

**Proof of Evidence of  
Michael Lowndes**

**Tooting Triangle – Common Land  
Application – Inquiry**

**Applicant: London Borough of  
Wandsworth**

Planning Inspectorate Article 14 Ref: COM:3263104

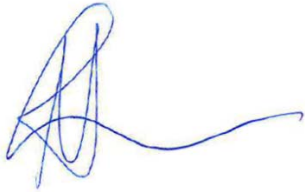
LB Wandsworth Planning Application No. 2019/4206

April 2022

**LICHFIELDS**

[Our Ref]  
20861993v6

Proof of Evidence prepared by Michael Lowndes of Lichfields

A handwritten signature in blue ink, consisting of a large, stylized initial 'M' followed by a long, horizontal flourish.

**Signed:**

**Dated:** 11 April 2022

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**Appendix 1: Late Items of Correspondence**

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## 1.0 **Qualifications and experience**

### **Qualifications & Experience**

- 1.1 I am Michael Lowndes. I am a planning consultant. I appear at this Inquiry on behalf of London Borough of Wandsworth Council (LBW), and deal with the planning and townscape considerations of the application, under Article 12 of the Greater London Parks and Open Spaces Order 1967, to the Minister for consent to carry out works on Common Land at Tooting Bec Common.
- 1.2 In my evidence I explain how the town planning process was properly discharged; deal with the townscape and visual impacts of the proposals and whether they give rise to any harm; and finally, consider various aspects of the objections to the proposals.
- 1.3 I joined Lichfields, a leading town planning consultancy, in September 2020. I am a Senior Director. I am the national head of the urban design, heritage and townscape teams. I also continue my planning consultancy work in London and more widely across the South East.
- 1.4 Prior to Lichfields I was a Senior Director at Turley which I joined in February 2004 following four years as Director of Planning at TP Bennett. In those roles I was responsible for a wide range of development planning, heritage, urban design and masterplanning activities across the United Kingdom.
- 1.5 I hold a Degree of Bachelor of Arts with Honours in Geography from Portsmouth Polytechnic, a Diploma in Town Planning from Oxford Polytechnic along with a Degree of Master of Science in Urban Planning (specialising in Urban Design) from Oxford Polytechnic and a post-graduate Diploma in Building Conservation from the Architectural Association, London.
- 1.6 Before joining the consultancy sector I spent seventeen years in local government working as a Town Planner, Conservation Officer and Urban

Designer at the London Borough of Bromley, the London Borough of Hackney and the City of Westminster.

1.7 I have given expert evidence on planning, conservation and design issues at various Public Inquiries and Parliamentary Select Committees. My interest in planning extends to the authorship of various articles and lectures on technical and professional matters. I have been involved in the planning, heritage and urban design training of elected members of various London local authorities through the London (Open City) Exemplar programme. I am involved in the promotion of quality in housing design through my role as non-executive director at Design for Homes. Design for Homes champions the value of good design in the housing industry. It is a not-for-profit limited company advised by a cross-industry Board of Directors.

1.8 I am a member of the Royal Town Planning Institute. I represent the RTPI as a judge for the Government endorsed Housing Design Awards programme. In this role, I visit, assess and promote the very best of contemporary residential development and masterplanning in England.

## **Declaration**

1.9 The evidence which I have prepared and provide for this Inquiry reference COM/3263104 in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions.

## **Instruction**

1.10 I was approached by LBW in mid-March 2022 regarding the possibility of providing expert evidence on the proposals. I was provided with key documents (including those relating to the detailed planning application, various supporting and background materials, and the summaries of the various objections relating to the proposals.

1.11 Having undertaken a preliminary appraisal of this material, having visited the site and considering any potential conflicts, I confirmed that I was able to undertake the commission and provide expert evidence on LBW's behalf.

## **Role of Evidence**

1.12 I understand that under section 5 of the Metropolitan Commons Act 1866 (the 1866 Act) (as amended by the Commons Act 2006, no "inclosure" can be made on a metropolitan common which is controlled and managed by a London Borough council. Any structure which excludes the public from the common (e.g. a building, fence, or wall) amounts to an "inclosure" so consent cannot be given for such works.

1.13 However, I also understand that Article 7 of the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 (as amended by section 6 of the GLC (General Powers) Act 1984 and Section 53, Schedule 4 and Schedule 6 of the Commons Act 2006 ("the MHLGPOC") qualifies this general prohibition as it says that specified facilities may be provided on a metropolitan common (which is controlled and managed by a London Borough council) if they are for public recreation. However, Article 12 says that if such facilities require a building or structure or permanent enclosure they cannot be provided without the consent of the Minister.

1.14 The works for which Article 12 consent is sought are described as:

*"The construction of extensions to the rear and side elevations of the premises currently occupied by the Balham Amateur Boxing Club, the installation of new roofing across this building and adjacent structures currently providing toilets and changing areas and a covered link with the former Triangle One O'Clock Centre, the installation of new external doors, disabled access ramps and platforms, all to create a clubhouse, together with the installation of new artificial grass surfaced all weather sports pitches with associated perimeter*

*fencing and floodlighting, the new artificial grass surfaced areas and floodlights replacing existing floodlit and degraded all weather sports pitch”.*

1.15 In seeking to aid the Inspector in his/her consideration of the Article 12 application I address the planning related issues which might help inform the consideration of whether the extended buildings and structures are consistent with the origin, status and character of the existing facilities of public recreation; whether they are consistent with the overall use and enjoyment of the land as common land and whether the development as appropriate and does not give rise to harm.

