Prince George’s Playing Fields, Raynes Park
in the London Borough of Merton
planning application no. 09/P2233

Strategic planning application combined stage I and stage II referral (new powers)


The proposal

Use of part of the playing field for a car boot event every Sunday from April to October.

The applicant

The applicant is Mr Steve Arnold, and the agent is CGMS.

Strategic issues

The nature and scale of the use raises issues related to loss of metropolitan open land and playing fields, and the impact upon a site of importance for nature conservation.

Recommendation

That Merton Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take.

Context

1 On 1 March 2010 the Mayor of London received documents from Merton Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 3C of the Schedule to the Order 2008:

“Development which is likely to prejudice the use as a playing field of more than 2 hectares of land which— (a) is used as a playing field at the time the relevant application for planning permission is made; or (b) has at any time in the five years before the making of the application been used as a playing field.”

2 In this instance, Merton Council failed to notify the Mayor under Article 4 of the Town & Country Planning (Mayor of London) Order 2008 when it had received this application, and therefore a Stage 1 report was not issued. On 11 February 2010 Merton Council’s Planning Applications Committee resolved to refuse planning permission for the application. On 1 March 2010 advised the Mayor of this decision.

3 The Council’s draft decision notice lists the following reasons for refusal:
i. The use of Metropolitan Open Land (MOL) for car boot sales arising from the size of the area affected, the duration and frequency of the use, and the number of vehicles that are present, fails to maintain the open character of the land during daylight hours, to the detriment of the visual amenities of the MOL, and would be likely to detract from the nature conservation quality of the land, and potentially harm trees.

ii. The proposed development would give rise to additional vehicular movements to and from the site, with associated slowing, stopping, ‘U-turning’ and merging manoeuvres, carrying an increased risk of accident detrimental to the safe and free movement of traffic on a busy section of Bushey Road, which is designated as a Strategic Route.

4 At Stage 1, the Mayor usually states that applications that fall within Category 3 and 4 of the Order, such as this one, do not need to be referred back to the Mayor at Stage 2 where the Council has resolved to refuse permission. However, because a Stage 1 report was not issued in this case, this notice has not been given. Therefore, in order for the Council to fulfil its statutory requirements under Article 5(1) of the Order (not to determine the application until the Mayor has been notified), the application has now been referred and the Mayor should formally respond.

5 Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged. The Mayor has until 14 March 2010 to notify the Council of his decision and to issue any direction. This report therefore considers both stage I and stage II issues. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out in this report.

6 The decision on this case, and the reasons will be made available on the GLA’s website www.london.gov.uk.

Site description

7 The application site is located in the north-east corner of Prince George’s Playing Field, bounded to the north by Bushey Road and to the east by David Lloyd Tennis Centre. Bushey Road is part of the strategic road network.

8 The site is designated as Metropolitan Open Land (MOL) and a Site of Importance for Nature Conservation (SINC). The playing field is 14.7 ha in area, and the current proposal would cover approximately a quarter of the site.

Figure 1: Site location plan
Details of the proposal

The proposal is to use part of the playing field (3.4 ha) for operating a car boot sale every Sunday from April to October each year. The operating times would be 07:00 hrs to 14:30 hrs.

Case history

There is no relevant strategic planning history relating to this site.

Strategic planning issues and relevant policies and guidance

The relevant issues and corresponding policies are as follows:

- Green Belt/MOL: London Plan; PPG2
- Playing fields/sports facilities: London Plan; PPG17
- Biodiversity: London Plan; PPS9
- Transport/Parking: London Plan; the Mayor’s Transport Strategy; PPG1

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Merton Unitary Development Plan (October 2003) and the London Plan (Consolidated with Alterations since 2004).

The Council’s Core Strategy (Draft Submission) 2009 document is also a material consideration, together with the draft replacement London Plan.

