



RAYNES PARK AND WEST BARNES
RESIDENTS' ASSOCIATION
SERVING THE COMMUNITY SINCE 1928

To the Chief Executive
London Borough of Merton

Dear Madam,

FORMAL COMPLAINT - PLANNING APPLICATION 22/P2351

Our Residents' Association has some 1800 household members, and is over 90 years old.

This is a formal complaint to Merton Council in respect of the intended decision of the Planning Applications Committee (PAC) made on 22nd September 2022 on the application by Bellway Homes to build on the former LESSA sports ground on Grand Drive, Raynes Park.

For the background we append our letter of 10th November 2022, with its two appendices, to the Secretary of State for Levelling up, Housing and Communities, asking him to call in the decision. He has been considering a number of similar representations since that time.

We understand that in view of his decision letter dated 9th June 2023 declining to do so that you are now able to consider a complaint as to the process reached in this decision.

Our complaint is one of gross abuse of process and maladministration.

We look forward to your early and detailed response.

Please note that if we are not fully satisfied with it, we intend to take the matter further to the Local Government Commissioner for his determination.

Bellway has made three applications to build on this site. The first (20/P3237) was never brought before the PAC.

The second application (21/ P4063) to build 107 flats and houses was refused by the PAC on 16th June 2022. A consortium of local sports clubs and a school had made a proposal to use the land intensively for sports, with generous access to the public. This proposal was supported by Sport England.

When Anthony Lyman, the Planning Inspector for the appeal regarding 08/P1869 decided to allow the building of Meadowview Road, he explicitly stated that this was an enabling development to bring the rest of the LESSA field into use for the community, including local schools

(https://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000064000/1000064735/08P1869_Appeal%20Decision%20Notice.pdf). The statements in the section 106 form submitted to him

back this up (12 and 13 of https://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000064000/1000064735/08p1869_s106_agreement_s1.pdf).

COMPLAINT ONE

The officers of the Council made no attempt whatever to further the formal decision of 16th June 2022 by any discussions with the consortium. The Council has refused to answer why not.

COMPLAINT TWO

Instead, within days of the decision the interim Head of Development Management and Building Control held a meeting with Bellway and their land agents Savills. He states: "I met with the applicants Bellway and the land agents Savills on Thursday 30th June 2022 to discuss how the previously refused application may be amended to address the decision made by the Planning Applications Committee on Thursday 16th June 2022. No notes were taken so the council does not hold any information in regards to the meeting".

The Council rather than act on the decision of the PAC instead discussed amending it with the developers. Why was this so?

COMPLAINT THREE

Although no notes were taken of the meeting, the Council must know what was discussed and what advice was given to them. This has never been disclosed.

However, this was clearly instrumental in leading to the very early third application 22/P2351 which was lodged on 24th August 2022.

COMPLAINT FOUR

No reference was made to this meeting on 30th June in the extensive report given by the planning officers on this third application, which came before the PAC on 22nd September 2022. It was only discovered following a subsequent Freedom of Information request.

COMPLAINT FIVE

The second application had been refused on two grounds.

The first was:

"The proposed residential development would result in the loss of open space. The harm caused is not considered to be outweighed by the planning benefit of the proposed development. The proposals would be contrary to policies G4 and S5 of the London Plan (2011), policy CS13 of the Merton Core Planning Strategy (2011) and policy DMO1 of the Merton Sites and Policies Plan (2014)."

The second was given by officers by way of an informative note to the applicants. This was that the application was considered "fundamentally contrary to the provisions of the Development Plan and the NPPF and there were not considered to be any solutions to resolve the conflict".

The officers' report on the third application set out the first reason for the previous refusal but not the second. The complaint is that this second and definitive and conclusive reason was not drawn to the attention of the PAC. It is impossible to see how, had this been done as it should have been, to decide that the minor amendments made in the third application could comply with the

decision already made.

Given this second reason, it is doubly hard to see why the Council's lead officer held a meeting with the developers and their land agents, and did not simply decline to do so.

COMPLAINT SIX

A number of members of the public who objected to the application were entitled to speak at the PAC meeting on 22nd September 2022. The leading member of the consortium, Ali Jaffer, applied formally and in time to the designated officer of the Council of his intention to speak at the meeting. He came to the meeting to speak and produced the evidence to show that he had made the application. But he was denied permission to do so. No reason was given or has been given since for this failure to act in accordance with the need for full debate and openness.

The consortium was therefore denied the opportunity to speak to the PAC members, and the decision was made without their hearing a full and balanced case as to the viability of continued sporting use of the ground.

The Council's local plan throughout has designated the site as Open Space and states that: "Sporting or community use of the entire site will have to proven as undeliverable before any other use can be considered". The burden was on Bellway to prove that that the consortium's proposals were "undeliverable" and not for the consortium to prove that they were.

It was therefore doubly necessary to hear from a member of the consortium in person.

Sport England had continued to object to the third application and to state that the consortium's proposals were viable and costed.

As set out under Complaint 1 the council had made no attempts to discuss with the consortium their proposals, although the officers continued to assert, without any evidence, to state that they were not viable and costed.

COMPLAINT SEVEN

It was clear from the comments of the majority members in favour (the vote was 6 to 4) that they were taking no account of the planning designation of the site, but instead were making their decision on the basis only of the need to meet housing targets, including the provision of affordable housing.

John Elvidge,
Chair, Raynes Park & West Barnes Residents' Association

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