## 2.0 The Scheme

### Description

2.1 On 30 September 2019 LBW received a planning application for proposed development at Balham Boxing and Youth Club, 366 Cavendish Road and Football Pitch East of 366 Cavendish Road, London, SW12 0P.

2.2 The initial submission was considered by the Council to be insufficient for validation purposes and further information was requested. This additional information was provided by the applicant (TFC Leisure Ltd) to LBW and on 6 March 2020 the planning application was validated by LBW planning department and given a planning application reference of 2019/4206. The description of the proposed development is:

*Alterations including internal refurbishments and ancillary café; erection of single storey rear and side extensions; installation of replacement roof and retractable awning; installation of replacement doors and platforms with disabled access ramps; installation of replacement all-weather football pitches with associated perimeter fencing and replacement floodlights*

2.3 The site area is defined by the application boundary and is noted on the application forms as being 0.5ha.

2.4 The applicant issued Notice of the planning application submission to LBW as owner of the land as required by the Town and Country Planning (Development Management Procedure) (England) Order 2015.

2.5 The officers report to committee (CD6) provides a more detailed description of the proposed development as follows:

- *“Erection of single storey rear/side extension to the north elevation (female & male w/cs and storeroom as shown on existing plans) of the building. The proposed extension would increase the length of this north most elevation from approximately 10m-12.5m to 16.2m, with a total*



*width of 5.8m, to match the overall width of this existing projecting elevation. The proposal would alter the existing pitched roof form of this north section and introduce a flat roof of approximately 3.2m in total height.*

- Erection of single storey rear/side extension to the west elevation of the building (proposed plant and office/storerooms off the existing boxing hall). The proposed extension would have a flat roof of approximately 2.8m in height and would measure approximately 2.5 in length and 12.2m in width, to match the existing width of this section.*
- Enclosure of existing covered corridor (between the existing boxing hall and One-o'clock Club as shown on exiting plans) and raising of roof to match that of the existing building (3.8m), in order to create additional internal floor area.*
- Installation of a retractable awning to the east elevation of the building. The proposed awning would be situated at approximately 2.9m in total height and measure approximate 2.2m in length and 8.0m in width.*
- Installation of replacement doors on the south and west elevations and erection of platforms (approx. 0.4m in total height) to provide disabled access ramps along the south elevation of the site.*
- Installation of replacement football pitches (hardstanding and artificial grass) with associated perimeter fencing. The existing single football pitch would be sub-divided into 1 x 7-a-side pitch (approx. 37m by 50m) and 3 x 5-a-side pitches (approx. 16.5m by 35m each). The proposed perimeter fencing would surround the proposed football pitches of approximately 4.5m in height.*
- Installation of replacement floodlighting. The proposal would replace the existing 8 x floodlights in the same positioning along the perimeter of the existing football pitch and install 1 x new floodlight in the centre of the*

*proposed pitches. The proposed LED floodlights would be approximately 8.3m in total height.”*

- 2.6 The application forms identify an existing gross internal floorspace of 399 sqm. The proposed development would result in a new increase of 57 sqm (GIA)
- 2.7 The application submission comprises the following:
- 2.8 [Note: The drawings and reports marked in **bold** are also listed as approved documents on the planning permission issued by LBW]. A copy of the planning permission is provided in full as CD5.
- 1 Planning application form, dated 30 September 2019
  - 2 **Drainage Schematic (undated)**
  - 3 **Thames Water Sewage Flooding History Enquiry (29.11.2019)**
  - 4 Thames Water Asset Location Search (29.11.2019)
  - 5 Flood Map for Planning (17.04.2019)
  - 6 Tooting Common Plant, Plant Gall & Leafmine records 17.05.20
  - 7 **Flood Risk Assessment February 2020**
  - 8 **Lighting Assessment December 2019**
  - 9 **Revised Design and Access Statement (ref. 2019/4206)**
  - 10 **Rock Lane Multi Sports Centres leaflet (Design and Access Statement appendix)**
  - 11 Previous Flooding Photographs
  - 12 Added Value Sporting Initiatives at Tooting Triangle Statement (undated)
  - 13 Surface Water Drainage Calculations (Croft Structural Engineers (rev 1, 5.02.20)

14 **Revised Tree Survey and Arboricultural Method Statement (November 2019)**

15 Tree Survey and Arboricultural Method Statement (10.09.2019)

16 **Green Transport Plan (undated)**

17 Planning History (undated)

18 **Bat Habitat Assessment Survey Report (March 2019)**

19 SFPD Outdoor Lighting Design Tooting Triangle PA 05 (26.09.2019)

20 The following drawings:

Drawing No.	Title	Scale
<b>2881 rev 02</b>	<b>EXISTING BUILDING PLAN AND ELEVATIONS</b>	1:100 @A1
<b>2920 rev 02</b>	<b>EXISTING DRAWINGS - FOOTBALL PITCH AND FLOODLIGHTS</b>	1:100 and 1:200 @A1
<b>2878 rev 06</b>	<b>PROPOSED BUILDING PLAN AND ELEVATIONS</b>	1:100 @A1
<b>No number</b>	<b>BLOCK PLAN</b>	1-500 REV2
<b>No number</b>	<b>OS LOCATION MAP</b>	1:1250 @A4
<b>2885 rev 01</b>	<b>PROPOSED DRAWINGS - FOOTBALL PITCH AND FLOODLIGHTS</b>	1:100 and 1:200 @A1
<b>2901 rev 0</b>	<b>TOPOGRAPHICAL SURVEY DATA</b>	1:200 @A1

## **Planning Process**

2.9 Local planning authorities are required to undertake a formal period of public consultation, prior to deciding a planning application. This is prescribed in Article 15 of the Development Management Procedure Order (as amended). The committee report notes that public consultation took place on two occasions for a 21 day period from 23 October 2019 and 6 March 2020<sup>1</sup>. Statutory consultees were also consulted, site notice(s) were displayed to advise third parties of the planning application submission and an advert was also placed in the local press.

