



THE CANONS

**Representations from the community members of The Canons Partnership:
Mitcham Cricket Green Community & Heritage, Friends of the Canons & Mitcham Society**

Application numbers 17/P1449 and 17/P1450

November 2017

1. This is a submission from the community members of The Canons Partnership which is responsible, with Merton Council, for securing Lottery funding for the development proposals now seeking planning permission and listed building consent.
2. We have been engaged with this project since its genesis at a meeting with the Heritage Lottery Fund in December 2011. The recognised vision for The Canons project is as set out in Mitcham Cricket Green Community & Heritage's [Cricket Green Charter](#) in 2013 and the project's three guiding principles (Discovery; Connections; Retain, re-use & enhance) are those which we developed. We wrote a majority of the Stage 1 funding bid and have invested more than one thousand hours of volunteer time into this project. Our organisations are integral to its delivery. Friends of the Canons is also actively involved in managing the area's wildlife habitats, landscapes and planting on a voluntary basis.
3. It is with a heavy heart, therefore, that we are unable to support these applications for planning permission and listed building consent. We set out our reasoning below. We believe our concerns can be addressed in a timely manner without the need for a fresh planning application and should be happy to work with Merton Council to resolve them.

Policy considerations

4. We have considered the applications in the context of national planning policy, Merton's development plan and the Mitcham Cricket Green Conservation Area Appraisal and Management Plan. We have also considered the recently adopted Conservation Management Plan (having been heavily involved in its preparation) and the Cricket Green Charter prepared by Mitcham Cricket Green Community & Heritage with the support of Merton Council in 2013.
5. Key considerations have been Merton's strategic policy CS14, the legal requirements for development to "*preserve or enhance*" the Conservation Area, the legal requirement in respect of The Canons' listed buildings and structures to "*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*" and the guidance in paragraphs 131 and 132 and 134 of the National Planning Policy Framework:

131. *In determining planning applications, local planning authorities should take account of:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

132. *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.....*

134. *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*

Causes of significant harm

6. We believe aspects of the development proposals will lead to significant but not substantial harm to the significances of the Grade II* listed Canons house and structures in its grounds, Grade II listed dovecote and the Mitcham Cricket Green Conservation Area. There is also harm to non-designated heritage assets. Notwithstanding the overall merit of the proposals the following issues are among those causes of harm which need to be considered in arriving at the judgment required by the NPPF:

- insertion of a lift into the heart of The Canons house – described by Merton's Design Review Panel as *"a large physical intrusion causing considerable harm to the building form and fabric"*
- unresolved tension over the quality of the proposed new space between The Canons house and Madeira Hall – described by the Design Review Panel as an *"inelegant space"*
- downgrading the importance of the historic entrance to The Canons house with the creation of a new *"convoluted and cluttered entrance to the house"* (as described by the Design Review Panel)
- loss of significant trees in The Canons grounds, including those running across the front of the main house and in the southern car park without evidence of compensatory planting
- loss of a 2.5m stretch of Grade II* listed wall identified as being of significant interest in the Conservation Management Plan
- introduction of intrusive lighting into an area especially valued for its sensitive lighting and dark skies (see below)
- loss of civic use of The Canons house to commercial office space

- an excessive number of interpretation boards of inadequate design.

7. Many of these concerns are shared by Merton Council's Design Review Panel which gave the proposals a RED rating. The subsequent revisions have only addressed some of the recommendations which it made.

The Canons house

8. We recognise and support the need for a viable business case for The Canons house as part of the wider project and the balance of community use and public access against commercial use and financial returns is an important one for the success of the whole project. Yet the proposals do not create a significant area of community space in the house itself. The basement space is cramped and much is given over to toilets which serve the entire building. The show room is likely to have limited public accessibility and at a cost. There is insufficient information provided in the planning application about the use of The Canons house to assess whether sufficient public access will be provided or whether sufficient public benefit will derive from its commercial use.

