

Merton Council

Cabinet Agenda

Membership

Councillors:

As appointed by the Leader of the Council

Date: Wednesday 23 May 2018

**Time: 8.15 pm or at the conclusion of the Council Annual General Meeting
called for 7.15pm for the same evening**

**Venue: Committee rooms C, D & E - Merton Civic Centre, London Road,
Morden SM4 5DX**

This is a public meeting and attendance by the public is encouraged and welcomed.
For more information about the agenda please contact
democratic.services@merton.gov.uk or telephone [020 8545 3616](tel:02085453616).

All Press contacts: press@merton.gov.uk, 020 8545 3181

Cabinet Agenda

23 May 2018

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Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non-pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Assistant Director of Corporate Governance.

Agenda Item 3

All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library or online at www.merton.gov.uk/committee.

CABINET

19 FEBRUARY 2018

(7.15 pm - 7.44 pm)

PRESENT: Councillors Stephen Alambritis (in the Chair), Mark Allison, Tobin Byers, Caroline Cooper-Marbiah, Nick Draper, Ross Garrod, Edith Macauley MBE, Katy Neep and Martin Whelton

ALSO PRESENT: Councillor Daniel Holden, Sally Kenny, Najeeb Latif, Gilli Lewis-Lavender, Oonagh Moulton, Peter Southgate and David Williams

Ged Curran (Chief Executive), Hannah Doody (Director of Community and Housing), Caroline Holland (Director of Corporate Services), Chris Lee (Director of Environment and Regeneration), Yvette Stanley (Director, Children, Schools & Families Department), Fiona Thomsen (Head of shared legal services), David Keppler (Head of Revenues and Benefits) and Christine Parsloe (Leisure and Culture Development Manager)
Louise Fleming (Senior Democratic Services Officer)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

No apologies were received.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 15 January 2018 were agreed as an accurate record.

4 SCRUTINY REVIEW OF THE HOMESHARE SCHEME. (Agenda Item 4)

The Cabinet Member for Adult Social Care and Health introduced the report, thanking the Scrutiny Panel for their work on this topic. He advised that officers would be working with providers to ensure that they held the proper accreditations and had appropriate safeguarding measures in place.

At the invitation of the Chair, Councillor Sally Kenny, Chair of the Task Group, presented the report echoing the Cabinet Member's comments and thanked all those officers and Members for their support in this important piece of work which built on the work of the Loneliness project in 2017.

The Chair thanked all those involved in the review of the scheme and Cabinet welcomed the report.

RESOLVED:

1. That the report and recommendations arising from the scrutiny review of Homeshare schemes be noted.
2. That the implementation of the recommendations through an action plan being drawn up by officers working with relevant local partner organisations and Cabinet Members be agreed.
3. That the action plan be formally approved by Cabinet before being submitted to the Healthier Communities and Older People Overview and Scrutiny Panel.

5 AIR QUALITY TASK GROUP (Agenda Item 5)

The Cabinet Member for Street Cleanliness and Parking introduced the report, thanking the Task Group for their work on this topic.

At the invitation of the Chair, Councillor Daniel Holden, Chair of the Task Group, presented the report and thanked all those officers and Members for their support in this piece of work which was an important issue for residents.

The Chair thanked all those involved in the review of the scheme and Cabinet welcomed the report.

RESOLVED:

1. That the report and recommendations arising from the scrutiny review of Air Quality in Merton be noted.
2. That the implementation of the recommendations through an action plan being drawn up by officers working with relevant local partner organisations and Cabinet Members be agreed.
3. That the action plan be formally approved by Cabinet before being submitted to the Sustainable Communities Overview and Scrutiny Panel.

6 REFERENCE FROM THE OVERVIEW AND SCRUTINY COMMISSION - SECOND ROUND OF BUDGET SCRUTINY (Agenda Item 6)

At the invitation of the Chair, Councillor Peter Southgate, Chair of the Overview and Scrutiny Commission, presented the report on the second round of budget scrutiny. He noted the lack of detailed comment on individual savings proposed, as it had been the intention of the Commission and its Panels to take a broader strategic view of the proposed budget. It was recognised that the Council was in a position to set a balanced budget for the next financial year, but that a substantial gap was faced in 2020/21 and that it was not immediately apparent how this would be filled. However, it was noted that the Merantun Property Company provided a good example of the Council taking more control over its financial future. Cllr Southgate thanked all those Members and officers involved in the budget scrutiny process.

The Chair thanked Councillor Southgate and Cabinet welcomed the report.

RESOLVED that, in taking decisions relating to the Business Plan 2018-22, the comments and recommendations made by the Overview and Scrutiny Commission and the outcomes of consideration by the Overview and Scrutiny Panels be taken into account.

7 BUSINESS PLAN 2018-22 (Agenda Item 7)

The Cabinet Member for Finance gave a detailed presentation of the report, thanking all officers and Members involved in both the drafting of the Business Plan and the budget scrutiny process. He detailed the consultation which had taken place and the proposed Council Tax rise to fund the increase in the budget for services to older and vulnerable people, and proposed an addition to the wording of recommendation 2 in light of this. He highlighted the financial challenges which the Council faced, due to the cuts in central government funding for funding of public services and welcomed a debate on this issue.

The Cabinet Member for Adult Social Care and Health endorsed the comments made and highlighted the current national crisis in social care funding. In lieu of the government taking action to address the crisis, the Council had built growth into the proposed budget to address. The approach had been discussed with the Chair of the CCG who was comfortable with the proposed approach.

RESOLVED:

1. That the response to the Overview and Scrutiny Commission be agreed.
2. That, having considered all of the information in this report and noted the positive assurance statement given by the Director of Corporate Services based on the proposed Council Tax strategy, the maximum Council Tax in 2018/19, equating to a Band D Council Tax of £1,169.36, which is an increase of 3% for Adult Social Care flexibility, inclusive of the 1% Adult Social Care precept, be approved and recommended to Council for approval.
3. That all the latest information and the comments from the scrutiny process be noted and recommended to Council as appropriate.
4. That the Business Plan 2018-22 including the General Fund Budget and Council Tax Strategy for 2018/19, and the Medium Term Financial Strategy (MTFS) for 2018-2022 as submitted, along with the Equality Assessments (EAs), be approved and recommended to Council.
5. That, having considered all of the latest information and the comments from the scrutiny process, the Capital Investment Programme (as detailed in Annex 1 to the Capital Strategy); the Treasury Management Strategy (Section 5), including the detailed recommendations in that Section, incorporating the Prudential Indicators and the Capital Strategy (Section 4) as submitted and reported upon be approved and recommended to Council for approval.
6. That it be noted that the GLA precept will not be agreed by the London Assembly until 22 February 2018, but the provisional figure has been incorporated into the draft MTFS.
7. That officers be requested to review the savings proposals agreed and where possible bring them forward to the earliest possible implementation date.

8. That it be noted that there may be minor amendments to figures in this report as a result of new information received after the deadline for dispatch and that this will be amended for the report to Council later in February.
9. That the Risk Management Strategy be approved.

8 SAVINGS PROPOSALS CONSULTATION PACK (Agenda Item 8)

RESOLVED that the savings proposals consultation pack be noted.

9 FINANCIAL MONITORING REPORT 2017-18 - DECEMBER 2017 (Agenda Item 9)

The Cabinet Member for Finance presented the report which set out the financial monitoring information for December 2017. It was noted that the overall overspend had come down from the previous month and this had been reflected in the Business Plan report.

RESOLVED that the financial reporting data relating to revenue budgetary control, showing a forecast net overspend at year end of £0.6million, 0.4% of the gross budget, be noted.

10 LOCAL DISCRETIONARY BUSINESS RATE RELIEF SCHEME (Agenda Item 10)

The Cabinet Member for Finance presented the report and thanked the officers involved.