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<sup>1</sup> The committee report summary contains a minor typo and the consultation is incorrectly noted as 6.3.19, instead of 6.3.20.

2.10 I consider that the Council has fulfilled its statutory obligations with respect to consultation on the application submission.

2.11 The consultation comments are summarised within the committee report.

### **Development Plan**

2.12 The Planning and Compulsory Purchase Act (2004) requires that applications for planning permission are determined in accordance with the development plan (i.e. local and neighbourhood plans and any spatial strategies produced by combined authorities or elected Mayors), unless material considerations indicate otherwise.

2.13 The development plan for the Tooting Triangle site comprises:

- 1 London Plan (adopted 2016);
- 2 Wandsworth Core Strategy (2016); and
- 3 Wandsworth Development Management Policies Document (2016).

### *Material Considerations*

2.14 The National Planning Policy Framework (NPPF) (the 2019 published version was the most up to date at the time the application was determined) sets out the Government's planning policies for England and how these should be applied. It provides an overarching framework within which locally prepared development plans can be produced. The NPPF represents government planning policy for England and is a material consideration that must be taken into account where it is relevant to a planning application.

2.15 At the time of the consideration of the planning application The London Plan (2019 Intend to Publish) was also a material consideration alongside the Wandsworth Historic Environment SPD (2016) and Assessment Report to the Wandsworth Council Playing Pitch Strategy (2013 - see CD9), which formed evidence to the local plan.

## **Designations.**

2.16 The application site is covered by the following planning designations:

- 1 Metropolitan Open Land
- 2 Site of importance for Nature Conservation
- 3 Locally Heritage Asset - historic open space
- 4 High Risk of Surface Water Flooding (1 in 30 flood event)

## **Officer Report**

2.17 The Council's Constitution does not give the Assistant Director of Environment and Community Services (Planning and Transport and Strategy) delegated powers to determine the application under delegated powers and therefore it was required to be determined by the Planning Applications Committee. The officers report to committee (CD6) assesses the application proposals against planning policy and concluded that the proposals are in general conformity to the Development Plan overall and there are no material considerations of significant weight to justify refusal. The officers report to committee recommends approval subject to 8 planning conditions.

2.18 Prior to the planning committee meeting on 19 May 2020 a paper was prepared and made available to Councillors and third parties entitled "Late Items of Correspondence" (a copy is provided at appendix 1). This paper provides further information on the additional correspondence that had been issued to the planning application in support and objection to the application.

2.19 The application was presented to Members of the planning applications committee on 19 May 2020 where it was resolved (by 7 votes for and 3 abstentions) that planning permission be granted as set out in the committee report, noting the additional information as set out in the late items of correspondence paper.

## **Planning Permission (inc. conditions)**

2.20 The planning conditions are summarised at appendix 2 and provided in full at CD5. I consider that the proposed conditions are reasonable and will ensure that the approved scheme is required to be implemented as approved, with additional measures in place to require further detail on landscaping and ecology which must be agreed with the Council.

2.21 The planning permission was issued by LBW on 21 May 2020, subject to the eight conditions agreed by Councillors.

## 3.0 **Townscape and Visual Impact**

### **Site and Context**

- 3.1 The site is located in the London Borough of Wandsworth in the north-western corner of Tooting Bec Common. Tooting Bec Common, comprising approximately 58 hectares, was one of the first commons which the Metropolitan Board of Works (MBW) took action to preserve following the Metropolitan Commons Act of 1866. Today Tooting Bec Common is owned and managed by Wandsworth.
- 3.2 The northern part of the Common is dissected by railway lines. This specific part of the Common is known as the Tooting Triangle as it is defined on two sides by elevated railway tracks carried on tree lined embankments raised above the generally flat topography of the original Common. The south side of the northern tracks is formed in part by a visually prominent concrete retaining wall. The third side of the triangle is defined by a woodland belt sitting in front of the urban development on the eastern side of the Common. I refer to the plan of the Common at appendix 3 which shows the proposed development site in red.
- 3.3 Beyond the railway lines and woodland belt the Common is surrounded by generally two storey suburban development – to the west this appears to date from the late Victorian period; to the north from the late Victorian / Edwardian period and to the east from the interwar period.
- 3.4 Tooting Triangle is a generally flat and open area of grassland with perimeter footpaths all used for informal leisure uses including dog walking, general recreation and sports. Trees where they are found are also generally located in groups and belts on the perimeter of this specific part of the Common.
- 3.5 Pedestrian and cycle access is made through bridges under the railway lines and from adjoining residential areas. The access nearest to the site is from Cavendish Road directly to the north.

