



**FORMER MITCHAM FIRE STATION DEVELOPMENT**  
**Planning application 19/P2688**  
**September 2019**

1. Mitcham Cricket Green Community & Heritage takes an active interest in the future of the Cricket Green Conservation Area and its environs. We are the civic society for this part of Merton and part of the wider civic movement through membership of the national charity Civic Voice. We have been closely involved in the development of the Merton Local Plan, Borough Character Studies, the Conservation Area Appraisal and Management Plan and numerous development proposals in the area. We have worked with the London Borough of Merton and our local councillors to produce the Cricket Green Charter which establishes our approach to development and change in the area and has been acknowledged in the Conservation Area Appraisal and Management Plan for Cricket Green (<http://mitchamcricketgreen.files.wordpress.com/2013/04/cricket-green-charter.pdf>). We have also contributed to production of the Merton Heritage Strategy as a member of the Merton Heritage Forum. We are members of The Canons Steering Group delivering a £5m Lottery funded project and also undertake practical projects, organise walks and run Mitcham Heritage Day and Community on the Green. We ask that these representations are made available online through Planning Explorer.

Context

2. The former Mitcham fire station is a locally listed building in the most prominent location in Cricket Green Conservation Area. It is held in high affection and part of an important assemblage of buildings on the "island site", including the locally listed Vestry Hall and the Grade II listed war memorial. These have significant historic associations and are located on one of Mitcham's network of registered town greens which were formerly part of Mitcham Common.

3. Lower Green West makes an important physical and social contribution to the area. It has been subject to piecemeal change and development pressure and we have long argued that the whole "island site" should be considered as a coherent unit. The Cricket Green Charter states that "*The island site – including the fire station and Cricketers – should be a focus of local community activity, and be developed and managed as a coherent whole*".

4. Our representations on the existing and future Local Plan addressed this role:

*"Mi9 former Mitcham fire station – We do not support the proposed site allocation which is too open ended for such an important building in a sensitive location at the heart of Cricket Green. Merton Council controls the right of access to the highway and so can exercise a significant influence over the development and use of the site. The details of the site allocation can be strengthened by:*

- Extending the boundary to include the apron down to the road given its importance to the streetscape and former function*
- Providing a clear expectation as to the required mix of uses and that this needs to include D1 and/or D2*

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**Registered Office c/o MVSC, Vestry Hall, 336/338 London Road, Mitcham, Surrey, CR4 3UD**  
**Company registration no. 04659164 Charity registration no. 1106859**

- *Recognising the opportunity to strengthen the physical and functional relationship with the Vestry Hall.”*

5. We have considered the proposals for the former fire station in this context and in relation to development plan policies for the area.

6. We are disappointed that the applicants have chosen not to engage with us and others in the local community when developing the proposals. As the National Planning Policy Framework states:

*"Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot."*

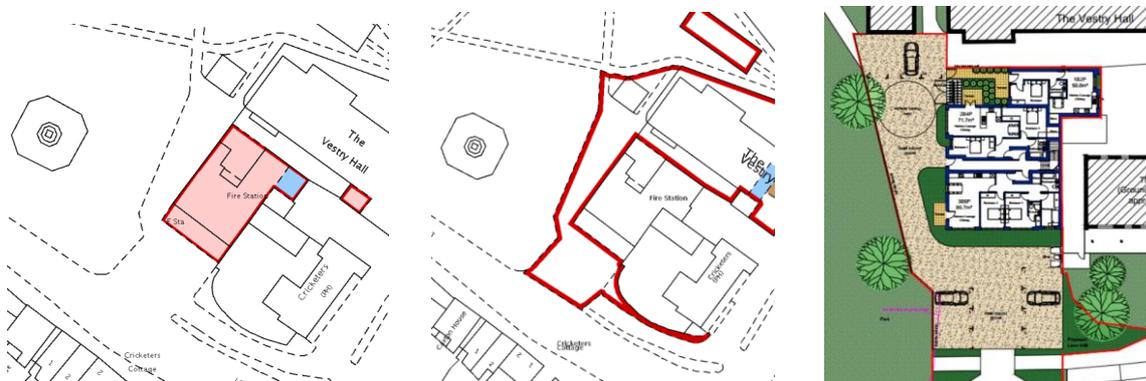
NPPF para 128

7. We have been actively involved in the future of this site since the announcement of plans for the fire station function to move to a new building. We made representations at the Local Plan hearing in 2013 and sought dialogue with both London Fire Brigade and its agents Dron and Wright when the sale was announced. This lack of engagement means that the proposals should be looked on less favourably than schemes, such as the redevelopment of the Queen’s Head, which have engaged local people.

### Validity

8. We have highlighted our concerns with the planning application as submitted. We consider it to be invalid and it should either be rejected or summarily dismissed. This is on at least four grounds.

9. First, the planning application is for an area of land not in the applicant’s ownership. The land between the building and the road and to the north west of the building is owned by Merton Council (see Land Registry extracts below). The application is accompanied by a “CERTIFICATE OF OWNERSHIP - CERTIFICATE B - Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14” and this only notifies London Fire Brigade of the application. The application cannot be considered valid until a written notice has been served on Merton Council and its ownership is recognised in the planning application.