The Chair welcomed the support for small businesses in the Borough and thanked officers for their work.

RESOLVED that the new Local Discretionary Business Rate Relief Policy for 2018/19 be agreed.

11 LEISURE MANAGEMENT AGREEMENT (Agenda Item 11)

The Cabinet Member for Community and Culture presented the report which set out proposals for improving family friendly leisure facilities in the Borough and thanked officers involved for their hard work.

The Chair thanked all involved and Cabinet welcomed the report.

RESOLVED:

- A. That the improved financial benefits that have been negotiated and will be available to the council once the new Morden Leisure Centre is open to the public be noted.
- B. That the preferred option and the priority order of alternative choice options detailed below, for an extension of the leisure management contract between the Council and Greenwich Leisure Limited (GLL) be agreed:

Preferred Option - 1st Choice

1. An additional 5 years of operation (by means of a variation to the terms and conditions of the existing contract), whilst retaining the option to further extend by up to 2 years as currently existing within the contract (Option D), subject to there being no substantial challenges to so doing from the published OJEU contract notice (i.e. contract expiry 30th November 2030 but the 2-year extension is retained as a possible further extension to 30th November 2032).

Alternative Choice Options in Priority Order should the Preferred – 1st Choice Option not be possible.

2. 2nd Choice Option

An additional 5 years of operation, by accepting now the ability to extend the contract by two years and to increase the term, (by means of a variation to the terms and conditions of the existing contract), by a further 3 years with no right to further extend (i.e. contract expiry 30th November 2030) (Option C), subject to there being no substantial challenges to so doing from the published OJEU contract notice (i.e. contract expiry 30th November 2030)

3. 3rd Choice Option

Take up the 2 years extension currently available within the existing contract (Option B), should there being no substantial challenges from the published OJEU contract notice (i.e. contract expiry 30th November 2027).

- C. That authority be delegated to the Director of Environment & Regeneration, in consultation with the Lead Member, to finalise the detail of contract extension changes
- D. That authority be delegated to the Director of Environment & Regeneration and the Director of Corporate Services, in consultation with the Lead Member for Community and Culture, to enact the addition of café and associated facilities with Madeira Hall at Canons Leisure Centre to the operational management of GLL.
- E. That the change of the contract structure from a management agreement to a lease agreement not be approved at this time.

12 EXCLUSION OF THE PUBLIC (Agenda Item 12)

Cabinet noted that the content of the exempt appendices would not be discussed and therefore the meeting could remain in public session. The decision is set out under item 11.

13 LEISURE MANAGEMENT AGREEMENT - EXEMPT APPENDICES (Agenda Item 13)

Cabinet noted that the content of the exempt appendices would not be discussed and therefore the meeting could remain in public session. The decision is set out under item 11.

Committee: Cabinet

Date: 23 May 2018

Wards: All

Subject: Constitution of Committees

Lead officer: Paul Evans – Assistant Director of Corporate Governance

Lead member: Leader of the Council

Contact Officer: Louise Fleming – Senior Democratic Services Officer (020 8545 3616)
democratic.services@merton.gov.uk

Recommendations:

That the Cabinet:

- A. agrees to appoint two Cabinet members and two substitute members to the South West London Joint Waste Management Committee as detailed in Appendix A to this report (to follow).
- B. agrees to appoint two Cabinet members, to the Wandle Valley Regional Park Trust as detailed in Appendix A to this report (to follow).
- C. agrees to appoint the Leader of the Council to the South London Partnership Joint Committee, as detailed in Appendix A to this report.
- D. Agrees to appoint three Cabinet members to the Merantun Development Limited Sub-Committee (previously called the Local Authority Property Company Sub-Committee) as detailed in Appendix A to this report (to follow).
- E. agrees the term of reference for the South West London Joint Waste Management Committee as detailed in Appendix B. These terms of reference have also been included for information in the Constitution of Committees and Outside Bodies report to Annual Council.
- F. agrees the terms of reference for the Merantun Development Limited Sub-Committee, set out in Appendix C to this report. These terms of reference have also been included for information in the Constitution of Committees and Outside Bodies report to Annual Council.
- G. agrees to delegate to the Chief Executive the authority to fill vacancies on the bodies detailed at recommendations A and F on the nomination of the Party Whip of the group with a vacant position.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. To establish and appoint to those bodies for which the Cabinet has the responsibility to do so.

2 DETAILS

- 2.1. Constitution of committees is carried out annually by the Council. Those committees which carry out executive functions or are advisory to the Cabinet need to be appointed by the executive following the Annual Council meeting.

3 ALTERNATIVE OPTIONS

- 3.1. The Cabinet has a discretion over whether it appoints any of the committees referred to in the recommendations.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. Party Groups have been consulted on their membership of these bodies.

5 TIMETABLE

- 5.1. The committees' advisory bodies established by Cabinet will come into effect immediately.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. None

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. None for the purpose of this report.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. None for the purpose of this report.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. None.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. None.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

Appendix A: List of bodies to be constituted by Cabinet

Appendix B: Terms of Reference for the South West London Joint Waste Management Committee

Appendix C: Terms of reference for the Merantun Development Limited Sub-Committee

12 BACKGROUND PAPERS

- 12.1. None.

South West London Joint Waste Management Committee

Membership: 2 – (Substitutes allowed)

Constituted by: Cabinet

Powers and Duties determined by: Cabinet

Authority: Cabinet

Functions:

To advise the Cabinet on the South London Joint Waste Committee whose primary function is to make arrangements for the disposal of waste, provide places for the deposit and disposal of waste and to advise the Participating Councils on the delivery and separation of waste. The Participating Councils are the London Boroughs of Merton, Croydon and Sutton and the Royal Borough of Kingston. The specific functions of the Committee are set out in Schedule 1 of the Constitution of the Committee operating under the name of the South London Waste Partnership.

Each Council has two seats on the Committee with only one vote per borough.

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**~~LONDON BOROUGH OF MERTON LOCAL AUTHORITY PROPERTY COMPANY
(LAPC) MERANTUN DEVELOPMENT LIMITED~~ SUB-COMMITTEE**

TERMS OF REFERENCE

Membership: 3

Constituted by: Cabinet

Powers and Duties determined by: The Localism Act 2011

Authority: Cabinet

Purpose:

To act as the Shareholder Board for the London Borough of Merton Local Authority Property Company (LAPC) "Merantun Development Limited".

Functions:

To exercise all rights and responsibilities of the Council as shareholder, including but not limited to agreeing the company's annual business plan and funding arrangements and monitoring progress against the business plan on behalf of the Council.

Reserved Matters:

The list of matters reserved for Shareholder approval is as set out in Schedule 1 of the Shareholder Agreement.

Delegated Functions:

The Director of Environment and Regeneration will have delegated authority to take decisions on reserved matters in circumstances where the financial expenditure to be incurred, in any one instance, is below two hundred and fifty thousand pounds (£250,000)

Quorum: 2 Members of the Cabinet

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Committee: Cabinet

Date: 23 May 2018

Wards: All

Subject: Adoption of Merton's *Development Viability SPD* and Merton's *Planning Application Validation Checklist*

Lead officer: Chris Lee, Director for Environment and Regeneration

Lead member: Cabinet Member for Regeneration, Environment and Housing

Contact officer: Tara Butler, deputy FutureMerton manager

Recommendations:

-
1. That Cabinet adopts the *Development Viability* supplementary planning document (SPD) at Appendix 1 and the planning application validation checklist at Appendix 2, meaning that from 1 June 2018 planning applicants should expect to publish the development viability appraisals submitted with planning applications in Merton.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. Merton's *Development Viability* supplementary planning document set out what applicants for planning permission must provide if they are submitting development viability assessments with their planning applications. It also sets out how the council will assess development viability.
- 1.2. Merton's *Planning Applications Validation Checklist* sets out the list of documents and plans that applicants must submit to the council when they are applying for planning permission.
- 1.3. In December 2017, Cabinet approved Merton's *Development Viability* supplementary planning document for six weeks of consultation. This took place between January and February 2018
- 1.4. In September 2016 Merton's Cabinet approved Merton's *Planning Applications Validation Checklist* for six weeks of publication
- 1.5. Consultation on both documents took place between January and February 2018. Six comments were received, all either supportive or neutral, which are summarised within the report.
- 1.6. It is recommended that Cabinet adopt both documents set out at Appendices 1 and 2.
- 1.7. Adoption of these documents will send the signal that Merton is taking a transparent and robust approach to development viability, particularly where affordable housing is concerned, and that applicants should expect that all development viability financial appraisals accompanying planning applications in Merton are to be published in full from 01 June 2018.

