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# **Merton Council**

## **Council**

**6 July 2022**

### **Supplementary agenda**

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| 5 | Public questions to cabinet members                                    | 1 - 10 |
|   | The questions and written responses will be circulated at the meeting. |        |

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## **1 From Kevin Clarke**

### **To the Cabinet Member for Transport**

What is the expected lifetime of Peel House Car Park and how will it be affected by Morden Regeneration?

### **Reply**

Peel House car park is currently closed. The council is undertaking surveys of the premises and will use these results, due later this year, to inform how Peel House car park can be repaired or replaced. Separately to repairing the car park, Peel House car park is part of Morden regeneration's proposals as set out in Merton's new Local Plan.

## **2 From Tom Shirley**

### **To the Cabinet Member for Transport**

What is the council doing about the new Highway Code bring introduced?

### **Reply**

The Highway Code applies to everyone who uses a road; its aim is to promote safe use of roads and a sustainable transport system. Government updated the Highway Code earlier in 2022 and a summary of the key points contained in that update can be found on the government's website, alongside the full highway code. We are encouraging all road users to make themselves familiar with the new Highway Code. We welcome the changes which clearly prioritise the safety and ease of movement of walkers and cyclists and echo our investments in school streets and other active travel measures. The Council's communications team have also publicised the changes via social media.

## **3 From Tony Burton**

### **To the Cabinet Member for Housing and Sustainable Development**

What are Merton Council's plans for each of the four sites on which Merantun Development Ltd received planning permission, including whether it intends to proceed with sale of the land and whether separate planning applications are expected to be submitted anew for each site?

### **Reply**

There is no current intention to sell the land of these four sites. On the contrary we are investigating, as a matter of urgency, how we can use them to build much needed affordable housing. In December 2020 Merton's Planning Applications Committee resolved to grant permission for new homes across the four council-owned sites at Raleigh Gardens; Elm Road, Farm Road and The Canons. In December 2021 Merton's Cabinet considered a report on some of its property assets

including these four sites and resolved to consider how to optimise the delivery of affordable housing on these sites.

#### **4 Barry Smith**

##### **To the Cabinet Member for Transport**

The announcement of 250 new electric vehicle charging points is welcome, but this still leaves Merton a long way short of the motor industry estimates of the number needed. What longer term targets has Merton set for EV charging points, and how will these be achieved?

##### **Reply**

We are very pleased to have been awarded £750,000 earlier this year to provide over 250 publicly accessible electric vehicle (EV) charging points following our successful bid to the Office of Zero Emission vehicles. The number of people with a registered electric vehicle has doubled to 1,104 vehicles according to the Department of Transport, and the funding will enable us to double the number of publicly accessible EV chargers to over 400. However, we recognise that demand is increasing all the time and we are taking a number of steps to continue to increase supply. Through our Climate Strategy and Action Plan we have committed developing a long term EV strategy and an energy masterplan to ensure there is enough National Grid infrastructure in Merton in the right locations to support increased capacity. We will continue to bid for funding for more electric vehicle charging points and require 100% of private car parking spaces connected with new homes to install from the start the network of cables and power supply necessary so that at a future date an EV socket or equivalent can be added easily to allow vehicle owners to recharge their vehicle.

#### **5 John Davis**

##### **To the Cabinet Member for Housing and Sustainable Development**

On 4th August 2021 Mitcham Society attended a walkabout with Councillors to assess Mitcham Village improvements. It was agreed that high-rise new builds within a km radius would harm the village image. Since the election, these Councillors are not in office. Are these views shared by the new administration?

##### **Reply**

The Mayor of London's Plan and the council's local plan sets out the planning policies on building design, including building height. Mitcham town centre is not identified as a centre that is suitable for tall buildings (defined across London as a building over six storeys). More information can be found on Merton's website for the [new Local Plan](#).

## **6 Mary-Jane Jeanes**

### **To the Cabinet Member for Local Environment, Green Spaces and Climate**

Please could the Cabinet Member tell us how Greenspaces intends to strengthen Greenspaces security to prevent illegal incursions, as at LGW, Figges Marsh and Canons and tell us the clean-up costs. Vehicles like caravans damage the ecosystem and residents have found human excrement on The Canons' Nature Trail.

### **Reply**

Over the last few years, we have been investing in infrastructure to limit the opportunity for people illegally gaining access to public land. This includes a range of hard landscape solutions, such as bollards and gates, as well as soft landscape and natural solutions that includes bunds, tree trunks and hedge planting. Since the more recent incursions on Vestry Green and Figges Marsh and most recently at The Canons, the Greenspaces team have been undertaking further investigations to design further solutions that will further aid in target-hardening weak points that have been exploited to gain unlawful access to these sites.