- 3.6 The site itself is tucked into the top north-western part of the Triangle. It is formed of two adjoining small footprint, single storey, buildings which appear to date from the middle of the last century. To the immediate south is Tooting Triangle natural play space and to the immediate east is another playground beyond which is a clay surface football pitch.
- 3.7 The larger structure – a metal clad flat roofed structure with no windows in its main walls is used by the Balham Boxing Club. The interior is lit by rooflights. The smaller structure – the former Triangle One O’Clock Centre – is formed from brick and render walls with pitched roofs in places. This pavilion wraps around the eastern and northern sides of the Boxing Club. The buildings were clearly designed with their operational requirements in mind and can be best described as plain or every day. They are all in generally poor condition. The buildings are surrounded by grassed areas, trees, shrubs and fencing enclosures of various designs and heights.
- 3.8 The football pitch is bounded to the west by a high mesh fence which, it is understood, is the remnant of an earlier fence of the same form which also surrounded the football pitch on its other three sides. The pitch is illuminated (with no controls on hours of operation) by 8 sets of double floodlights. The pitch also has a number of trees on its northern and eastern edges.
- 3.9 In visual terms Tooting Triangle is an obviously compartmentalised area of the Common being clearly defined by significant urban features on two sides – the railways – and by suburban housing partially visible (in winter) through the tree belt on the third side. Although there is little intervisibility between the Triangle part of the Common and the residential areas to the north and west some elements of roofline can be seen above the railway embankment when looking north and west from around the site. With these visual elements and those of the railway infrastructure it is obvious that the city sits immediately beyond the Common where it contains this modest range of recreational facilities.



- 3.10 The area of the Triangle, where these facilities have been long established, is visually contained by, and seen in the context of, the railway lines, trees and some railway related buildings. The existing buildings of the facility are familiar elements of this scene. This specific area of the Common has the visual arrangement of a typical urban park with ancillary buildings providing covered sports facilities and changing rooms. The appearance of this urban park arrangement is entirely characteristic of the area.
- 3.11 In addition to the outdoor formal playground and football pitch activities of the facility itself the open grassland areas of the Common to the east and south of the site are used for informal sports activities as well as various organised, rugby related sports, on unmarked pitches. The general scene of this part of the Common is characterised by a rich mixture of formal and informal sports and recreation activities.
- 3.12 Both the internal and external sport and recreational activities and uses are entirely consistent with, and indeed largely help define, the established scene.

## **Heritage Considerations**

- 3.13 There are no conservation areas or other above ground heritage assets in nearby proximity. There are conservation areas in the wider area but none of these are have any visual connection with, or influence on, this part of the Common.
- 3.14 Tooting Bec Common is identified as a Local Heritage Asset. Supplementary planning guidance recognises that the historic parks and gardens of the Borough, such as this, provide a valuable resource for recreation and enjoyment. It is considered important that historic parks and gardens are protected from inappropriate development and their historic features are restored to enable successive generations to enjoy and appreciate the parks.

3.15 Council policy relating to the historic environment generally seeks the conservation and management, and where appropriate, the enhancement of space in between and around existing buildings.

3.16 The proposals are entirely characteristic of the historic use and townscape qualities of this part of the common. In this context it is my opinion that these modest proposals would have no harmful impact on the heritage value of Tooting Common.

### **Impact of Proposals on character and appearance of area**

3.17 The proposed and renewed internal uses of the boxing club, changing rooms, play areas, public toilets and ancillary café are all entirely consistent with the existing activities.

3.18 The proposals involve the addition of modest single storey extensions to the north and west elevations of the existing facility. These are the least visible elevations of the facility when seen from the open areas of Common to the east and south. Accordingly these extensions would not therefore cause any visual intrusion or loss of openness.

3.19 The existing arrangement of buildings and associated enclosed spaces are inaccessible to the public. Specifically, the north and west elevations are blank and do not represent an active frontage. The proposals are arranged in such a way as to make use of these inactive frontages as a way of allowing extensions to take place without causing any further loss of accessibility or encroachment on useable areas of this part of the common.

3.20 These elements of the proposals would be seen when arriving at the site from the north through the Cavendish Road railway bridge. In these views the extensions would be seen in the context of the existing buildings and would not be obtrusive in this respect. Indeed the new brickwork and metal cladding would enhance this prospect by tidying up and improving the west elevation.

- 3.21 The south elevation would also enjoy these design benefits with new clarity being provided through the creation of better defined openings and entrances along with the rationalisation of access ramps.
- 3.22 The east elevation would also be enhanced through the creation of folding glazed doors in an existing wall, with retractable awning over, giving a much needed external expression of the café. This enhancement would also lead to a better visual connection between internal and external activities which would also encourage improved active surveillance.
- 3.23 These modest physical changes are proportionate to the scale of the existing buildings, would be largely contained within the existing fenced curtilage of the built facility, would not encroach on useable open space and be visually inobtrusive. The provision of accessible toilets that will be available to users of the proposed facilities and also for general users of the Common is an additional and significant improvement compared to the existing facilities.
- 3.24 It is proposed to provide four smaller pitches in place of the single larger current pitch (the flexible design also allows for alternative layouts as described in Mr Warren's Proof). The enhanced facilities will enable sporting use seven days a week from 9am to 9pm, which will result in additional activity at the site. Whilst there will be increased activity it is not considered that there will be an adverse impact in terms of amenity given the sites location and the wider activity within the Common.
- 3.25 The re-erection of the see-through mesh fence around all four sides of the reconfigured football pitch is entirely appropriate for this kind of outdoor sports facility. The pitch has historically been fenced, as explained by Mr Cooper-Grundy in his proof of evidence. Given the visual transparency of the fence this would not give rise to any visual intrusion when seen from the open areas of the Triangle.