2 DETAILS

Greater transparency in development viability – new Merton guidance

- 2.1. The Mayor's affordable housing guidance, the new consultation draft National Planning Policy Framework (March 2018), the new consultation draft London Plan (November 2017) all contain a presumption in favour of publishing development viability appraisals.
- 2.2. Six comments were received during the six week consultation.
- 2.3. **Greater London Authority and Transport for London** – both responded that the Mayor welcomed Merton's Development Viability SPG and Planning Application Validation checklist and had a small number of technical additions to improve both documents.
- 2.4. **Merton Green Party**: very much welcome the council's plans to publish applicant's viability appraisals and asks if the council intend to publish the independent assessment of applicant's appraisals. (yes, the council's independent assessment would also be published).
- 2.5. **Merton's Development Control team** supported both documents and provided minor technical amendments.
- 2.6. **A resident** responded specifically promoting policies requiring biodiversity enhancement measures; this comment will be more applicable to the new Local Plan policies and will be taken forward in this way as neither document sets new planning policies.
- 2.7. **Hertfordshire County Council** had no comment to make.
- 2.8. Therefore it is recommended that Cabinet adopt both to come into force from 01 June 2018. From this date applicants would be expected to publish their development viability appraisals they submit in full and the council would also publish any independent assessment we carry out.

3 ALTERNATIVE OPTIONS

- 3.1. The only reasonable alternative is not to adopt one or both documents. This is rejected as all consultee comments were supportive or neutral and the direction of travel in the Mayor of London's emerging London Plan and the revised consultation NPPF (March 2018) promote transparency and publication of appraisals in full

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. As set out in the body of this report.

5 TIMETABLE

- 5.1. Subject to Cabinet approval, the documents would come into force on 1st June 2018.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. As set out in the body of this report.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. In relation to the *development viability* supplementary planning documents the Town and Country Planning (Local Planning) (England) Regulations 2012 sets out the legislative requirements for the production of supplementary planning documents.

- 7.2. The legal and statutory implications of the validation checklist have already been considered by Cabinet at their meeting in September 2016
<https://democracy.merton.gov.uk/documents/s14111/Report%20CIL%20and%20Validation.pdf>

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. The development viability supplementary planning document and validation checklist are setting out how Merton's planning policies will be applied, not creating new policies. The policies to which these documents relate have been subject to sustainability appraisal, equalities impact assessment and health impact assessment which also considers community cohesion.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. The development viability supplementary planning document and validation checklist are setting out how Merton's planning policies will be applied, not creating new policies. The policies to which these documents relate have been subject to sustainability appraisal, equalities impact assessment and health impact assessment which also considers community cohesion.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. None for the purposes of this report

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- 11.1. Appendix 1 – Merton's Development Viability SPG for adoption 23rd May 2018 Cabinet Meeting
- 11.2. Appendix 2 – Merton's Planning Application Validation Checklist for adoption 23rd May 2018 Cabinet Meeting
- 11.3. National Planning Policy Framework 2012 and 2018 draft
- 11.4. National Planning Practice Guidance
- 11.5. Cabinet report on validation checklists: September 2016
<https://democracy.merton.gov.uk/documents/s14111/Report%20CIL%20and%20Validation.pdf>
- 11.6. Mayor of London adopted "*Homes for Londoners: affordable housing and viability supplementary planning guidance*" which applies to all London boroughs, including Merton.
https://www.london.gov.uk/sites/default/files/ah_viability_spg_20170816.pdf
- 11.7. [Mayor of London's, London Plan 2016 and consultation draft London Plan 2017](#)

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APPENDIX 1

Merton's development viability supplementary planning document.

Supplementary to Merton's Local Plan

For Adoption – 23rd May 2018 Cabinet Meeting

Contents

1. Introduction
2. Policy context
3. Preparing and submitting a development viability assessment
4. Transparency
5. Review mechanisms

About Merton's Development Viability SPD

Merton's Development Viability Supplementary Planning Document (SPD) has been prepared to support the implementation of Merton Local Plan and the Mayor's London Plan policy requirements where a developer wishes to challenge planning policy on development viability grounds.

The most common matter that developers challenge as being economically unviable is the amount of affordable housing they can provide with their scheme.

This SPD covers the whole geographic area of the London Borough of Merton.

The document signposts to the Mayor's the Mayor of London adopted "*Homes for Londoners: affordable housing and viability supplementary planning guidance*" which applies to all London boroughs, including Merton.

https://www.london.gov.uk/sites/default/files/ah_viability_spg_20170816.pdf

The Mayor's *Home for Londoners: affordable housing and viability SPG* is very comprehensive guidance, setting out the background, explaining inputs into viability assessments and setting out clearly what can be expected of applicants. It is also helpful for residents and others who are interested in development.

The document is to be read in conjunction with **Merton's Planning Application Validation Checklist** which sets out the information that applicants must submit to the council from the outset when making a planning application.

Regulations and good practice

The National Planning Policy Guidance (NPPG)

<https://www.gov.uk/government/collections/planning-practice-guidance> states that supplementary planning documents should build upon and provide more detailed advice or guidance on the policies in the Local Plan. They should not add unnecessarily to the financial burdens on development and should be prepared only where necessary and in line with paragraph 153 of the National Planning Policy Framework.

Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for producing Supplementary Planning Documents; this document has been produced under these Regulations.

1. Introduction

1.1. This document is written to be used by people and organisations who are submitting planning applications to the council that they believe will not be able to comply with the council's planning policies and still be viable. This document is a technical guide; it assumes knowledge and understanding of planning and property terms.

1.2. The **purpose** of this Supplementation Planning Document is:

- *To endorse the Mayor of London's Affordable Housing and Viability SPG 2017 for the purposes of assessing planning applications and decision making for all planning applications in Merton*
- *To emphasize the importance of transparency in development viability, and to send a clear signal that all information in development viability appraisals submitted with planning applications in Merton should expect to be published.*
- *to provide additional guidance to developers, the public, and other stakeholders, on the approach to assessing viability through the planning process.*
- *to be read in conjunction with the planning application submission requirements for viability appraisals set out in Merton's local requirements within its Planning Application Validation Checklist 2018*
- *support relevant policies in the Merton Local Plan, particularly affordable housing policy but also in respect of any other development plan policies (comprising the London Plan and the Local Plan) where viability is a consideration.*
- *Applied as a material consideration in decision-making with respect of planning applications.*

Why are we preparing this guidance?

1.3. Since the publication of the National Planning Policy Framework (NPPF) in 2012 viability has become a central part of the planning system.

1.4. However, there is no single standard for conducting development viability appraisals and there has been much debate amongst property and planning professionals about the best way to do them

1.5. There is also concern that viability assessments are being submitted to authorities that artificially estimate that the development is not viable, or marginally viable, which reduces the amount of affordable housing or other planning obligations.

1.6. This has resulted in growing recognition of:

- the need for greater consistency in the approach to viability;
- the need to ensure that viability appraisals are formed of inputs that are supported by robust evidence,
- greater transparency in the viability process.

