0083c/01- Green Dale Fields in Southwark (Dulwich Hamlet Football Club development)

We write further to our letter of 3 August with reference to the application (the “**Application**”) for the above development (the “**Development**”), which is an application of potential strategic importance as defined in The Town and Country Planning (Mayor of London) Order 2008. We attach a copy of our letter of 3 August for ease of reference.

We shall set out in this letter the reasons why the Mayor should direct a refusal of this Application.

Failure to take into account an existing section 106 Agreement

A material consideration of critical importance was not given due scrutiny by the Southwark Council planning committee.

The Development would involve building a football stadium on Metropolitan Open Land (“**MoL**”). Blocks of flats and the main football stand would be built on the site of the existing football stadium (the “**Current Stadium**”).

The Current Stadium was built in the early 1990s on land that was playing fields. It was built as part of a deal with Sainsbury’s which enabled Sainsbury’s to construct a large supermarket and carpark on an adjacent part of the playing fields.

Planning permission for the large Sainsbury’s was granted subject to a condition that a section 106 agreement be entered into (the “**Agreement**”). We attach a copy of the Agreement. The Agreement acknowledged a detrimental consequence of the development was that it would result in a loss of open space. One of the ways in which the Agreement mitigated this loss is by providing that the land on which the Current Stadium is built should remain open land. Clause 7(3) of the Agreement provided that this land could only be available for “*sporting educational or recreational purposes*” and contained a restrictive covenant at clause 8 that “*Dulwich Hamlet Football Ground shall only be used for leisure or recreational or educational purposes*”.

These terms were fundamental conditions of the Agreement, without which planning permission for a large supermarket on open land would have been refused.

The Southwark Council planning committee did not properly consider this fundamental condition on the land at the planning committee meeting.

Had members of the planning committee taken into account this issue we do not consider that they could properly have taken the decision to grant planning permission. The Current Stadium was built as part of a deal to compensate for the construction of a large supermarket on open land and this original loss of open land would be compounded by the construction of buildings on the Current Stadium which the Agreement was designed to protect.

To put this another way, what was the purpose of Southwark Council agreeing that the site of the Current Stadium could only be used for “*leisure or recreational or educational purposes*” if less than 30 years later the same Council could grant planning permission for blocks of flats on the same land?

Building on Metropolitan Open Land

The granting of planning permission to build flats on the site of the Current Stadium contrary to the terms of the Agreement and resulting in a loss of a protected open space would be compounded by the building of a large part of the new stadium on MoL.

The terms of the Agreement and the substantial protections offered by the MoL designation should have been given substantial weight by the planning committee. However, the chair of the planning committee wrongly directed the planning committee that “*it’s written in stone*” that the proposed stadium is “*an acceptable use of MoL*”, drawing an inappropriate comparison with tennis courts in Burgess Park – rather than informing the planning committee that MoL can only be built on in exceptional circumstances and that the proposed development was far from a typical proposed use of MoL.

Failure to investigate alternative options

Given the clear detriment of this Development because of the loss of open space, alternative options should have been considered. However, the Officer’s Report failed adequately to consider this.

Paragraph 161 of the Report explores the option of renovating the existing stadium, but at no point does the Officer consider the option of building a new stadium and possibly housing on the site of the Current Stadium. This would seem the most obvious option for Dulwich Hamlet Football Club and would avoid any building on MoL.

This is a fundamental omission. The policies which protect MoL rightly expect alternative sites and options to have been fully examined and rejected and this did not happen.

There are potentially other viable options. Among other options Southwark Council at one point indicated that it intended to acquire the Current Stadium through a compulsory purchase order and would renovate the existing stadium and build council housing at the margins of the site of the Current Stadium.

In addition the New Southwark Plan identifies that a new stadium and housing could be built on the site of the Current Stadium and on the surrounding car parks (NSP37).

Securing use for current users

In the GLA planning report GLA/0083c/01 dated 11 November 2019 it was stated, *“A full community use agreement to allow users of the existing playing fields to benefit from the enhanced facilities (including facilities such as the changing rooms) must be robustly secured as part of any future permission.”*

A large number of members of the local community use the MoL free access Astroturf for a variety of activities such as informal sports, team training, riding bicycles, exercise and other informal recreation – and this is acknowledged in the supplemental Officer’s report. The Development precludes such activities and there is insufficient space for these activities in the ‘Kick-About space’ (formerly referred to as a ‘Multi-Use Games Area’ or MUGA, but we understand it would be too small for that designation).