9. A critical issue in assessing the merit of the proposals for The Canons house is whether any surpluses generated will be re-invested into the future management and conservation of the area. Heritage Lottery Fund's Casework Manager for The Canons confirmed in an email of 24 April 2017 that *"The application form states that a proportion of the profits from the café and workspace within the House will be reinvested into the Canons to ensure sustainability of the future management and maintenance of the site. If successful, the Council will have to keep the promise made in the application form."* Merton Council has not yet confirmed its view despite numerous requests. This matter needs resolution prior to a decision on the applications.

Café & community space

10. We do not believe either the proposed new structure extending Madeira Hall or the proposed new space between The Canons house and Madeira Hall is yet fit for purpose. The approach to the new facility is complex. This is a function of its need to serve many purposes – including café, community space, party space (commercial), information point, toilets, storage, plant room and interpretation hub. This requires a design approach which maximises flexibility; a management approach which blends the commercial and community benefit; and contractual arrangements which ensure both an appropriate mix of commercial and community use and appropriate levels of re-investment of surpluses or commercial activity back into The Canons. We welcome the principle of a café and community use for this building and space but are concerned that there is insufficient public benefit in terms of community rather than commercial use from the current proposals.

11. On practicalities:

- identifying a separate community space/education room is not appropriate – the whole space should be capable of being used for community activity

- design of the space should include an acoustic barrier between Madeira Hall and the café/community space – noise levels in what is likely to become a soft play area are significant
- on design details it will be important that the proposed brick exterior acknowledges the importance of the Canon's historic brick walls and is of an appropriate quality and finish
- community access is required for evening use of the community café outside the 10am-4pm hours proposed and any such access needs to be affordable to even the smallest of local community groups
- further action is needed to ensure the use of outdoor space between Madeira Hall and The Canons house does not compromise this important and sensitive area and the tranquillity and seclusion of the East Lawn

Other issues

12. *The Avenue* – we do not support the gravel track cutting across the key open space fronting Park Place. This is a damaging proposal on which the community partners' have expressed clear views throughout the lifetime of the project. Our commentary to HLF on the Stage 1 bid in August 2014 stated:

"We recognise the desire to attract people to the area but consider the avenue bisecting the former News of the World Sports Ground a clumsy solution to a non-existent problem. It would:

- *damage the historic significance and open aspect of the sports ground*
- *cut across the largest open space in the bid area*
- *sterilise flexible use of this land by constraining opportunities for a wide range of formal and informal sporting and recreational uses*
- *damage the historic aspect of listed Park Place....*

....we believe a more appropriate treatment would be to enhance the entrance at the Commonsides West Gateway to encourage people to explore the Canons without physically prescribing the route they should take. Given the level of support secured for the rest of the bid, its dependency on the local community groups for delivery and the strength of feeling on this proposal we are disappointed that it remains in the bid."

13. We remain of this view despite the changes which have been made. The path will also have an awkward relationship with the restored (and locally listed) running track.

14. *Pond* – we are concerned the proposals will isolate the pond from the natural hydrology. This needs to be informed by the practicalities of ensuring a positive water budget and the opportunities to replenish the pond from the nearby car park and the roof of The Canons house. The Canons pond is a designated Site of Importance for Nature Conservation for the purposes of Policies CS13 and DM02 but we are unaware of any assessment having been undertaken of the ecological impact of the measures proposed. The *Preliminary Ecological Appraisal* that accompanies the applications does not address the issue and its recommendation for a Biodiversity Management Plan has not been addressed. We ask that any planning permission is conditional on preparation of a Biodiversity Management Plan for the whole site.

15. *Walled garden* – this is a centrepiece of the experience of The Canons grounds and deserves the highest design standards and materials. To achieve this we believe the self-binding gravel proposed at the centre of the walled garden should be replaced by new brick pavers that extend the pattern of the existing paving.

16. *Lighting* – The Canons grounds provide opportunities to experience an important nightscape and there are also ecological considerations, notably in respect of feeding bats. Any lighting should be informed by a lighting strategy and none has been provided with the planning application. We agree with the conclusion of the bat survey provided with the application that *“Artificial lighting should be minimised and only considered where necessary. Construction activities should take place during daylight hours and if night works are required, artificial lighting should be minimised. A sensitive lighting scheme for the site as a whole should be created to minimise artificial lighting by using devices to direct light and avoid unnecessary light spill, using motion sensors, dimmers and timers.”* We recognise the need for new lighting on the car parking areas and public realm around the Leisure Centre entrance. We have significant concerns over the lighting proposed for the West Lawn and the path out to Cricket Green. Existing lighting should also be reduced around the area of the existing children’s playground which will be removed. No additional lighting should be permitted unless (a) the impact of this on the nightscape is assessed; (b) there will be no net increase on the sensitive West Lawn and (c) there will be no light spill from the car park into the secluded East Lawn. We expect any lighting of the dovecote to be sensitive to its location.

