



DATE VALLEY SCHOOL – extension of operating hours and use (amended application)

**Application number 14/P2812
December 2014**

1. Mitcham Cricket Green Community and 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 new Character Study, the Conservation Area Appraisal and Management Plan and numerous development proposals in the area as well as the recent bids for Heritage Lottery Fund support. The Cricket Green Charter (<http://bit.ly/1l4jbDi>) establishes our approach to development and change in the area and was developed in partnership with the London Borough of Merton, the local community and our local councillors.

2. Date Valley School is located along a narrow road with single access in the heart of the Conservation Area. It is a mixed residential area with a charm and quality which is rare in Merton and needs to be respected.

3. In summary our views on this application are that:

- It should be refused on the grounds that current traffic, parking and amenity impacts from the school are unacceptable and not being effectively managed by the school travel plan
- By Merton Council's own admission school travel plans cannot be adequately monitored and so are unenforceable. To seek to address the impacts of the development through a condition requiring a school travel plan would be in breach of the Government's test for the use of planning conditions which requires that they can be enforced
- There has been undue haste in pursuing this application and its handling by Merton officers not been even handed and does not pay due respect or attention to the views and evidence provided by local residents and groups, including by recommending conditional approval at least one week before the end of public consultation
- Notwithstanding this objection any review of the school travel plan or of the impact of the School after one year should be in collaboration with the local community and not just undertaken by negotiation between the School and officers
- Any revision to the school travel plan should be to more than bronze accreditation

**General enquiries: info@mitchamcricketgreen.org.uk
Web site: www.mitchamcricketgreen.org.uk
Twitter: @MitchamCrktGrn**

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

- Any planning consent should be conditional on much more sensitive management of the School's use of Cricket Green open space and the School should make an appropriate financial contribution to its management

4. Date Valley School has had a significant impact since it was set up in Mitcham Court. These impacts are already much greater than anticipated and they are not being adequately managed by the conditions placed on the existing planning consent. We welcome the revised application which drops the planned use of Mitcham Court on weekday evenings as an improvement on the original proposals. Nevertheless, the fact remains that there are problems with the current use of the school that are not being adequately managed and so this revised application to extend use to include Saturdays and provide for older students continues to give rise to major concerns from our members and local residents.

5. We are frustrated and disappointed by the handling of this application by Merton Council. The officer's report considered by the Planning Applications Committee in October pays scant attention to the serious issues raised by objectors and deals with them in just one paragraph of a ten page report. The latest officer's report for the December Committee is even more dismissive of public views as it has been published a week before public consultation on the revised application has even been completed. It is no defence to table "modifications" at the Planning Applications Committee and to contend this provides councillors with an informed report on which to make a decision. Councillors need to be shown respect by being given a well-considered and full report based on all the relevant facts and information. It is also wholly inappropriate for an officer's recommendation to be made before the consultation period has closed.

6. We also object strongly to the claim asserted in the officer's report that:

"To date the objectors have not taken up the offer of the school to visit and see how they operate. Also they have not provided any details of the alleged offending vehicles that could be crosschecked against the school vehicle register. Council Officers observation continues to be that there are no offences on the public highway."

This suggests a less than even-handed approach to managing the issues by officers who have done little to engage with or obtain evidence from local residents. The offences on the public highway evident at least twice a day on each school run are so numerous as to be impossible for any observer to miss. The tensions which arise from this application would be far better managed if there was less haste and more attention paid to improving local communications and relationships between the School and nearby residents. We shall be hosting an open meeting to help achieve this shortly.

7. The problems with the current use include:

- significant access problems along Cricket Green putting pedestrians (including children going to school) at risk. Cricket Green is a narrow road with limited pavements and is of significant character. It operates as an informal shared space with equal priority for cars and pedestrians and the school run is one of the major threats to this
- major parking problems, including fly parking, obstruction of residential spaces, and illegal parking on private land alongside a failure to enforce the parking restrictions introduced when the School opened. We also have reports of verbal abuse being levelled at local residents who challenge drivers in breach of the school travel plan
- impact on the registered town green through intensive use of the open space immediately outside the school to the exclusion of other uses and incursions onto

the historic cricket ground managed by Mitcham Cricket Club where the game has been played continuously since 1685, longer than anywhere else in the world.