Metropolitan Open Land

The site is within designated Metropolitan Open Land (MOL), which is a unique designation within London and has a similar status as the Green Belt. MOL is designated to maintain its open character, to protect access to major open areas, to provide opportunities for recreation, to provide high quality landscapes and to protect and promote biodiversity. The London Plan notes that MOL performs three valuable functions:

- Protecting open space to provide a clear break in the urban fabric and contributing to the green character of London.
- Protecting open space to serve the needs of Londoners outside their local area.
- Protecting open space that contains a feature or landscape of national or regional significance.

London Plan policy 3D.10 ‘Metropolitan Open Land’ is aligned with ‘Planning Policy Guidance 2: Green Belts’ (PPG2) and notes that there is a presumption against inappropriate development on MOL and that it should be afforded the same level of protection as the Green Belt. PPG2 also sets out that some uses for “essential facilities” such as for outdoor sport and outdoor recreation, but that these uses should “preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it”. The corresponding policy within the draft replacement London Plan is policy 7.17.

PPG2 states that development includes engineering and other operations, and the making of any material change in the use of land. It states that “the carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt”.

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Merton Council has resolved to refuse planning permission on the grounds that due to the size of the area affected, the duration and frequency of the use, and the number of vehicles that are present, the proposal would be detrimental to the visual amenities of the MOL. Whilst the proposal does not involve operational development or any permanent structures, by virtue of the nature and scale of the proposal, the landscape character would be affected on the days of operation, to the detriment of the open character of the MOL. The proposal does not comprise essential facilities that support outdoor open space uses, and as such the scheme is not in compliance with the London Plan.

The proposal would conflict with the functions of MOL as set out above.

**Loss of playing fields**

Policy 3A.18 of the London Plan ‘Protection and enhancement of social infrastructure and community facilities’ sets out that provision for sports and leisure facilities and open space should be considered by borough councils and that their development plan policies should seek to ensure that appropriate facilities are provided within easy reach by walking and public transport for the population that use them. It goes on to note that “the net loss of such facilities must be resisted and increased provision be sought, both to deal with the increased population and to meet existing deficiencies”. Corresponding policy 3.20 of the draft replacement London Plan supports this policy, stating that the loss of playing fields should be resisted.

The application site meets the statutory definition of a playing field under SI No. 1817 (1996) as “the whole of a site which encompasses at least one playing pitch” and as such is subject to a statutory consultation with Sport England. The development proposes a loss of sporting facilities on the site for one day a week from April to October. PPG17 states that “in advance of an assessment of need, local authorities should give very careful consideration to any planning applications involving development on playing fields” and that local authorities should “weigh any benefits being offered to the community against the loss of open space that will occur.”

The guidance in PPG17 states that “Where a robust assessment of need in accordance with this guidance has not been undertaken, planning permission for such developments should not be allowed unless: the proposed development is ancillary to the use of the site as a playing field (e.g. new changing rooms) and does not adversely affect the quantity or quality of pitches and their use; the proposed development only affects land which is incapable of forming a playing pitch (or part of one); the playing fields that would be lost as a result of the proposed development would be replaced by a playing field or fields of equivalent or better quantity and quality and in suitable location; or the proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development of sport to outweigh the loss of the playing field.”

The applicant has not adequately demonstrated that any of these exceptions apply to this particular case. Sport England also has its own interpretation of these policy requirements and has set out a further five exception tests in its planning policy statement, ‘A Sporting Future for the Playing Fields of England’ to allow the development of playing fields. This states that Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field, or land allocated for use as a playing field in an adopted or draft deposit local plan unless, in the judgement of Sport England, one of five specific circumstances applies.

Sport England objects to the proposal as the use would result in significant harm, degrading the quality of the fields as a result of increased vehicular and pedestrian movements. The officer’s report states that the proposal to use the site for a car boot sale for seven months of the year would result in the erosion of recreational function and would not maintain or enhance the character of the field as an MOL open space. On this basis, Merton Council has resolved to refuse planning permission due to its impact upon the MOL.
The proposal is not ancillary to the use of the site as a playing field and would affect the quality and quantity of the pitches, contrary to PPG17. There are no replacement or mitigation measures proposed to outweigh the loss of these playing fields, albeit temporarily, and as such the proposal is contrary to London Plan policies which seek to protect sports facilities.