What is development viability?

1.7. For development to take place it has to generate a return that reflects the risks developers take and also generate a land value that incentivises landowners to release their sites for development.

1.8. The value generated from the development must exceed the costs of undertaking that development.

1.9. There are a number of factors that determine both value (such as how much rent a landlord might be able to charge for their site or how much a site might sell for) and cost (such as the cost of construction), and the calculation of all of these defines whether a development proposal is economically viable.

1.10. A development is viable if the value generated exceeds the cost of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken. The NPPF 2012 paragraph 173 states:

“Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”

1.11. Viability is therefore a key factor in determining whether a development proceeds or not. If developments do not generate reasonable returns for developers and landowners, sites won't come forward for new investment and we won't see new homes, shops and business space built locally.

Greater transparency and speed in the planning system

1.12. Where residents, businesses, councilors, property owners and others do not have access to viability evidence they are unable to reach their own view of whether the

information is reasonable and robust, thus undermining confidence in the planning system. The Environmental Information Regulations (EIR) apply a presumption in favour of information disclosure; the exceptions are limited and even then, in most cases, it is necessary to decide whether the public interest is best served by the information being disclosed.

- 1.13. The importance of the principle of disclosure of viability information in planning cases has also been emphasised in several recent Information Tribunal decisions.
- 1.14. One of the key priorities for Merton Council in producing this guidance is to improve transparency in the planning system. Merton's approach is to state clearly that we expect information contained within development viability appraisals to be published.
- 1.15. As part of our approach to ensuring a robust assessment of development viability we require development viability appraisals to be submitted up-front with the planning application (for planning applications that require a development viability assessment, namely where the applicant wants to challenge a policy on viability grounds). Planning applications that require a development viability assessment won't be validated unless we receive one at submission to enable the time for a robust assessment without causing any delays to deciding the application. Merton's Validation Checklist is being updated to reflect this approach.

Endorsing the Mayor of London's Affordable Housing and Viability guidance

- 1.16. The Mayor of London developed his Affordable Housing and Viability SPG 2017 <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance/affordable-housing-and> in a response to the issues set out above and as part of his approach towards improving delivery of affordable housing
- 1.17. On 28th November 2017 the Mayor also published his new London Plan for consultation, so as to elevate the viability requirements included in his Affordable Housing and Viability SPG 2017 to development plan policy status.
- 1.18. The Mayor's Affordable Housing and Viability SPG applies across all of London, providing comprehensive guidance on development viability. This SPG has been designed to support more informed scrutiny of developer's viability submissions.
- 1.19. Merton's approach is to endorse the Mayor's SPG and apply it to all planning applications submitted to Merton Council that require a development viability assessment (i.e. not just those that are referable to the Mayor of London).

2. Policy context

2.1. The role of this SPD is to set out the Council’s development viability requirements for planning applications, providing additional guidance to help implement statutory development plan policies in Merton.

2.2. The statutory development plan in Merton is currently:

- Merton’s Sites and Policies Plan 2014
- Merton’s Core Planning Strategy 2011
- The Mayor’s London Plan 2016
- The South London Waste Plan 2012 (*not relevant for this SPD*)
- Merton’s Estates Plan 2018 (if adopted on 7th February 2018)

2.3. Merton’s Core Planning Strategy policy CS.8 *Housing choice* states:

We will:

- a. Require proposals for new homes including new build schemes and redevelopment proposals to be well designed and located to create socially mixed and sustainable neighbourhoods.*
- b. Seek the provision of a mix of housing types sizes and tenures at a local level to meet the needs of all sectors of the community. This includes the provision of family sized and smaller housing units and provision for those unable to compete financially in the housing market sector and those with special needs. All new housing will be built to lifetime home standards and 10% of new housing will be wheelchair accessible or easily adaptable for residents who are wheelchair users.*
- c. Aim for the borough-wide affordable housing target of 40% which is equivalent to the numerical target of 1,920 affordable homes in Merton for the period 2011-2026.*
- d. We will expect the following level of affordable housing units to be provided on individual sites:*

Threshold	Affordable housing target (units)	Affordable housing tenure split	Provision requirement
10 units or more	40%	60% social rented and 40% intermediate	On site; Only in exceptional circumstances will the council consider the provision of affordable housing off site or financial contribution in lieu of provision on site and this must be justified.

1-9 units ¹	20%	60% social rented and 40% intermediate	Provision of an affordable housing equivalent to that provided on-site as a financial contribution.
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- e. *In seeking affordable housing provision we will have regard to site characteristics such as site size, site suitability and economics of provision such as financial viability issues and other planning contributions.*

National Planning Policy Framework / Guidance

- 2.4. NPPF paragraph 173 states that: *“To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable”.*
- 2.5. National Planning Practice Guidance (PPG) states that decisions must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development and promote economic growth. Where the viability of a development is in question, local planning authorities should look to be flexible in applying policy requirements wherever possible.
- 2.6. The Council has also had regard to government’s consultation draft NPPF and PPG - March 2018 when preparing this SPD.

London Plan

- 2.7. Current London Plan (2016) policy 3.12 states, among other things, that negotiations on sites should take account of their individual circumstances including development viability. At paragraph 3.71 the London Plan advises, “developers should provide development appraisals to demonstrate that each scheme provides the maximum reasonable amount of affordable housing output” and directs boroughs to “evaluate these appraisals rigorously, drawing on assessments which take account of the individual circumstances of a site, the availability of public subsidy and other scheme requirements”.
- 2.8. The new draft London Plan (consultation draft December 2017; Policy H6 Threshold approach to applications) sets out a threshold approach to development viability² whereby:
- proposals which are providing 35% (or 50% for proposals on strategic industrial locations, local significance industrial sites, other industrial sites deemed appropriate for release and public sector land) or more affordable housing on site

¹ (as at January 2018, this element of the policy is not being applied in Merton following government’s Ministerial Statement)

and without public subsidy will not be required to submit a viability appraisals ('Fast Track' route).

- Those proposals not meeting the 35% threshold will be required to submit an appraisal ('Viability Tested' route).

2.9. The new London Plan also sets out the Mayor's approach to review mechanisms, transparency of viability information and Build to Rent schemes.

2.10. The Mayor of London published his Affordable Housing and Viability Supplementary Planning Guidance (SPG) in August 2017. The SPG introduces the threshold approach to viability and provides detailed guidance supporting the new and current London Plans.

2.11. The London Borough Viability Group was formed in 2014 in response to the increasing emphasis placed on development viability in the planning process. The Group draws together planning, housing and surveying officers from councils across London to consider best practice in the assessment of viability.

2.12. The London Borough Viability Group³ has produced a non-statutory Development Viability Protocol published in November 2016 following public consultation to provide additional advice on the information requirements and approaches to be applied by London boroughs when assessing viability. The protocol is supported by Merton, as one of the members of this group, and much of its guidance is reflected in this SPD.

3. Preparing and submitting a development viability assessment

- 3.1. In accordance with Merton’s Local Plan and Mayor of London policy requirements, developers are required to supply viability information where necessary to demonstrate that a scheme is maximising affordable housing.
- 3.2. All financial viability appraisals should be accompanied by the following:
 - An **executive summary** setting out the key findings and conclusions of the financial viability appraisal. This should clearly explain the applicant’s reasoning why it would not be economically viable for the proposed development to comply fully with Local Plan and Mayor of London requirements.
 - A **fully working Argus Developer software model** that can be tested. The council will accept alternative models (e.g. Microsoft Excel based appraisals) provided they explicitly show the calculations and can be fully interrogated and the inputs varied.
 - A table that clearly sets out all the assumptions, inputs, benchmarks finally agreed for the application stage appraisal that together would enable any competent person to rerun the application viability appraisal and get the same result. The table should also contain notes against each assumption, input and benchmark as to how it will be dealt with in the viability review (to be secured under the s.106 agreement)², e.g. whether the assumption/input/benchmark is fixed as per the application appraisal or whether actuals will be reviewed and how estimates will be established, or uplifted based on indices or freely available public data sources (list source and public location of source). This table must be appended to the viability appraisal. The viability review sections of the s.106 agreement will need to tie in to this table.
- 3.3. If changes are made to the proposal during the process of assessing the application that could affect viability or there is a material change in circumstances to the scheme, Merton Council will expect to receive a revised viability appraisal.
- 3.4. In addition to the above, Merton Council endorses the Mayor of London’s Affordable Housing and Viability SPG and requires the same level of inputs and approach within it for all planning applications in Merton that require a development viability appraisal. This should be commensurate with the scale of development.