17. *The Canons flat* - The Canons house benefits from an occupied flat on its second floor. This provides security benefits and reduces fire risk. We welcome the retention of this flat in the plans. Nevertheless, the submitted plans replace the flat’s bathroom facilities on the first floor with commercial office space. No compensating provision for the bathroom is made and this would mean the flat could not be occupied. The plans also impact negatively on the fire escape currently available to the flat. Planning permission for the development proposals should be conditional on adequate provision being made that ensures The Canons flat can be occupied.

Removing existing detractors

18. The development proposals fail to address a number of existing detractors from the significances of the historic structures and Conservation Area, including:

- existing intrusive external lighting, including on Madeira Hall
- a redundant storage container alongside Bellamy’s Copse in an especially intrusive position that Merton Council officers have acknowledged for many years should be removed without any action being taken
- poor quality public realm along the key movement corridor between Canons Leisure Centre and the Multi Use Games Area

19. We believe any planning permission should be conditional on these being addressed.

Construction and development phase

20. We are concerned by the lack of information on how the area's sensitive landscape features, habitats and heritage will be protected from the works necessary to deliver the project. There is a long history of poor maintenance and management and significant breaches occurred during construction of the Multi Use Games Area. We ask that a detailed method statement is required as a condition of any planning consent and that this is subject to community consultation.

Overall assessment

21. We recognise that the project will bring significant public benefits to the setting, conservation and use of the Grade II* listed Canons house and the conservation of the Grade II* structures in The Canons grounds, Grade II listed dovecote and obelisk, locally listed running track and the Canons pond (a non-designated heritage asset). We also recognise the importance of securing the long term viability of the site. The project will also improve the setting of the Grade II listed Park Place and have other conservation benefits. The project will additionally raise public awareness and provide a wide range of educational and volunteering opportunities. These benefits are why we have attached such a high priority to the project in our own charitable and voluntary endeavours.

22. We acknowledge that difficult choices have to be made in a project of this kind. Our reluctant conclusion, however, is that further measures need to be taken to ensure the responsibilities to the area's heritage and wildlife are fulfilled and the public benefit of the project outweighs the harm which it causes. These measures include securing commitments to reinvesting surpluses in the future conservation and management of the site and addressing the other considerations set out in these representations. Addressing these measures will allow the project convincingly to demonstrate it will not unnecessarily harm designated heritage assets and will preserve or enhance the Conservation Area. Without these changes we believe the proposals to be in conflict with Policy CS14, the Conservation Area, the local authority's legal responsibilities to the listed buildings and structures and the NPPF.

Handling conflict of interest

23. We also raise a concern over the potential conflict of interest in the handling of this application. Merton Council is both applicant and decision maker other than in relation to the Listed Building Consent necessary from the Secretary of State. We are concerned that there is no written protocol for managing the potential conflict of interest and have observed the same Council officers advising Merton Council as both applicant and decision maker, notably in respect of heritage and urban design issues.

24. We were informed by email from Merton Council's Assistant Director, Sustainable Communities on 17 October 2017 that:

"Jill Tyndale is the council officer responsible for advising on matters relating to planning and conservation and therefore she will be providing advice on the planning application."

As with all planning applications whether they be internal or external the professional advice of officers within the council is provided to the case officer and considered as part of the planning applications process.

The advice provided by any officer is robust and professional.

Design input from other officers is, as a matter of course, provided to the case officer and considered appropriately. The future Merton team is separate from the development control team and any advice is duly considered by the case officer."

25. We are not questioning whether any advice is robust and professional but do not understand how it can be appropriate for the same officers to advise both parties without a clear and transparent protocol having been established and/or external independent advice being procured.