**Applicant’s ownership**

**Merton Council ownership**

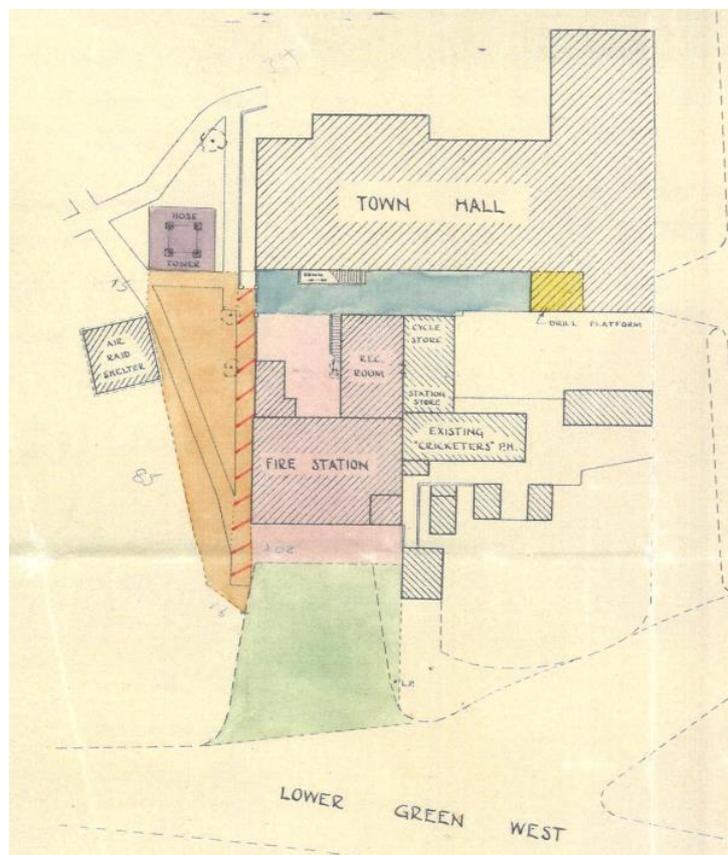
**Application boundary**

10. Second, the proposals would involve the loss of registered Town Green and this would require the consent of the Secretary of State. Any such proposal would be subject to fierce opposition. Lower Green West is one of a network of registered Town Greens in the area and these were registered as town or village greens under the Commons Registration Act 1965. This confers significant protection as once registered the Victorian

protective statutes (s.12 of Inclosure Act 1857 and s.29 of Commons Act 1876) apply to all greens. An extract from Merton Council's map accompanying registration of Lower Green West clearly shows the area proposed to be fenced off for car parking to the north west of the building to be part of the Town Green. Fencing and car park use are not permitted under the terms of the Commons Registration Act.



11. Third, the proposals do not make provision for a right of way to the north west of the building. This is required by Clause 1 of the Deed of Assurance (1955) between the former Mitcham Borough and Surrey County Council which requires *"a right of way on foot only at all times over and along the footpath coloured brown hatched red upon the said plan"* (below):



12. Fourth, the applicant has not provided a heritage impact assessment of the quality necessary to address the potential impact of the proposals. Merton Council's Planning Applications Validation Checklist (adopted May 2018) requires all developments affecting listed or locally listed buildings or buildings in a Conservation Area to be

accompanied by a Heritage Statement. The application is supported by both a Heritage Assessment and a Heritage Impact Assessment. Neither is fit for purpose because they fail to identify the adjacent war memorial as being nationally listed (Grade II, 2017). They do not even recognise it as being locally listed (December 2015). This is of such fundamental importance to the proposals that the applicants cannot be considered to have provided the information necessary for a determination. The Heritage Statement is also wilfully misleading in stating that the most major threat to the site is *"its present vacancy, which has the potential to tend toward dereliction"* (paragraph 4.21). The London Fire Brigade is entirely responsible for this in its handling of the site's disposal and national planning policy is clear in how such arguments should be addressed – *"Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision."* (paragraph 191)

### Planning considerations

13. Notwithstanding these fundamental considerations we have reviewed the development proposals on their own merits and found them wanting:

- The proposed extension presents an incongruous elevation to the war memorial and green space and damages the significance of the locally listed Vestry Hall as well as the locally listed former fire station
- The proposed extension is disproportionately large for the modest proportions of the original locally listed building and entirely changes its scale and character
- The proposals fail to respect the integrity of the engine bay by not retaining its scale and volume within the converted building and so cause significant harm to the character of the former fire station
- The proposals fail to address the awkward relationship with the Vestry Hall and leave an unresolved space between the two buildings
- There is significant harm to the setting of the Grade II listed war memorial – the setting of war memorials is particularly significant because of the role they play in important community functions such as on Remembrance Sunday
- There is excessive car parking provision and this is intrusively located
- The proposals will damage the visual quality of Lower Green West as a result of new fencing, lighting, bin stores, hard surfaces and parked vehicles and obstruct pedestrian access

14. We believe the proposals will have a significant and negative impact on the Conservation Area, damage the setting of the listed war memorial, cause substantial harm to the locally listed former fire station, harm the locally listed Vestry Hall, appropriate registered Town Green, conflict with the Deed of Assurance, take Merton Council owned land without official notification and be in conflict with development plan policies CS2, CS14, CS20, DM D1, DM D2, DM D3 & DM D4. We ask that planning permission is refused.

15. We would welcome the opportunity to work on alternative proposals with the applicants. These should be more modest in scale, respect the Town Green and the nationally and locally listed buildings and avoid urbanising clutter from fencing, parked vehicles, bin stores and lighting. We recognise the scope to incorporate a modest rear extension of contemporary design which is subservient to the existing building, resolves the relationship with the Vestry Hall, improves the rear elevation, positively addresses the elevation facing the war memorial and avoids any harm to the front elevation facing the road.