- 3.26 The proposal also involves the replacement of the existing floodlights with a more modern and less visually intrusive system. This will involve reduced column heights and better contained and directed lighting, which will deliver biodiversity benefit. Further, there are no current controls over the use of the existing floodlights. The proposed sports pitch lights will be the subject of a condition (condition 5) requiring floodlighting is turned off by 21:00 and that the floodlighting can not be used between 15 May and 15 September each year. Any additional external lighting (except emergency lights) should also be on a timer and be turned off no later than 22:00 or on motion sensor activation.
- 3.27 The proposals are thoughtfully designed and modernise the existing premises in a manner entirely appropriate to their wider context. In combination with the proposed landscaping including additional tree planting the proposals would meet the requirement for improving and enhancing the Local Heritage Asset.
- 3.28 In my opinion these alterations and extensions would lead to general operational and design improvements of the facilities, making them more easily accessible and more visually attractive. The modestly extended buildings are entirely characteristic of the existing physical and functional arrangements. Similarly the improvements and enhancements to the external football pitch area are entirely consistent with the wider context of existing outdoor sports and recreational activities.
- 3.29 In the context of the existing baseline the proposals would not give rise to any harm in visual and townscape terms.

## 4.0 **Other Issues**

### **Metropolitan Open Land**

4.1 Metropolitan Open Land (MOL) is a planning policy designation. The relationship of the proposed development to this policy designation was addressed when the planning application for the proposed development was considered and determined. In summary, in MOL terms this is appropriate development in the context of the existing use of land for indoor and outdoor sport and recreation which do not conflict with the purposes of including land within the MOL. The scheme results in the improvement of sport and recreational facilities which are ancillary to, and complement, the functioning of the MOL. Further the openness of the MOL is preserved by the careful design and siting of the proposed extensions (including the reinstated fence) which are not disproportionate in size to the existing building or to the sports pitch.

### **Parking**

4.2 The sports facilities already exist and in this context methods of travel to the facilities are unlikely to change. It is most unlikely that in Zone 3 with high public transport accessibility by bus and tube there will be any noticeable increase in car use or any associated parking.

4.3 There is no car parking provision directly associated with the facility and a Green Travel Plan has been provided which aims to actively discourage car use.

4.4 The Triangle is surrounded by Controlled Parking Zones (CPZ) in residential streets which are designed to limit commuter related parking. I understand that there is no parking stress during the times outside the controlled parking periods. In the unlikely event that parking stress were to occur this is capable of being addressed by an extension of CPZ controls.

## **Residential Amenity**

- 4.5 The facility is located at least 50 metres from the nearest neighbouring residential properties with intervening raised railway embankments between the two. It is most unlikely that the enhanced facilities will lead to any material let alone significant additional noise disturbance, given the location and immediate surroundings. With the combined effect of separation distance, the physical barrier of the railway embankments and already significant ambient railway noise all of which have the effect of limiting existing noise breakout it is most unlikely that residents will notice any material change in amenity terms.

## **Trees**

- 4.6 The proposals involve the removal of four existing mature trees. In the wider context of tree coverage around the site this loss is limited. However there will be a net gain as a result of the requirement for replacement and additional planting which is the subject of conditions (see above).

## **Community Benefits**

- 4.7 The proposed development will result in a number of public benefits which are an important consideration when considering the merits of the proposal. Key benefits include:

- 1 Significant enhancement of facilities compared to existing facilities which are in a poor state of repair.
- 2 The adjoining common will continue to be available for public enjoyment.
- 3 The all-weather pitch would allow for increased use of sporting facilities particularly during periods of inclement weather where grass surfaces would not allow for sporting use.
- 4 Encouraging enhanced health and fitness through increased sporting facilities, available to a wider range of people.

- 5 New public toilets, available during operating hours to users of the sports facilities and users of/visitors to the wider common.
- 6 The new soft play and café will provide additional facilities for the community that are not currently available at the site.
- 7 Enhanced pitch provision and improved lighting sensitive to ecological considerations.

## 5.0 **Summary and Conclusions**

### *Qualifications and Experience*

5.1 I am Michael Lowndes. I am a planning consultant. I appear at this Inquiry on behalf of London Borough of Wandsworth Council, and deal with the planning and townscape considerations of the application, under Article 12 of the Greater London Parks and Open Spaces Order 1967, to the Minister for consent to carry out works on Common Land at Tooting Bec Common.

### *Officers Report*

5.2 The officers report to committee assesses the application proposals against planning policy and concludes that the proposals are in general conformity to the Development Plan overall and there are no material considerations of significant weight to justify refusal. The officers report to committee recommends approval subject to eight planning conditions.

5.3 The application was presented to Members of the planning applications committee on 19 May 2020 where it was resolved (by 7 votes for and 3 abstentions) that planning permission be granted as set out in the committee report, noting the additional information as set out in the late items of correspondence paper.

5.4 I consider that the Council has fulfilled its statutory obligations with respect to consultation on the application submission.

### *Townscape and Visual Impact - Site and Context*

5.5 The site is located in the London Borough of Wandsworth in the north-western corner of Tooting Bec Common. Tooting Bec Common, comprising approximately 58 hectares, was one of the first commons which the Metropolitan Board of Works (MBW) took action to preserve following the Metropolitan Commons Act of 1866. Today Tooting Bec Common is owned and managed by LBW.