In the case of Vestry Green and The Canons, as we are mindful of the sensitivities of the local environment and its heritage, we will be exploring a soft landscape defence for the potential access points. The team is currently working on a solution to create earthen perimeter bunds rather than fencing or bollard solutions in order not to detract from the conservation area and provide a great opportunity to enhance the biodiversity of the site through the seeding of the bunds with meadow flower mixes and a sustainably focused cutting regime. For the Vestry Green and The Canons sites, we will be using clay arisings from the borough's cemeteries to create the earthen bund which will be dressed with topsoil and seeded, but owing to the lead time to establish the bund means that we will need to utilise a temporary concrete block solution which we hold with service providers to secure these sites until such a time that the bunds can be created and seeded. It is important to note that 'spoil' utilised from our cemeteries will aid in its local use and minimise the future need to dispose of this material, which has a climate mitigating impact. At Figges Marsh, there is a sizeable area to secure that will take considerable investment to bund all the perimeters required, so we have been working a solution for the weakest perimeter next to the Streatham Road (A216). We have lots of competition for limited resources, but we are keenly aware that the defence of our sites from illegal incursion is a high priority based on the environmental impact of incursions or the loss of community assets while occupiers are on site.

In terms of the recent monetary costs associated with these events, the following items are;

#### Recent costs for Traveller Incursion Clean Ups

- Vestry Green = Litter Clean Up £124.00 + Environmental Health Clean Up £400.00

- Figges Marsh = Litter Clean Up £64.00 + Environmental Health Clean Up £400.00
- The Canons = Litter Clean Up £78.00 + Environmental Health Clean Up £400.00

## **7 Mr D Anastasiou**

### **To the Cabinet Member for Transport**

What has been done since the 31st of January 2022 meeting by the LBM's Mr Chris Lee, Director of Environment & Regeneration, Mr Paul McGarry, Head of Future Merton, and Councillor Hina Bokhari with residents of Grand Drive in relation to the heavy lorries using Grand Drive.

### **Reply**

The council has installed a range of measures along Grand Drive including 20mph signage, traffic sensors to detect what vehicles are using Grand Drive and speed activated signage to encourage drivers to drive within the 20mph limit. The Council has also engaged with London Councils who run the London Lorry Control Scheme (LLCS). LLCS have given Merton Council approval to install additional lorry-ban signage at Bushey Rd approaching Grand Drive. This is now subject to available funding in this year's highway budget. LLCS have also expressed an interest in using Merton's ANPR cameras to enforce lorry bans in partnership with London Councils. Funding has not yet been identified for additional ANPR cameras, but we are working with LLCS to determine how data can be shared between organisations to also LLCS to issue fines via LBM cameras.

## **8 Dr Pippa Maslin**

### **To the Cabinet Member for Housing and Sustainable Development**

Looking at the Council's website, the last update on the regeneration of Morden town centre is from February. Since then, I have heard that the vision is to be severely downgraded due to a lack of funding. Please could the Council provide an update?

### **Reply**

The vision for the regeneration of Morden town centre has not been downgraded and is outlined in the council's new Local Plan (Morden chapter). The council's Local Plan is currently being examined by independent planning inspectors; the first stage of the public hearings took place from 14th-23rd June and the next stage will take place in October 2022. While the examination is underway, the council is continuing to work on progressing the regeneration of Morden.

## **9 David Watkins**

### **To the Cabinet Member for Housing and Sustainable Development**

The council are approving major developments in residential areas. How can private residents compete with major developers who ignore legislation such as the Party Wall Act(1996) and conditions imposed by the council on the planning award? The only recourse is a legal injunction for which we don't have the resources.

#### **Reply**

When matters are addressed by other legislation, such as the Party Wall Act, they should not be taken into account when making a planning decision. Rights around party walls are private civil matters.

However, a key requirement of planning conditions is they are enforceable, which is one of the tests that must be met when they are imposed. Planning conditions are enforceable via different means, such a through a Breach of Condition Notice which can be served by the Council.

If residents are aware of breaches of planning permission, please report it to the council via the Report a planning breach e-form or other contact details on the council's website. The Party Wall Act is legislation designed to support neighbouring property owners in building to the boundaries of properties they both own.

## **10 Joanna Law**

### **To the Cabinet Member for Housing and Sustainable Development**

Is the Cabinet Member aware of the issues surrounding development at Florence Place and would they agree to meet with the residents group so that they can discuss their concerns surrounding the planning process and the impact of the development on their properties and lives?