Viability appraisal methodology

- 3.5. A development is deemed to be viable if the value generated exceeds the costs of the development and also provides sufficient incentive for the land to come forward and the development to be undertaken. The residual land value approach is most commonly

² A legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) secured in connection with the granting of planning permission. Section 5 – “Review Mechanisms” – provides more information on viability reviews.

used for assessing development viability, is identified as the approach used in the Mayor's SPG and is supported by Merton.

- 3.6. Merton expects applicants to provide appraisals based on a methodology, inputs and assumptions that meet the requirements of the Mayor of London (Affordable Housing and Viability SPG 2017; published London Plan 2016 and consultation draft 2017). Applicants must use all reasonable endeavours to ensure that all inputs and assumptions are evidenced and benchmarked against publically available sources. As set out in paragraph 3.2 of this SPD, applicants should set out a list of all assumptions and inputs in a table showing the reference document and benchmark used to support each respective assumption/input.
- 3.7. Availability of public subsidy to support affordable housing assumptions should be fully evidenced including documentation from the Greater London Authority and Registered Providers.

Requirements for the stages in the planning viability assessment process

Stage 1 – pre-application (will be kept confidential)

- 3.8. Applicant must provide draft viability inputs and their preferred methodology to inform their planning application development viability submission, thereby speeding up the planning process.
- 3.9. The level of information required at this stage will depend on the scale and nature of the proposed development.

Stage 2 – planning application submitted (will be published on the council's website)

- 3.10. Applicants must provide a full un-redacted financial viability appraisal wherever the applicant states their scheme cannot comply with planning policies for viability reasons (including, in accordance with the Mayor's Affordable Housing and Viability SPG 2017 'Viability Tested' route schemes with respect of affordable housing requirements).
- 3.11. This is to be provided when the planning application is submitted to the council, as set out in Merton's local requirements within its Planning Application Information Validation Checklist 2018.

Stage 2(a) – varying a planning decision

- 3.12. Where an application made under section 73 of the Town and Country Planning Act 1990 (to vary or remove conditions associated with a planning permission) proposes:
 - a reduction in the number of units/habitable rooms/habitable floorspace for affordable housing, or
 - has the effect of increasing the number of overall residential units and/or varying the tenure mix, and

- in any other case where the council considers it is warranted,

the applicant will be required to submit an updated viability appraisal to assess any associated change in the provision of planning obligations unless the amendments mean that the revised development now complies fully with planning policy requirements. Where the original application was approved under the Fast Track route, the submission of an appraisal wouldn't be required to support the section 73 application if the development as amended would continue to meet the Fast Track route criteria (see Mayor's SPG paragraph 2.14). The need for updated viability appraisals where section 73 applications relate to developments with no residential element will be considered on a case by case basis.

Independent assessment

3.13. Financial viability appraisals will be reviewed by the council or may be referred to council-appointed assessors for independent assessment. As set out in policy CS.8 *housing choice*, applicants will be expected to meet the costs associated with reviewing financial viability appraisals. Applicants will also be required to meet the costs of any subsequent reviews that may be needed, including where the application is subject to an appeal.

4. Transparency

- 4.1. Information relevant to plan-making and the planning application process is publicly available. This is consistent with the NPPF (paras 66 and 69) which places a requirement on local authorities to facilitate community involvement in planning decisions.
- 4.2. The PPG states that transparency of viability evidence is encouraged wherever possible (PPG Viability paragraph 004).
- 4.3. The Mayor of London also encourages the transparency of viability information to increase understanding and public trust in the planning process. The Mayor's Affordable Housing and Viability SPG 2017 states that there will only be very exceptional circumstances for keeping limited elements of viability information confidential. (Affordable Housing and Viability SPG, (August 2017), para 1.2)
- 4.4. The Environmental Information Regulations 2004 ('EIR') cover access to 'environmental information' held by public authorities including local planning authorities. 'Environmental information' for these purposes includes information relating to development viability. Under the EIR there is a presumption in favour of disclosure of environmental information. The EIR recognise that there are certain circumstances ('exceptions') where environmental information may fall not to be disclosed. In most cases, a balancing exercise has to be carried out to decide whether the exception should outweigh the presumption in favour of disclosure.
- 4.5. The availability of information submitted as part of the planning process is important to ensure public participation, confidence in the planning system and the accountability of those undertaking the assessments. The council's starting point is that information submitted as part of, and in support of, a viability assessment should be treated transparently and be available for wider scrutiny. As reflected in Merton's local requirements within its Planning Application Validation Checklist 2018, viability appraisals should be submitted without redaction. In submitting information, applicants do so in the knowledge that this may be made publicly available alongside other application documents. Revised or updated appraisals will similarly be treated in accordance with the principles set out in this section with regard to publication.
- 4.6. In deciding whether there is any reason why the submitted viability information should not be published alongside other planning application documents, the council will draw on the principles of the EIR. The council will depart from the starting point identified above only where there is a convincing case, in relation to specific elements of a viability assessment that one or more of the exceptions to disclose as contained in the EIR would apply so as to outweigh the public interest in disclosure of that information.
- 4.7. Where an applicant requests that only a redacted version of the development viability appraisal be made public, robust and proper justification for confidentiality will be required and should be made prior to the submission of a planning application.
- 4.8. If an applicant wishes to make a case for an exceptional circumstance in relation to withholding any part of their viability assessment from publication, they will need to

identify exactly what material they would wish to be withheld and provide full justification. This should take the form of a schedule or a table clearly identifying the relevant information, together with a marked up copy of the appraisal document. The council will consider the specific circumstances of the case in the light of the principles of the EIR. The council may decide not to accept the applicant's request that information should not be disclosed to the public.

- 4.9. Where a review of an applicant's financial viability appraisal is carried out on behalf of the local authority, disclosure of that review and, where different from the original appraisal submitted by the applicant, disclosure of the finally agreed viability appraisal that is used to inform decision making on the planning application, will reflect by the approach taken in relation to the originally submitted appraisal.
- 4.10. Irrespective of whether viability material is published alongside other application documents, the material may be made available to Members of the council's Planning Applications Committee, or to Members of the council more generally, in accordance with the arrangements for disclosure of information as provided for in the council's constitution.
- 4.11. The council may also need to make information available to a third party organisation where that body has a role in determining an application (e.g. the Mayor of London), has statutory consultee or other duties, is providing public subsidy or is fulfilling their own duties under the EIR and freedom of information legislation.
- 4.12. In the event a request from a third party is received for disclosure of viability information which has not been published online and which falls outside the scope outlined above, for example where the request is made by a member of the public, the council will have regard to the matters arising from the application when applying the EIR to the request.