- 5.6 The northern part of the Common is dissected by railway lines. This specific part of the Common is known as the Tooting Triangle as it is defined on two sides by elevated railway tracks carried on tree lined embankments raised above the generally flat topography of the original Common. The south side of the northern tracks is formed in part by a visually prominent concrete retaining wall. The third side of the triangle is defined by a woodland belt sitting in front of the urban development on the eastern side of the Common.
- 5.7 Tooting Triangle is a generally flat and open area of grassland with perimeter footpaths all used for informal leisure uses including dog walking, general recreation and sports. Trees where they are found are also generally located in groups and belts on the perimeter of this specific part of the Common.
- 5.8 In visual terms Tooting Triangle is an obviously compartmentalised area of the Common being clearly defined by significant urban features on two sides – the railways – and by suburban housing partially visible (in winter) through the tree belt on the third side. Although there is little intervisibility between the Triangle part of the Common and the residential areas to the north and west some elements of roofline can be seen above the railway embankment when looking north and west from around the site. With these visual elements and those of the railway infrastructure it is obvious that the city sits immediately beyond the Common where it contains this modest range of recreational facilities.
- 5.9 The area of the Triangle, where these facilities have been long established, is visually contained by, and seen in the context of, the railway lines, trees and some railway related buildings. The existing buildings of the facility are familiar elements of this scene. This specific area of the Common has the visual arrangement of a typical urban park with ancillary buildings providing covered sports facilities and changing rooms. The appearance of this urban park arrangement is entirely characteristic of the area.

5.10 In addition to the outdoor formal playground and football pitch activities of the facility itself the open grassland areas of the Common to the east and south of the site are used for informal sports activities as well as various organised, rugby related sports, on unmarked pitches. The general scene of this part of the Common is characterised by a rich mixture of formal and informal sports and recreation activities.

5.11 Both the internal and external sport and recreational activities and uses are entirely consistent with, and indeed largely help define, the established scene.

*Impact of Proposals on Character and Appearance of Area*

5.12 The proposed and renewed internal uses of the boxing club, changing rooms, play areas and ancillary café are all entirely consistent with the existing activities.

5.13 The proposed physical changes are proportionate to the scale of the existing buildings, would be largely contained within the existing fenced curtilage of the built facility, would not encroach on useable open space and be visually inobtrusive. The provision of an accessible toilet that will be available to users of the proposed facilities and also for general users of the common is an additional and significant improvement compared to the existing facilities.

5.14 It is proposed to provide four smaller pitches in place of the single larger current pitch (the flexible design also allows for alternative layouts as described in Mr Warren's Proof). The enhanced facilities will enable sporting use seven days a week from 9am to 9pm, which will result in additional activity at the site. Whilst there will be increased activity it is not considered that there will be an adverse impact in terms of amenity given the sites location and the wider activity within the Common.

5.15 The proposal also involves the replacement of the existing floodlights with a more modern and less visually intrusive system. This will involve reduced column heights and better contained and directed lighting. Further, there are

no current controls over the use of the floodlights. The proposed sports pitch lights will be the subject of a condition (condition 5) requiring floodlighting is turned off by 21:00 and that the floodlighting can not be used between 15 May and 15 September each year. Any additional external lighting (except emergency lights) should also be on a timer and be turned off no later than 22:00 or on motion sensor activation.

5.16 In my opinion these alterations and extensions would lead to general operational and design improvements of the facilities, making them more easily accessible and more visually attractive. The modestly extended buildings are entirely characteristic of the existing physical and functional arrangements. Similarly the improvements and enhancements to the external football pitch area are entirely consistent with the wider context of existing outdoor sports and recreational activities.

5.17 In the context of the existing baseline the proposals would not give rise to any harm in visual and townscape terms.

*Other Issues*

5.18 Metropolitan Open Land – the proposals constitute appropriate development and do not conflict with the purposes of including land within the MOL. The proposals improve sport and recreation facilities and are ancillary to and complement the functioning of the MOL.

*Parking*

5.19 No parking is proposed for the facility and a green travel plan is proposed. The Triangle is surrounded by CPZs in residential streets to limit commuter related parking. In the unlikely event that parking stress were to occur this is capable of being addressed by an extension of CPZ controls.

*Residential Amenity*

5.20 The facility is located at least 50 metres from the nearest neighbouring residential properties with intervening raised railway embankments between

the two. It is most unlikely that the enhanced facilities will lead to any material, let alone significant additional noise disturbance, given the location and immediate surroundings. With the combined effect of separation distance, the physical barrier of the railway embankments and already significant ambient railway noise all of which have the effect of limiting existing noise breakout it is most unlikely that residents will notice any material change in amenity terms.

#### *Trees*

- 5.21 The proposals involve the removal of four existing mature trees. In the wider context of tree coverage around the site this loss is limited and replacement and additional planting is required by planning condition.

#### *Community Benefits*

- 5.22 The proposed development will result in a number of public benefits which are an important consideration when considering the merits of the proposal. Key benefits include:

- 1 Significant enhancement of facilities compared to existing facilities which are in a poor state of repair.
- 2 The adjoining common will continue to be available for public enjoyment
- 3 The all-weather pitch would allow for increased use of sporting facilities particularly during periods of inclement weather where grass surfaces would not allow for sporting use.
- 4 Encouraging enhanced health and fitness through increased sporting facilities, available to a wider range of people.
- 5 New public toilets, available during operating hours to users of the sports facilities and users of/visitors to the wider common.
- 6 The new soft play and café will provide additional facilities for the community that are not currently available at the site.

- 7 Enhanced pitch provision and improved lighting sensitive to ecological considerations.

## **Appendix 1: Late Items of Correspondence**

PLANNING APPLICATIONS COMMITTEE – 19<sup>th</sup> May 2020

LATE ITEMS OF CORRESPONDENCE

PLEASE NOTE: COPIES OF LATE ITEMS REFERRED TO ARE AVAILABLE TO VIEW ON THE ONLINE APPLICATION FILE.