8. These problems are caused by the current intensity of use of the school and they are not being adequately addressed by the travel plan or management of the way the School uses nearby open space. There are numerous examples of the problems which have been reported by local residents and these have continued during consideration of this planning application.

9. The proposed extension of hours will take these pressures to a new level and cross the boundary of acceptability. The development is in conflict with adopted planning policies (including CS2i, CS13a, CS13c, CS18b, CS18d, CS20d) as it will seriously erode the tranquillity and character of this part of the Conservation Area and impact badly on the amenity of local residents. It should be refused.

10. Great weight is attached to the role of the school travel plan in addressing the negative impacts from the school. Yet, Merton Council has publicly acknowledged it does not have the staff or resources to monitor school travel plans adequately let alone enforce them. This was confirmed publicly at the Mitcham Community Forum in October. It was also a feature of the discussion at the Planning Applications Committee when it last considered this application. In response to a public question on the issue to the meeting of the Council on 19th November Councillor Judge confirmed that the lack of resources available to deal with school travel plans required the Council to undertake a *"targeted approach"*. The fact that in officer's eyes *"the School would appear to be taking a somewhat more robust approach to this issue"* is hardly compelling and naïve. It is unsurprising given that it is seeking planning consent to extend its activities. The suggestion of a more robust approach also contradicts the views expressed by officers at the Mitcham Community Forum where it is minuted that there have been *"noticeable problems since the start of the term in September"*. The test is whether the impacts can be managed into the long term and a planning condition to achieve this through a school travel plan is clearly unenforceable.

11. Government policy on the use of planning conditions is crystal clear – one of the six tests for their use is that they should be enforceable (paragraph 206, National Planning Policy Framework). By the Council's own admission this is not the case with school travel plans and the development at Date Valley School can only be made acceptable with an adequate and enforced travel plan in place.

12. On this ground alone the application should be dismissed.

13. Notwithstanding this objection, we note that officer's recommend approval subject to a revised school travel plan but give no indication of where any strengthening of requirements will focus or the process through which it might be agreed. We ask that any revision to the school travel plan is undertaken in consultation with local residents and organisations. We also ask that any revised school travel plan meets more than bronze accreditation under the STAR Sustainable Travel and Accreditation Scheme. Given the sensitivity of this location and the evident problems with existing levels of use we believe that a much higher accreditation level should be required. This approach should be developed in collaboration with the local community and we should be happy to play our role in supporting this.

14. We also note the proposal to make planning consent conditional on a one year review of the impact of the revised arrangements. In the light of the experience with handling this application we cannot support this option unless there is a clear requirement for any such review to involve local residents and organisations. With regret, we have to conclude that a review left solely to Merton Council officers will not ensure proper scrutiny of the issues involved.

15. Finally, we note with dismay the cursory dismissal by officers of the concerns expressed about the impact of the School's activities on the historic Cricket Green and the claim that because Cricket Green open space is accessible to the wider public that *"it would be unreasonable to seek to restrict use of the land by those attending the school."* There is a world of difference between informal public access and regular organised activities being run by the School which is also a commercial enterprise. This open space is one of the jewels in Merton's crown and if planning consent were to be granted then it should be conditional on much more sensitive management of the School's use of the registered town green. The School should also make an appropriate financial contribution to its management. Its use of the green should be sensitive to other users and the adjacent cricket ground should never be used for school activities unless organised by or with the express consent of Mitcham Cricket Club. We would encourage much more regular use by the School of the former News of the World Sports Ground for sport and recreation and there is safe access to this via Cold Blows.