#### **Reply**

Yes, the issues surrounding development at Florence Place have recently been reported to the Planning Enforcement team. Officers will meet the residents to have the discussion requested and I will join them If we can arrange a suitable meeting time for everyone involved.

## **11 Richard Poole**

### **To the Cabinet Member for Health and Social Care**

How is the Council enforcing its advertising policy given there are advertising boards promoting chocolate, sugary drinks and burgers near our schools? Due to the obesity crisis in children, does the Council agree that the environment around schools should encourage behavioural change and put children's health above commercial gain?

### **Reply**

#### **Enforcing Advertising Policy**

The Council has undertaken a number of measures to tackle childhood obesity, including work around advertising. For adverts that the council manages, food and drink brands, restaurants, takeaways and delivery services will only be able to place adverts which promote their healthier products in accordance with Merton Council Advertising Policy. The Policy seeks to reduce childhood obesity by restricting the advertising of food and drink high in salt, sugar and fat (HFSS) targeted at children, encourage behaviour changes and reduce the health inequality gap in Merton.

Merton Council Advertising Policy has been informed by Transport for London (TfL) Advertising Policy: Approval Guidance Food and Non-Alcoholic Drink Advertising, 2019 and Merton's Public Health evidence such as the Joint Strategic Needs Assessment: Merton Story. The Policy applies to:

- a. Council owned outdoor advertising sites including LBM owned bus stops (JC Decaux)
- b. Advertisements at Council premises open to the public (e.g. libraries, leisure centres and schools)
- c. Advertisements in Council leased premises (subject to lease issues)

The Council meets with JCDecaux and reports any breaches to Merton's Advertising policy and the Council asks for a review against the existing advertising policy. It is also proposed that a snapshot audit of advertising around schools is undertaken in the Autumn.

The Council has no legal powers to enforce advertising restrictions on locations not currently part of the Council's JC Decaux contract e.g. billboards that already have advertising consent to locate on private land or owned by other providers like Global, ClearChannel.

#### **Healthy environment around Schools**

The Council is supportive of developing a healthy environment for Children and Young People in the borough. Since 2015, reducing childhood obesity in the borough has been a key priority of Merton's Health and Wellbeing Board and Strategy. The importance of healthy place is recognised within the refreshed Child Healthy Weight



action plan and forms one of the three core themes underpinning the refreshed action plan (2022-2025).

The council's new Local Plan policies will require any new hot food takeaways that are seeking planning permission not to locate within 400m of the boundary of a primary or secondary school to encourage behaviour change towards healthier food choices. All new hot food takeaways that seek planning permission, regardless of location, will be required to undertake a Health Impact Assessment as part of considering whether planning permission should be granted.

Furthermore, Public Health and the Food Safety team are in the process of reviewing the provision of the Healthier Catering Commitment (HCC) in Merton, Richmond and Wandsworth and produce a robust options appraisal and recommendations for the future delivery of the HCC across the three boroughs.

## **12 David Harper**

### **To the Cabinet Member for Housing and Sustainable Development**

Why haven't I received a response to my application for Class E use of a shop in Merton Hall Road (application 22/P1372), in the appropriate timely manner?

#### **Reply**

The statutory consultation period for this application ended on 24th June 2022 and the Council is now in a position to determine the application. The Interim Head of Development Management will promptly pursue the completion of the officer report and the issuing of the decision notice.

## **13 Rob Cullen**

### **To the Cabinet Member for Housing and Sustainable Development**

What steps are being taken to reduce the workload for Planning Case Officers and ensure planning applications are dealt with efficiently?

#### **Reply**

A new Interim Head of Development Management and Building Control, Jon Berry, has started in post during June. During the week commencing 4th July a mix of internal and external candidates will be interviewed for 4 new Principal Planner positions to support the 2 current Area Managers at a senior level. It is anticipated that all posts will be filled promptly. The remainder of the Development Management staff structure will then be reviewed in the context of forecasted planning application numbers.

A Planning Enforcement Report and Action Plan has been prepared for presentation to the Corporate Management Team and the Full Council in the forthcoming months. A scoping exercise is underway for an audit of the service to be carried out by the

South-West London Audit Partnership and a staffing restructure with costings has been drafted. This includes the Tree and Conservation services.

A separate project at the Corporate level has been commenced into a staffing restructure and resourcing of the Building Control function.

#### **14 Deborah Perry**

##### **To the Cabinet Member for Housing and Sustainable Development**

In respect of breach of condition 6 of planning application 21/P3487, what will the planning department do? Has there been maladministration or misfeasance in public office?