The link to this can be found on the 'Index of Applications' sheet of Paper No. 20-165

**Item 7 Page 139**

**Balham Boxing And Youth Club 366 Cavendish Road and Football Pitch East of 366 Cavendish Road SW12 0PP (2019/4206)**

818 additional objections: correspondence reiterate concerns raised under previous consultation, with additional concerns summarised as;

- The proposal would lead to an intensified use of the pitch and should be considered to be a material change of the use of the site.
- The proposed conditions to the consent are insufficient to control the on-going use and maintenance of the facility.
- Insufficient cycle parking.
- The summary of representation within the officer's report shows more "neighbours" supporting the proposal than objecting, which is misleading. The balance of opinion amongst those who live locally and use the area daily appears to be much more heavily against.
- The facility is designed with unequal bias towards male gender (unequal proportion of male / female facilities) and thus promotes football as a sport for men only.
- The local parking impact is grossly underestimated and should be properly assessed.
- The social role, affordability and accessibility of this proposal has not been properly considered.
- The timing of the application submission during the pandemic is unacceptable.
- No indication that the architecture reflects the council's view on climate crisis.
- The refurbishment of the building should be to UK Passive House Standards

Officers have also been notified of an electronic petition with over 6500 signatures outlining the following concerns;

- Destruction of the environment and one of the remaining green spaces in London.

- Lack of free public access to facility
- Substantial increase car parking and congestion

102 additional comments of support: correspondence reiterate statements raised under previous consultation, with additional comments summarised as;

- The proposal would be an economic benefit to the community.
- The petition against this proposal misrepresents what is being applied for.

14 additional general comments received, summarised as:

- Query on whether toilets on site and football pitch would be for free public use.
- Additional elevations and 3D modelling of the existing site and proposed scheme would aid those with limited ability to interpret plans.
- Existing hours and charging for the One o'clock club should be retained.

Other consultation responses: summarised as:

Friends of Tooting Common (FOTC): The FOTC strongly support these comments by Biodiversity officers on this revised application, alongside the earlier representations made.

LB Lambeth Councillors Ed Davie, Stephen Donnelly and Nanda Manley Browne (Thornton Ward): Object to this application due to privatisation of existing Common land and detrimental impact on biodiversity/wildlife and increased car traffic and parking pressure on the area. It is therefore respectfully requested that the committee reject the proposal but if it is minded to approve, we ask for the following mitigations:

- Free and low-cost access to the pitches is arranged for low income families in the area and local schools.
- Some development money should be used to improve the natural environment of the Common and surrounding area to offset the damage caused by a large expanse of plastic pitch.
- The cost of a review, consultation and implementation (if that is what is approved) for extension of the hours of the Controlled Parking Zone in Hyde Farm be borne by the developer, should parking pressure increase as a result of this development.

LB Lambeth Councillors Scott Ainslie, Jonathan Bartley and Nicole Griffiths (St Leonard's Ward): Whilst supporting the plans to upgrade the Boxing Club and its facilities, we object vehemently to the rest of the proposal on the following grounds:

- Impact on The Local Environment
- Suitability of The Proposal
- Impact on Traffic and Parking
- Appearance and Effect on Design and Visual Impact on Metropolitan Open Land and Local Heritage Asset.
- Privatisation/Commercialising of The Common



LB Lambeth Councillor Rebecca Thackray (Herne Hill Ward): Whilst supporting the plans to upgrade the Boxing Club and its facilities, the proposal is opposed on the following grounds:

- Land remaining accessible to the public
- Heritage preservation and appearance & design of the development and materials
- Impact on the community and equality considerations
- Noise and pollution
- Impact on biodiversity, flood risk and light pollution
- Impact on the community and other services
- Highway safety, traffic and parking impacts

Pioneer FC: The club has been using the Common as a free space for the past 10-11 years, however, were not included in the review process or been informed of these new proposals.

Furthermore, earlier representations have referred to the club and management in reference to supporting project which is fraudulent. The main concern regarding this application is that if such proposals are approved, other local clubs would have free and majority use of the facilities, and the club would have to pay large amounts to play games and for weekly training, having a knock-on negative impact on the local community.

Lambeth Council – As Adjoining Local Planning Authority: It is noted that para 6.3 of the published committee report advises that the transport impacts of the proposal do not require assessment. However, the proposal seeks to reconfigure and intensify the use of the existing football pitch. This could in turn increase the number of people attending the facility at the same time. We therefore consider that transport impacts are material to the consideration of the planning application and should be addressed by way of addendum to the published report

The published committee report does not recommend a condition requiring a travel/parking management plan despite application having generated a significant number of objections. It is also unclear from the application how many car trips the development can be expected to generate outside Lambeth's controlled parking zone's (CPZ) controlled hours and with no planning condition requiring this information to be provided prior to opening, taking a wait-and-see approach looks to be the most feasible course of action. If the intended use looks likely to generate a level of on-street parking that would be to the detriment of Lambeth residents we would request that Wandsworth Council's parking services team to agree a joint strategy with Lambeth Council. If that proposed changing the CPZ's hours of operation, then a full public consultation would need to be carried out with all residents in Thornton "R" CPZ. With officers having not secured from the developer any contribution to fund such a review, the priority for doing this will need to be

judged against the many similar requests that we receive to vary existing parking controls.

Further response of 19<sup>th</sup> May 2020: The proposal would result in intensification of use of the site. A particular concern is the likely increase in on street parking demand, given no on site parking is provided, which will affect neighbouring Lambeth roads.