Neither Southwark Council nor the developer appears to have carried out any research into the current users of the Astroturf to determine numbers, demographics and the reasons they use the Astroturf. Without this essential information the planning committee could not be in a position to take an informed decision on the Application. The planning committee could not know whether there were adequate facilities for current users in the Development without having any data about the current users.

Members of the planning committee expressed the view that current users could use facilities such as the ‘Kick-About space’, even though the Kick-About space is significantly smaller and apparently without taking into account the fact that there will be several hundred new residents in the Development who will also expect to be able to use the Kick-About space.

Failure to assess play and recreation needs

The planning committee also failed properly to assess future needs in accordance with the London Plan Policy 3.6 in relation to children and young people’s play and informal recreation. Such an assessment should include the existing local population, its growth and any play deficiencies in line with ‘Providing for Children and Young People’s Play and Informal Recreation, 2012.’ As a result of this failure local children and young people will be subject to a reduction in open play and recreational space.

The Development may meet the requirements for play space for the new residents of the Development, but it is insufficient to meet the requirements of the existing users of the Astroturf who will be expected to share the same limited facilities. The Development would also create a risk of conflict between the new residents and the existing users of the Astroturf who will be using a smaller shared space, which was raised as a concern by a member of the planning committee.

Public Sector Equality Duty

The Astroturf has significant use by BAME youth and Southwark Council does not appear to have taken this into account, which may partly be because the Council does not seem to have carried out any research into current users. We consider this may be a breach of the Council’s obligations in relation to its Public Sector Equality Duty contained in Section 149(1) of the Equality Act 2010.

Conclusion

We ask the Mayor to consider the issues set out in this letter – in particular the failures of the Southwark Council planning committee to take into account material planning considerations of critical importance – and to refuse the Application for these reasons.

I am horrified to learn Southwark's Planning Committee has voted to approve application 19/AP/1867 submitted by Meadow/Dulwich Hamlet Football Club at a meeting on Monday 27 July, to build a stadium on Green Dale Fields, which is Metropolitan Open Land (MOL).

Since your promise is to protect MOL, I urge you to act to protect such open space, essential in so many ways even more now we are living in the times of a global pandemic, which is set to continue for months to come.

Deeply disturbing, the planning meeting took no notice of the London and Southwark plans to protect Metropolitan Open Land (MOL). The approved plan allows Dulwich Hamlet Football Club (DHFC) (financed by Meadow a New York based developer) to build a pitch on the current Astroturf and a large section of other MOL. The pitch will be surrounded on 3 sides (all on MOL) by 7 concrete terraces with a 10ft wall behind, a chain fence which on match days (for 5 hours) will be covered by canvas blinds – the FA rule to prevent fans watching the match for free!

This will all obstruct the openness of the Green Dale MOL and contravene Policy 7.17 relating to MOL. Green Dale Fields is home to several protected species including stag beetles, hedgehogs, bats, mistle thrushes all of whom will be effected by the building of the stadium. Green Dale Fields is the only open space in South Camberwell and is well used by the community, how can its lost be tolerated when we are facing a winter of restricted movements, making our open spaces all the more important. This includes the Astroturf which provides a safe play area for children, teenagers and adults. It is surrounded by some 2,000 residences which are largely flats with no outside space.

It has been suggested that there may be 'special circumstances' for building a new stadium for DHFC on MOL. DHFC currently has a Stadium and room to expand if required at Champion Hill – a point made by the Planning Inspector in 2003 when he turned down an application to build on Green Dale Fields. I therefore believe a new Stadium is not a reason for destroying MOL.

I therefore urge you to keep to your promise to protect MOL and turn down this ill thought out planning application.

Theft by developers from local people of this MOL in Southwark cannot be justified and you should stop it.

No-one who has seen the daily use and enjoyment of this green space by people of all ages during lockdown could agree there are 'very special reasons' why it must be developed.

Consider the number of Southwark residents who live in flats surrounding this Open Land !

Flats on the Denmark Hill and Cleve Hall estates. Flats on the Dog Kennel Hill / East Dulwich estate. Children cooped up with no gardens – where can they play?

Answer, right here, on their 'Metropolitan Open Land', is where they play. Here where they live.

There are no 'very special circumstances' to allow the MOL to be developed. The Leader of Southwark Council Cllr Peter John himself opposed it.

Such a grab of protected Open Land could never be justified and the 166-page officer report did not justify it.