5. Review mechanisms

- 5.1. Inputs into viability appraisals (e.g. sales values, rental yields etc) are typically determined based on current day values available at the time of the grant of planning permission.
- 5.2. However it may take many months and years between the assessment of the planning application and the day that the development is built and occupied. Review mechanisms address economic uncertainties which may arise over the lifetime of a development proposal.
- 5.3. Provisions for re-appraising the viability of schemes may form part of section 106 planning agreements. Review mechanisms will not be used to reduce the amount of affordable housing agreed when planning permission was granted.
- 5.4. In accordance with Mayor of London requirements (Affordable Housing and Viability SPG 2017 and the New London Plan consultation draft 2017) reviews may be sought under the 'Viability Tested route' on phased and non-phased schemes. Exactly when the review should take place (known as the "Trigger" for the review) will be agreed between the council and the applicant, having regard to the specifics of the proposed development and this will be determined through the assessment of the application.
- 5.5. The council will normally require viability reviews to take place at the following stages for all schemes not meeting the 35% affordable housing threshold:
 - Early reviews to be carried out upon substantial implementation of the development (e.g. commencement of above ground works) triggered in the event construction does not commence within 2 years of the grant of planning permission.
 - A near-the-end-of-development review, as soon as 75% of units have been sold, occupied or substantially completed in accordance with the Mayor of London requirements.
 - On phased developments, an additional viability review may be required prior to substantial completion of development phases (known as a mid-term review) to secure any uplift on subsequent phases.
- 5.6. In accordance with Mayor of London requirements (New London Plan (December 2017) and Affordable Housing and Viability SPG (August 2017)) for 'Fast Track route' schemes that meet or exceed the 35% threshold, an early review mechanism will be triggered if an agreed level of progress on implementation has not been made within two years of the permission being granted.
- 5.7. Any contribution arising from a review of viability would be capped by relevant policy requirements. In other words, if the Development Plan policy in place at the time was

for 50% affordable housing, the council could not insist on more than this. Share of any surplus will be in accordance with Mayor of London requirements.

- 5.8. Where reviews take place prior to or at an early stage of development delivery the council's priority will be for the delivery of additional on-site affordable housing. Where reviews take place at a later stage, the practicalities of delivering additional affordable housing on site may mean that off-site affordable housing or a commuted sum will be sought. For example, if the trigger for the late-stage review is the sale of at least 75% of the homes built on site, it would not be practical for the council to then insist on some of these sold homes now becoming affordable housing. Off-site provision must be fully justified and any costs met by the developer (e.g. design, professional / legal fees etc.)

APPENDIX 2 – Merton’s Planning Application Validation Checklist

For adoption 23rd May 2018 Cabinet Meeting

About Merton’s Planning Application Validation Checklist

Local information requirements sit alongside national information requirements for planning applications and consents. They are required in accordance with [Section 62 of the Town and Country Planning Act 1990](#) and [Part 3 of The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#).

The same legislation also allows local planning authorities (LPAs) to request additional supporting information by defining local information requirements

Our [existing local information requirements \(set out in our validation checklists\)](#) need replacement due to the introduction of new national and local planning policy over the last few years.

The National Planning Policy Guidance (NPPG) sets out a three step process for preparing and revising local information requirements, which includes:

1. A review of the existing local list
2. Consulting on proposed changes
3. Finalising and publishing the revised local list on the LPA’s website.

We consulted on our revised local information requirements during January and February 2018 (step 2 of the process)

Following the end of the consultation we reviewed all comments received and, where considered necessary and appropriate, have made changes to our draft local information requirements. The comments and changes made are summarised in the report for consideration of Cabinet. Cabinet once considering the comments and changes set out in the report are recommended to adopt the Validation Checklist.

The revised local information requirements will then be published on our website and become mandatory requirements for supporting all new applications for planning permission and other consents. We are working to have the Local Validation Checklist in place by **01 June 2018**

The Validation Checklist is set out in tabular format describing each requirement, when it is needed, including types of applications that each requirement applies to and provides some guidance on what we are looking for. It also contains information on the reason for the requirement and sometimes a reference or link where further information related to the requirement can be found.

Validation requirement	Type of application and when required	What is required	Policy driver and other information
A National Requirements			
National information requirements for planning applications and consents	These local information requirements sit alongside national information requirements for planning applications and consents. They are required in accordance with Section 62 of the Town and Country Planning Act 1990 and Part 3 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 .	See government's National Planning Practice Guidance Detailed requirements are found at the following link to the NPPG: http://planningguidance.communities.gov.uk/blog/guidance/making-an-application/validation-requirements/national-information-requirements/	see NPPG Detailed requirements are found at the following link to the NPPG: http://planningguidance.communities.gov.uk/blog/guidance/making-an-application/validation-requirements/national-information-requirements/
B Local Requirements			
1 Affordable Housing Statement	Applications involving 10 or more dwellings.	<p>Submit an affordable housing statement upfront with the planning application. The statement will need to include the proposed mix of private and affordable units broken down by affordable housing tenure with numbers of habitable rooms, bedrooms and the floor space area of habitable areas of residential units. You should also show the location of each of the affordable units (with tenure stated) and the number of habitable rooms, bedrooms, and the floor space area of the units on the proposed floor plans.</p> <p>The statement should also set out the approach and justification for the level of affordable housing, and provide details of Registered Providers that have been approached to act as partners in the development including details of any arrangements secured or proposed with Registered Providers to deliver affordable housing along with details of nomination rights and a schedule of accommodation.</p> <p>A separate financial viability assessment will be required (for applications where they are not providing a policy compliant level (including tenure mix) of affordable housing and where they are not meeting the Mayor of London Affordable Housing and Viability SPG 2017 threshold) to be submitted upfront with the planning application to explain the levels of affordable housing proposed along with an agreement to pay for an independent appraisal of the submitted viability assessment. The Mayor of London Affordable Housing and Viability SPG 2017 provides guidance on what to include in a viability assessment. For more information see validation requirement for "Financial Viability Assessment".</p> <p>The Mayors Affordable Housing and Viability SPG 2017 sets out a threshold approach with respect of affordable housing, whereby a full viability appraisal is required for proposals for below 35% affordable housing provision and tenure mix (onsite). Merton supports this approach and expects applicants to follow it accordingly for all applications for 10 or more dwellings. The Mayor's new London Plan (consultation draft December 2017) includes these requirements.</p>	London Plan Policies: 3.8 to 3.13 Core Planning Strategy: CS 8. Sites and Policies Plan: H3 Mayor of London "Homes for Londoners: Affordable Housing and Viability" SPG 2017 Merton Development Viability SPG 2018
2 Arboricultural Statement / Landscaping Schemes / Tree survey	<p>Where there are trees within the application site or on land adjacent to it that could influence or be affected by the development (including street trees), information will be required on which trees are to be retained and on the means of protecting these trees during demolition and construction works.</p> <p>Landscaping schemes are required for applications involving the construction of new buildings, extensions to existing buildings, or comprising a dwelling or dwellings, or other developments where landscaping enhances the proposed scheme</p>	<p>You will need to provide the information in the form of the documents and plans listed below in line with BS5837:2012</p> <p>You will need to provide information about:</p> <ul style="list-style-type: none"> • a tree survey; • a topographical survey; • a tree constraints plan; • an arboricultural impact assessment; • an arboricultural method statement including a tree protection plan <p>• species, spread, roots and position of trees; • which trees you are proposing to fell and which are to be retained; • which trees will be affected in any way by the proposed development, and; • the measures that will be used to protect them during construction.</p> <p>Landscaping scheme</p> <p>Plans should only include trees to be retained and should clearly differentiate between retained existing trees and those proposed. You must provide details of the planting of trees and/or shrubs, surface materials, boundary screen walls and fences.</p> <p>The scheme should describe the: • materials; • species; • tree and plant sizes, numbers and planting densities; • existing and proposed ground levels, gradients and any earthworks required; • proposed timing of the implementation of the scheme.</p> <p>It should also include proposals for long term maintenance and landscape management</p> <p>Landscape plans show the design and layout of all outdoor areas within the curtilage of a development. Submitted landscape plans should set out the proposed landscape layout, including:</p> <ul style="list-style-type: none"> • How it responds to local guidance/SPDs; • Ecological benefits; • Climate change adaptation measures; • The approach to trees; • Sustainable drainage; • Management and maintenance <p>This information should be prepared by a qualified arboriculturist. Full guidance on the survey information, protection plan and method statement that should be provided with an application is set out in the current BS5837 'Trees in relation to design, demolition and construction - Recommendations'. Using the methodology set out in the BS should help to ensure that development is suitably integrated with trees and that potential conflicts are avoided. An appraisal of the pre-construction situation should be provided, including an assessment of tree quality. Tree retention and removal plans must be provided, and Root Protection Areas identified on proposed layout plans. The assessment should also identify protection measures to be implemented during demolition and construction, and potential management measures.</p> <p>Note: Elements of the assessment may form part of the landscape plan.</p>	London Plan policies: 2.18 and 7.217.21. Core Planning Strategy policies: CS 13 Development Management policies: DM O2,