**Biodiversity**

Prince George’s Playing Fields are a Site of Borough Importance for Nature Conservation on account of the presence of a rare plant – Chamomile Chamaemelum nobile – and several mature oak trees that mark an old estate boundary.

A recent ecological survey of the site by the applicant’s ecologists suggests that chamomile may no longer be present (although it is difficult to determine this because most of the site is close-mown). However, the existing mature trees and an area of rough neutral grassland is of some nature conservation interest.

London Plan policy 3D.14 ‘Biodiversity and nature conservation’ is clear on the expectation of boroughs to strongly protect SINCs and populations of important species from negative impacts of new developments. The policy also expects new developments to seek opportunities to achieve positive gains for biodiversity conservation through the creation, enhancement and management of wildlife habitat and improving access to nature. The corresponding policy within the draft replacement London Plan is policy 7.19, which states that sites of borough importance should be given a level of protection commensurate with their importance.

PPS9 advises that the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the “development cannot reasonably be located on any alternative sites that would result in less or no harm”. It goes on to state that if that significant harm “cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused”.

Merton Council has resolved to refuse planning permission on the basis that due to the nature and scale of the proposal, it would adversely impact on biodiversity and nature conservation of the site. No mitigation measures are proposed to protect the Oak trees that are protected with tree preservation orders, and nor are any compensatory measures proposed.

The presence of mature oak trees, the possibility that chamomile is still present, and the extant areas of rough grassland are such that the site retains nature conservation interest which is worthy of protection and management. Protection and management of these features along the lines suggested in the applicant’s botanical report could be compatible with an increased number of car boot sales. There may also be scope for enhancing the existing nature conservation interest of the site by habitat creation or changes to the current management regime. However, a more detailed proposal (including management of extant habitat, measures to protect the root zones of mature trees, and potential enhancement measures) is needed in order to determine if adequate mitigation is possible.

In the absence of any mitigation or enhancement measures to protect the nature conservation values of the site, the proposal is contrary to London Plan policies relating to biodiversity.

**Transport**

The proposal would generate and attract a significant amount of road traffic, and Merton Council has refused the application on the grounds that it would be detrimental to highway safety.
on Bushey Road. In the absence of sufficient measures to address increased congestion, the proposal is contrary to Merton Council’s transport policies.

33 TFL have advised that they have no strategic concerns with the application.

Response to consultation

34 A total of 42 letters were received from local residents in response to Merton Council’s consultation. All but one of the responses raised objections to the scheme. The objections included issues relating to the harm caused to the MOL status, adverse impact on SINC status, noise and disturbance, traffic safety, conflict with other uses and competition.

35 Other responses received from statutory and non-statutory consultees are listed below:

- Sport England: Raises objections as the proposal would result in significant harm, degrading the quality of the fields.
- London Wildlife Trust: Raises objections on basis that the proposal would result in detrimental harm to the SINC, and the character and amenity of the MOL.

36 Matters raised by objectors in relation to the impacts upon MOL and SINC have been dealt with in this report. Matters relating to neighbour amenity and other local concerns, are not in this instance strategic planning matters but have been assessed by Merton Council in their report.

Legal considerations

37 In this instance the Mayor has no power of direction, since Merton Council has already resolved to refuse planning permission.

Financial considerations

38 There are no financial considerations.

Conclusion

39 The proposal would result in inappropriate development on MOL, loss of a playing field and harm to a designated nature conservation site and therefore does not comply with policies 3A.18, 3D.10 and 3D.14 of the London Plan, and draft replacement London Plan policies 3.20, 7.17 and 7.19.

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