



**CONSIDERATION BY MERTON COUNCIL PLANNING APPLICATIONS COMMITTEE
OF MERTON COUNCIL PLANS FOR A NEW MITCHAM [BISHOPSFORD ROAD]
BRIDGE (Planning application ref 20/P2438)**

**Complaint to Merton Council's Monitoring Officer
November 2020**

1. Mitcham Cricket Green Community & Heritage is a registered charity which 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.
2. This is a formal complaint to Merton Council's Monitoring Officer, Louise Round, about the process of considering Merton Council's plans for a new Mitcham Bridge by Merton Council's Planning Applications Committee. The Committee granted planning consent for the new bridge at its meeting on 22 October 2020. The meeting can be watched here on [Merton.TV](#). For the avoidance of doubt the complaint relates to the plans for what Merton Council officers have called Bishopsford Road bridge. It is known otherwise as Mitcham Bridge and has been for hundreds of years.
3. Our complaint raises issues of probity and procedure which have caused widespread concern and undermined trust in Merton Council's decision making processes. We believe they also constitute maladministration.
4. Our complaint identifies a number of errors of fact and omission in the way this planning application was considered along with evidence of bias. These are presented in Annex A. They relate to the process of decision making and not the planning merits of the proposals or any of the myriad other concerns that have been expressed about the handling of this proposal. We believe the Planning Applications Committee was presented with both incorrect and partial information such that it was unable properly to exercise its role. We have waited until Merton Council has had the opportunity to respond to a large number of Public Questions to its Council meeting on 18 November before making this complaint - [link](#). The responses confirm many of the issues and we refer to the Questions where appropriate using the number on the published responses at the Council meeting.
5. We believe the Planning Applications Committee's decision should be reviewed and rescinded.
6. We also believe this issue should trigger a review of the way the Planning Applications Committee does its business. The Local Government Association's guidance on "Probity in Planning" states that that this should be done "*regularly*" and Merton Council's response to Question 9 confirms no review has been undertaken for at least a decade.

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EVIDENCE

Errors of fact

Cycling standards - Officers presenting at the Planning Applications Committee stated that the proposals are "fully compliant" with cycling standards. They are not. The proposals do not meet the requirements of Local Transport Note 1/20 or the 2014 London Cycling Design Standards. The officer's report supporting a recommendation to grant planning permission is also factually wrong in quoting sections of Local Transport Note 1/20 that are not relevant to the design and layout of a bridge carrying a major road. Further detail on these errors of fact are summarised by Merton Cycling Campaign [here](#). Merton Council's erroneous interpretation of cycling standards was repeated in the response to Council Question 13 despite it having been previously informed of its error.

Conclusion - Planning Applications Committee was misled on the compliance of the plans with cycling standards.

Consultation period - At least four closing dates have been given for the period of public consultation on this planning application.

- Planning Explorer cites both 30 September 2020 [link](#) and 1 October 2020 [link](#)
- The consultation letter dated 19 August 2020 states "*The time to make comments about this application begins 4 days from the date on this letter; and lasts for 21 days*" giving a date of 13 September 2020 - [link](#)
- The response to Council Question 14 cites 1 October 2020 - [link](#)
- The site notice cites 9 September 2020



This is known to have resulted in members of the public not knowing if and when they can respond.

Conclusion – The public consultation on the application has been mishandled with resulting distortion of the nature and extent of public comments made available to the Planning Applications Committee.

Errors of omission

Nature and extent of objections - The officer's report supporting a recommendation to grant planning permission fails to mention a single organisation in its summary of the public representations received. This is contrary to normal practice and a notable omission given the large number of established organisations in the borough registering

formal objections, including joint representations from Wandle Valley Forum, Mitcham Society and Mitcham Cricket Green Community & Heritage and representations from Merton Cycling Campaign, Friends of Ravensbury Park, Watermeads Residents Association, Merton Residents' Transport Group, Tree Wardens Merton and Friends of Mitcham Common among others. These organisations are all brigaded, inaccurately, under the description of "local amenity groups".

The Planning Applications Committee was not informed by officers in reports or verbally of the joint [letter](#) to Cabinet lead Martin Whelton signed by eight local organisations asking for the scheme to be withdrawn.

The Planning Applications Committee was not informed in the Supplementary Agenda published on the day of the Committee or verbally of any of the six objections submitted between 19 and 22 October. These arrived before the 2pm cut off for the preparation of the Supplementary Agenda.

Conclusion - Planning Applications Committee was not accurately informed about either the significance or the quantity of public objections to the plans.

Equality Analysis - No Equality Analysis or results from an Equality Impact Assessment was provided to the Planning Applications Committee in accordance with meeting Merton Council's responsibilities under the Equality Act 2010. The lack of equality considerations is despite likely significant impacts on residents of the Watermeads Estate being raised in objections to the proposals (including by Watermeads Residents Association).

Conclusion - Planning Applications Committee was not aware of the equality implications of the plans.

Departure application - The planning application was advertised as a formal departure from the development plan under the Town and Country Planning (Development Plans and Consultation) (Departures) Direction. This means it does not accord with one or more provisions of the Local Plan. The Planning Applications Committee was not informed by the officer's report or verbally of the consequences of being a departure application. Departure application status is also a reason why the application was not delegated to officers for decision. Officers only informed the Committee that it was referred to them for decision because of the nature of the objections received.

Conclusion - Planning Applications Committee was not aware of the significance of the plans being a departure from the development plan.

Examples of bias

Handling of late representations - The Planning Applications Committee was not informed of any of the six late objections not included in the officer's report to the Planning Applications Committee. The Planning Applications Committee was informed by the Supplementary Agenda published on the day of the Committee of two "petitions", a supportive letter from ward councillors (which has never been made publicly available despite requests) and two further letters of support. It was also given a verbal update of a further supportive petition but no verbal update on objections received. The response to Council Question 14 confirms that the views of those making representations according to the procedure advised by Merton Council (to planning.representations@merton.gov.uk - see [link](#)) were not notified to the Planning Applications Committee. These were all objectors. The response also confirms that the views of those bypassing the advised procedure and contacting the Case Officer direct were notified to the Planning Applications Committee. These were all supporters. Additionally, it is known that many of these late representations in support were submitted on the advice of ward councillor and then Council Leader Stephen Alambritis.

Conclusion – the Planning Applications Committee was given biased information about the level of support for the plans.