Validation requirement	Type of application and when required	What is required	Policy driver and other information
3	Air Quality Assessment	Proposals introducing residential use (or other sensitive uses) within areas of particularly significant air quality and other applications likely to have impact on road traffic; applications where the grant of planning permission would conflict with, or render unworkable, elements of the council's Air Quality Action Plan/ Air Quality Strategy.	Assessment to provide details of how a residential scheme (or other sensitive uses) will be successfully accommodated with the area of particularly significant air quality. An impacts assessment will also be required to include necessary information to allow a full consideration of the impact of the proposal upon the air quality of the area. Please note that the whole of Merton is a Air Quality Management Area (AQMA).
4	Basement Impact assessments / Outline construction Method Statement	All properties within the London Borough of Merton that propose a new basement development or an extension to an existing basement development where planning permission is required.	The Basement Impact Assessment (BIA) should demonstrate compliance with Planning Policy DM D2 by addressing the potential impacts of the proposed scheme on the four main issues - Land Stability, Structural Stability, Heritage and Archaeology, Groundwater and Surface water drainage and flooding from all sources. The level of technical information required to address the above issues may vary according to the type of the development, however, it is likely to include the below. Further details can be found in the basement and subterranean SPD. All technical reports must be prepared by a suitably qualified expert in accordance with Figure 1 of the Basement and Subterranean Planning Guidance SPD. <ul style="list-style-type: none"> •Desk study: This should establish the site history, age of the property, topography, distance between the boundaries (adjoining properties and highway) and the proposed basement, geology and ground conditions, rivers and watercourses whether existing or old, surface water and ground water regimes, flood risk from all sources, utilities and other basement developments in the area, so that cumulative effects can be considered. • Site Specific Intrusive Site Investigation entailing a visual assessment of the existing and adjoining buildings for any signs of movement, ground investigation undertaken by a chartered engineer/geologist assessing the ground conditions, groundwater levels, surface and groundwater flow, subsidence and drainage through the use of site specific boreholes and/or trial pit, groundwater monitoring standpipe and recommendations for the foundation design, dewatering process including silt removal/management and discharge location and trial pit investigation to determine the nature of existing foundations. • Engineering Design Work: An outline of the engineering design which should be advanced to detailed proposals stage. Relevant drawings should be provided to show how the designers have addressed ground conditions and the presence of groundwater risk to and from the site, any surcharge from highway and neighbouring buildings, vertical and horizontal loading, drainage layout (including attenuation calculation requirement, sump/pump arrangement and non-return valves) and flooding. The design has to be carried out in accordance to Eurocodes.
5	Basement Impact assessments / Outline construction Method Statement	cont.	<ul style="list-style-type: none"> • Outline Construction Method Statement: This document has to discuss and cumulatively analyse all the information obtained from the desk study, site investigation and the engineering design work to assess any potential impact of the proposed scheme works on land stability, structural stability of adjoining buildings and highway if any, groundwater flow in order to identify suitable construction management methods and mitigation measures. This document should consist of an outline of how the excavation and construction works will be undertaken in sequence, underpinning/piling sequencing with drawings, propping and depropping sequence of any temporary works - It should show how the horizontal and vertical loads are supported and balanced at all stages of construction and consider the interaction between permanent works and temporary works, temporary work drawings, section drawings of the basement retaining wall, access details for the construction equipment etc. • Proposed drainage scheme including SuDS (Sustainable Drainage Scheme) including drianage layout. • Monitoring regime of the ground movements during construction if the basement works if there is any concern of ground movement or subsidence due to the slope of the land or proximity to a neighboUring building or the highway.
6	Biodiversity	Development proposals within or adjacent to statutory protected areas, such as Sites of Special Scientific Interest and Local Nature Reserves, areas protected by planning policies, such as Sites of Importance for Nature Conservation, or proposals that may have an impact on protected species.	The need for any type of survey, its scope and the appropriate methodology would usually be considered as part of the formal pre-application discussions. Typically, a Phase 1 Habitat Survey would need to be carried out by an appropriately qualified person at an appropriate time. Existing records of protected species and habitats in Merton and neighbouring boroughs, which are held by the Greenspace Information for Greater London (GiGL), need to be reviewed before the site survey. The survey report should clearly explain why the survey methods used were appropriate, set out the findings of the survey, consider whether the proposed development would impact on the relevant species or habitats and recommend appropriate avoidance or mitigation measures and biodiversity enhancement measures.

Validation requirement	Type of application and when required	What is required	Policy driver and other information	
7	Bin Stores/Recycling Facilities	All new development which would result in the need for new or additional bin storage or recycling facilities	A scaled plan indicating the location of bin stores and details of the materials, design and type enclosure to be used. The plan should include elevations with dimensions.	London Plan Policy 5.17
8	Character Analysis and Appraisal	New Build Residential (1+ house)	Provide a contextual statement that demonstrates a clear understanding and analysis of the local character of the area. The statement should demonstrate how your proposal will make a positive contribution to protecting and enhancing the local character of the area. This should be incorporated in the Design and Access Statement when one is required.	Core Planning Strategy CS14 Sites & Policies Plan DM D1 Merton Borough Character Study https://www2.merton.gov.uk/environment/designandconservation/bcs.htm
9	Child Yield Estimation	Major residential developments (10 units or more)	The submission of child yield estimations that have been calculated using the proposed accommodation schedule and the GLA Intelligence Unit's Population Calculator (Version 1) and Single Year Age (SYA) tool, which can be downloaded at this webpage: http://data.london.gov.uk/dataset/population-yield-calculator The following criteria should be used: <ul style="list-style-type: none"> Population Calculator - 'Intermediate' affordable housing units should be included as 'Market' units, Population Calculator - 'Affordable Rent' housing units should be treated as 'Social' units, and SYA Tool - only the figures from the sub region 'South' aggregation in the Population Calculator. The child yield calculations and estimations should be clearly set out and should be accompanied by an assessment showing how the proposals meet the requirements of the Mayor of London's Play and Informal Recreation SPG (2012).	London Plan policies: 3.6, Core Planning Strategy CS 13, Mayor of London's Play and Informal Recreation SPG (2012)
10	Community Infrastructure Levy Additional CIL Information Form and plans	Applications involving the construction of new buildings, extensions to existing buildings, or comprising a dwelling or dwellings. All applications for development that may potentially be CIL liable.	The Community Infrastructure Levy applies to development for 100 square metres gross internal area of new floorspace and development involving the creation of a dwelling or dwellings. Applicants must fully complete and submit the Additional CIL Information Requirements form, which is located at https://ecab.planningportal.co.uk/uploads/1app/forms/cil_questions.pdf Existing and Proposed plans covering all accessible floors and levels of buildings with clearly marked dimensions and correct scale bar must be submitted. Two CIL charging schedules - the Mayor of London and London Borough of Merton charging schedules - apply to development in Merton. For more information see merton.gov.uk/cil	Planning Practice Guidance Paragraph: 171 Reference ID: 25-171-20140612, Paragraph: 046 Reference ID: 25-046-20140612 The Community Infrastructure Levy Regulations 2010 (as amended)
11	Contaminated Land	On or near a site known or reasonably believed to be contaminated or a nearby use maybe sensitive to contamination. In accordance with the requirements of the Environmental Protection Act (EPA) 1990, the council keep a Contamination Land Register of sites in the borough.	An environmental risk assessment to assess the potential for the presence of contamination, associated risks and potential of site to be designated as contaminated land. This assessment should report: <ul style="list-style-type: none"> Site inspection scope Review of historical land use Review of environmental setting Consultation with relevant regulatory authorities Qualitative environmental risk assessment Review of existing relevant reports 	London Plan policies: 5.21. Development Management policies: DM EP4, DM D2
12	Cycle Parking	Development to which cycle parking policy applies.	Details of proposed cycle parking including a plan to scale showing location; numbers of stands, elevations of proposed cycle covers, security provisions and materials to be used	Mayor's London Plan Core Planning Strategy CS18-20
13	Daylight/sunlight assessment	Compulsory for those applications which would result in overshadowing or impact on neighbouring windows.	Please note that Merton applies the Aspect Value Test as contained in the Residential extensions, alterations and conversions SPG. In circumstances where there is a potential adverse impact upon the current levels of sunlight/daylight enjoyed by adjoining properties or building(s), including associated gardens or amenity space then applications may also need to be accompanied by a daylight/sunlight assessment. Further guidance is provided in, for example, BRE guidelines on daylight assessments. Planning permission would not confer any immunity on those whose works infringe another's property rights, and which might be subject to action under the Rights of Light Act 1959.	the adopted Merton Sites and Policies Plan (July 2014): DM D2