##### **Reply**

The Council has received both planning enforcement complaints and a discharge of condition application (referenced 22/P1840) relating to this condition. The information is being carefully considered by Officers and, as is confirmed under the answer to Question 10, Officers will meet with residents to discuss this.

#### **15 E Ferrari Osbourne**

##### **To the Cabinet Member for Housing and Sustainable Development**

When will council honestly accept responsibility for the unwise decisions taken with regards to the traffic of HGVs in Grand Drive, and will offer compensation for the damages caused by such traffic to the buildings and the residents?

##### **Reply**

Grand Drive performs multiple functions. It is a B-class road (B279, connecting Merton and Sutton) it is classed as a Distributor Road which forms a key link to other London and local distributor roads, it is a bus route and a primary route for emergency vehicles. Like most other roads in the borough and in south London, it is also a residential road. Councillors and senior officers met residents in January 2022 to discuss concerns. Reclassifying the road is not a viable option as there are no reasonable alternatives for bus route, emergency service access and vehicle movements. The road is 20mph and the council has installed speed activated signage. There are also crossing points, signalised junction and mini roundabouts in place to mitigate speeding where possible. The Council is identifying ways in which LBM cameras can link with the London Lorry Control Scheme in order for fixed penalty notices to be issued to HGVs in the zone outside the approved hours.

#### **16 Gioia Joshi**

##### **To the Cabinet Member for Housing and Sustainable Development**

What is the council doing to ensure compliance with planning conditions at 162- 164 Hartfield Road? Numerous evidence has been sent to Merton Council by the public

showing near daily breaches of conditions at the site and so far no action seems to have been taken by Merton.

### **Reply**

There is a live enforcement case open with regard to this complaint. The construction and working hours have been recorded by Officers against the times conditioned on the planning permission and set out in the construction management plan. The findings are under consideration in terms of the next steps to be taken and residents will be updated promptly.

### **17 A Perry**

#### **To the Cabinet Member for Housing and Sustainable Development**

If prior approval granted by the planning department for additional flats includes plans to create a bike store that is not in the demise of the freeholder, how would a linked planning condition that states the said bike store must be in place before occupation ever be discharged?

### **Reply**

Land ownership is a private civil matter that is not a material planning consideration when determining development proposals. However, if the apartments are occupied without the bike store being in place the Council can use a range of enforcement tools to pursue this condition. As stated under the answer to Condition 9 an example would be a Breach of Condition Notice.

### **18 Marilia Santos**

#### **To the Cabinet Member for Housing and Sustainable Development**

How in depth are the planning applications looked at and if the conditions of a planning application are not being followed by the developer/ applicant, what are the penalties that can be applied to them?

### **Reply**

Officers do monitor developments but if third parties consider a condition is being breached this should be reported to the Planning Enforcement team who will thoroughly investigate every case. There is a full toolkit of actions available and a Breach of Condition Notice is an example of a means to address this

### **19 Chris Broadbent**

#### **To the Cabinet Member for Housing and Sustainable Development**

Given that planning permission for development application 17/P2440 has now expired, and multiple reasons were demonstrated by local residents as to why this application shouldn't go ahead, can the council give some assurance that any further application for this development will be considered properly?

### **Reply**

The planning application 17/P2440 was refused permission by Merton Council. The applicant appealed this refusal to the Planning Inspectorate who allowed the appeal. Any future application would be the subject of a public consultation exercise and a thorough assessment in the Officer Report. Should the proposal be of significant public interest the application would be referred to the Planning Committee for final determination. Third parties would have the opportunity to address Elected Members at the meeting prior to a decision being made. However, please also refer to the following answer under Question 20 as the consent is not considered to have expired.

### **20 Bridget Bolton**

#### **To the Cabinet Member for Housing and Sustainable Development**

Has Planning Permission for 17/P2440 expired and the developer had this confirmed to them? As neighbouring residents, we can see that apart from site clearance, no work has started, but have heard it is due to start next week, which we believe is in contravention of the permission.

### **Reply**

The planning application 17/P2440 was refused permission by Merton Council. The applicant appealed this refusal to the Planning Inspectorate who allowed the appeal, thus permitting the development to go ahead. There has been a planning enforcement investigation around this site. The digging and demolition are considered to amount to material operations. These are identified as development under sections 55 and 56 of the Town and Country Planning Act. As this work has taken place prior to the June 2022 expiry date for the permission it remains extant and the scheme can be implemented on that basis.