There are acres of other green space around Dulwich for the football club.

If you really care about children having space to play – and reducing childhood obesity and asthma – DO NOT ALLOW this to go ahead.

For you as Mayor this decision really is a 'no brainer'. Please do the right thing.

Please would you get your people to look again at Southwark Planning Committees' decision last week to allow an American company to build more than 200 private houses on this open land, in exchange for building a larger football stadium. Their only motive is profit as you would expect.

Spending time in public spaces as the current crisis have proven is of immeasurable benefit to people's physical and mental health. Also crowded areas like inner London need as many lungs and trees as possible.

You've always been a supporter of Metropolitan Open Land being retained as a community resource. Please will you re-examine the decision made by Southwark Council to allow the above scheme to go ahead. This will result in the loss of a large area of AstroTurf, as well as woodland.

During the last few months dominated by Covid 19 I have been taking exercise and walking in this unexpected patch of greenery in an urban environment. Most striking is the sight of children at play on the AstroTurf. It's vast, often their families are with them, they play, ride their bikes and the older ones kick balls about. And they can keep a social distance between them, no problem at all. You can see the tensions melt away.

We are only just beginning to discover the effects of the virus on the mental health of our children. Please have another look at this scheme, I'm sure there are other ways to accommodate the football club.

Next time there is a pandemic, this wonderful open space won't be there to help the children breathe.

I am writing to you having just been sent documents related to this planning application which still do not protect the MOL - and thus will set a planning precedent to encroach on MOL wherever a developer can get away with it. I am also shocked that you appear to have given this application the greenlight through your support of it through your describing that in this instance there are "very special circumstances". Like what???

I think this is very convenient for you, Southwark and the developer so that you are let off the hook from amending the plan to protect the MOL. But I would like to know if you have visited the site so you really can see how unnecessarily destructive these proposals are. Even the altered plan - with a very high block that would be entirely new to a low-rise area - is doing its utmost to benefit from releasing MOL when surely wild spaces like this deserve complete protection. And this could be done on this site - a competent designer could ensure this. The only **special circumstance** here is that GLA and Southwark seem reluctant to challenge the developer from a land grab of rare MOL. Obviously GLA and Southwark do not value consider MOL to deserve protection that the designation is supposed to require. If you allow MOL to be eaten away in this way then every developer will know how to appeal to you rather than alter plans to address the issue effectively,

This application needs to be reconsidered and I hope you will take a look at the recent proposals and ask for them to be altered to protect the MOL in particular. It needs to be called in by GLA - if possible to consider the particular and regional implications of this threat to all MOL.

1. The redevelopment of the Dulwich Hamlet Football Club Stadium should not be at the expense of much used and valued natural open space, including a well-used community football pitch (which would be replaced by a MUGA a fraction of the size and which would have to be booked). Open space such as this is a rare commodity in inner London and is protected for good reasons - as you know it is of vital importance in supporting the well-being of the city's growing population, protecting species on the borough's Biodiversity Action Plan, and in facing the climate emergency.
2. The new stadium will be enclosed and you have correctly advised that this is inappropriate development on MOL (impacting as it will on the openness of the MOL). However, you have said that this is acceptable because the FA requires a stadium to be enclosed. This is a circular and incorrect argument: the correct conclusion should be that any football club stadium development is inappropriate on MOL, in light of it needing to be enclosed with fencing/screening. It is also inappropriate because the enclosure means it can no longer be enjoyed by the general public. And the amenity value of the remaining MOL for the public and as a SINC is also severely compromised. These aspects of 'harm' have not been properly recognised.
3. Alternative options have not been exhaustively investigated for the upgrading of the existing DHFC stadium or redevelopment of the existing stadium site without development on MOL.
4. The conclusion that there are "very special circumstances" that would outweigh the harm to MOL are premature in light of the above and in any event there is no clear assessment of the harm, which ought to

include not simply to the openness but to the amenity value including community provision but also in tackling the climate emergency.

Even when Margaret Thatcher was prime minister [Redacted – personal information] I was able to take part in a massive campaign to identify and protect London's captive countryside/ green belt/ green spaces supported by the Greater London Council. What on earth is going on now with the Labour Party's support for development virtually without question? [Redacted – personal information] I am becoming hugely disillusioned by local Labour government/bodies lack of determination to protect for green space especially in town or on the outskirts. Trumpeting a green policy here or there is not worth a penny if the land itself is threatened.