It is suggested that a form of transport assessment is provided, which assesses the impact of the proposal on parking stress in the local area, including weekends. This should include details of the modes of travel used and the schedule of activities and number of people that could be attracted to the site.

More sustainable modes of transport should be promoted, which they are looking to achieve through the Green Transport Plan. Further, the number of cycle parking spaces should be provided in accordance with the draft London Plan standards.

*Officer comments:* All public representations, notwithstanding the distance of the individual's residential address from the site, are duly considered in the assessment of the application in line with national and local policy requirements.

It should be noted that the electronic petition objecting to the application has been undertaken by a member of the community and has not been formally submitted to the Council in a format that has flowed published Council guidelines.

The principle of the development and the impact on the design and appearance of the MOL and local heritage asset have been assessed under section 1 and section 2 of the Officer reports. No harm has been identified in this respect that would warrant the refusal of the proposal.

The impact of the development on the amenities of nearby residential properties has been assessed under section 3 of the Officer report. Properties on Drewstead Road are located over 300m away from the existing site. This significant separation distance would serve to mitigate any potential impacts of noise and disturbance to these properties. No harm has therefore been identified in this respect that would warrant the refusal of the proposal.

The existing facility lies within a Class D2 use. The proposed extensions to this facility would remain within the same Class D2 use. Internal refurbishments of the site including the provision of changing rooms, showers and toilets cannot be controlled through the scope of this planning application as no 2016 Local Plan policy exists in this respect. Officers are therefore unable to recommended additional conditions governing the size or use of the changing rooms and toilets proposed. It is acknowledged, however, that the applicant has stated within the submitted Design and Access Statement that the toilet would be publicly accessible (when the facility is open) and the male and female changing rooms would have the ability to be

interchanged based on the potential requirements of activities/matches being held on any given day. No harm has therefore been identified in this respect that would warrant the refusal of the proposal.

It is acknowledged that the Council has granted a conditional lease of the existing facility to new management (Report and Minutes of the Finance And Corporate Resources Overview and Scrutiny Committee 22/11/2018 (Paper No.18-432), can be viewed on the Council's website: <https://democracy.wandsworth.gov.uk>). However, this planning application relates only to the external alterations and extensions to the existing facility. As such, queries and concerns relating to the on-going management and maintenance of the existing facility, including rates and bookings for its use, are outside the scope of this planning application.

The arboriculture, ecological and biodiversity impacts of the proposed scheme have been addressed in section 5 of the officer report. The proposed artificial turf would replace the mineral based (Redgra) football pitch only and would not encroach onto or replace the adjoining natural grass area of the open Common Land. The proposed material has been assessed as acceptable and conditions recommended within the officer report are to ensure that there would be no detrimental impacts on the surrounding natural environment and wildlife.

There is no policy requirement for minor extensions and alterations to existing properties to meet Passive House Standards.

Concerns regarding the 'existing stay and play' activity and waste impacts of the proposed scheme have been addressed in section 6 of the officer report. There are no policy requirements for additional waste management details in relation to applications for minor extensions and alterations to properties remaining within their existing use.

In transport terms, the proposed extensions and alterations to the existing single storey building on site have been assessed within the officer report and are not of a scale or design which are considered to lead to an intensification of the established use. In terms of the playing pitch, the proposal would physically demark and improve the area occupied by the existing Redgra football pitch into 4 smaller pitches. It should be noted that the existing pitch can currently be informally segmented for various matches/activities which would allow larger numbers of people than a regular '11-a-side' game. The more permanent subdivision/fencing of this site is therefore not considered to be of such a scale that a material increase in activity would be expected which would require additional highway and parking assessment. Daytime CPZ designations within the location provide a suitable degree of control. Considering that the existing facility has no dedicated cycle parking spaces, the proposed cycle parking (12 spaces) on site is welcomed and policy compliant.

Correction

Paragraph 2.6 – The first sentence in this paragraph states ‘The proposed design of the extensions is also well-considered and positioned to be of moderate overall additional depth (2.mm) ...’ This is incorrect and should state ‘(2.5m)’.

## Appendix 2: Planning Conditions Summary Schedule

Condition Number	Summary	Trigger
1	Commencement within 3 years	Compliance condition – standard requirement
2	To undertake development in accordance with the approved plans and reports (including Green Travel Plan)	Compliance condition
3	Details of external materials and samples to be agreed prior to development commencing	Pre-commencement condition – required to ensure materials have been agreed by the Council
4	Conservation Environment Management Plan – to be agreed prior to commencement of any preparatory Works	Pre-commencement condition – required to ensure biodiversity is protected and mitigation measures have been approved.
5	Post completion Light Spillage Report to ensure lighting is acceptable. The condition also limits the hours and months for use of the approved lighting	A pre-occupation condition requiring confirmation that the installed lighting will meet the submitted and approved details. Limitation on hours of use is a compliance element of the condition.
6	Requires pre-site Arboricultural Inspection prior to any development commencing to ensure tree protection measures have been installed as per the November 2019 Tree Survey and Arboricultural Method Statement (Nov 2019)	The pre commencement condition will ensure all trees are protected as set out in the Arboricultural Report.
7	Landscaping scheme - details to be approved prior to commencement of above ground works and implemented as approved	The condition will ensure that any mitigation planting is approved by the council and measures are in place and retained on site.
	Tree Protection Measures - requires tree protection to be installed prior to commencement of development and retained until completion of the development.	The pre commencement condition will ensure all trees are protected as set out in the Arboricultural Report.



# Appendix 3: Plan of Tooting Common

Source: Wandsworth Borough Council