Validation requirement	Type of application and when required	What is required	Policy driver and other information
14 Design and Access Statement (Not required for householder development except when in a Conservation area or a Listed Building or LDC)	This is required for all applications except for: material change in the use of land or buildings (unless it involves operational development); engineering or mining operations; advertisement control or the storage of hazardous substances.	The statement should follow the guidance given in the following documents: - Design and Access Statements How To Write, read and use them, CABE 2006 - Merton Council Supplementary Planning Documents - Conservation Area Guidance - Borough Character Study (not adopted)	The statutory requirements for design and access statements are set out in Article 4C of the GPDO, as amended. For more information see NPPG: http://planningguidance.communities.gov.uk/bl og/guidance/making-an-application/validation-requirements/national-information-requirements/ Paragraph: 029 Reference ID: 14-029-20140306; Paragraph: 030 Reference ID: 14-030-20140306; Paragraph: 031 Reference ID: 14-031-20140306; Paragraph: 032 Reference ID: 14-032-20140306; and Paragraph: 033 Reference ID: 14-033-20140306
15 Documents and Drawings	Major	Provide a minimum of 10 copies comprised of : • 4 copies of drawings to scale with all associated documents • 3 sets of drawings/documents reduced to A3 size, • 3 sets of drawings/documents in electronic format e.g CDs.	
16 Drainage Strategy and Sustainable Design Systems (SUDS)	Statutory requirement on all major developments as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015. Local requirement on all new development, including new dwellings, commercial units and basements.	A Sustainable Drainage Strategy should include the following information: •A plan of the existing site layout. •A topographical level survey of the area to metres Above Ordnance Datum (MAOD). •Plans and drawings of the proposed site layout identifying the footprint of the area being drained (including all buildings, access roads and car parks). •The existing and proposed controlled discharge rate for a 1 in 1 year event and a 1 in 100 year event (with an allowance for climate change as per most recent https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances , this should be based on the estimated greenfield runoff rate. •The proposed storage volume (attenuation). •Information on proposed SuDS measures with a design statement describing how the proposed measures manage surface water as close to its source as possible and follow the drainage hierarchy in the London Plan. •Geological information including borehole logs, depth to water table and infiltration test results. •Details of overland flow routes for exceedance events. •A management plan for future maintenance and adoption of drainage system for the lifetime of the development.	London Plan polices: 5.12, 5.13, 5.14. Core Planning policies: CS 16. Development Management polices: DM F1, DM F2. Please refer to Merton's Sustainable Drainage Design and Evaluation Guide: https://www.merton.gov.uk/assets/Documents/Merton%20SuDS%20Design%20and%20evaluation.PDF
17 Economic statement / Local Employment Opportunities	Compulsory for those applications that would have an impact upon existing economic conditions; or are subject to Merton's employment and land use policies.	Applications may also need to be accompanied by a supporting statement of any regeneration benefits from the proposed development, including: details of any new jobs that might be created or supported; the relative floorspace totals for each proposed use (where known); any community benefits; and reference to any regeneration strategies that might lie behind or be supported by the proposal. Statements will be required for those schemes that would be governed by Merton's general employment, density of occupation, bad neighbour development, town centre and out of town centre management and land uses policies as appropriate; as well as for any major scheme that would have an impact upon existing economic conditions. For proposals for changes of use/loss of employment uses, statement to include evidence of marketing in accordance with the associated adopted Local Plan policy. Can be part of Planning Statement.	Core Strategy Policy: CS12 the adopted Merton Sites and Policies Plan (July 2014): DM R1 to R7; and E1 to E4
18 Environmental Statement (Environment Impact Assessment -EIA)	Required for developments that: are listed under Schedule 1 and Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.	Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the Regulations) set out the circumstances in which an EIA is required. The applicant should request a screening opinion before submitting a planning application if the development area exceeds the thresholds set out in Schedules 1 and 2 (see column 2 of Schedule 2 in particular) of the Regulations to determine if an EIA is required. Schedule 3 sets out the selection criteria to be applied for the purposes of the screening opinion. Schedule 4 provides a list of matters to be considered for inclusion in the Environmental Statement and require the developer to describe the likely significant effects of a development on the environment and to set out the proposed mitigation measures. e.g. air quality assessment.	Town and Country Planning (Environmental Impact Assessment) Regulations 2017

Validation requirement	Type of application and when required	What is required	Policy driver and other information
19 Existing and Proposed Elevations	All applications involving building work, alterations to buildings or display of advertisements	<p>Existing and proposed drawings of all sides of the exterior of the building at an appropriate scale, usually 1:50 or 1:100. Please make sure that you include the following:</p> <ul style="list-style-type: none"> - All altered sides of a proposal must be shown, including blank elevations, and elevations that are part attached to an adjoining building or face into a shared lightwell. - In the case of an extension, show the elevation of the existing building to indicate the relationship between the two, clearly indicating what is new work. - Show elevations in the context of adjacent buildings. - Where a proposed elevation adjoins another building or is in close proximity, the drawings should clearly show the relationship between the buildings, and detail the positions of the openings on each property. - Extraneous context that obscures proposed elevations should be omitted and distant context should be avoided if its inclusion unduly diminishes the scale of the proposed elevation. - The make, type and colour of external materials (walls, roofs, windows, doors, rainwater goods etc) should be clearly annotated. - The manner in which new windows are intended to open. - Internal elevations - proposed and existing should be provided to clearly demonstrate proposed internal alterations to listed building at an appropriate scale, usually 1:50 or 1:100. 	<p>NPPG Paragraph: 023 Reference ID: 14-023-20140306, and Paragraph: 024 Reference ID: 14-024-20140306 http://planningguidance.communities.gov.uk/bl/og/guidance/making-an-application/validation-requirements/national-information-requirements/</p>
20 Existing and proposed floor plans	All applications including change of use.	<p>Plans are required of the existing and proposed floors of the building at an appropriate scale, usually 1:50 or 1:100. Please include the following:</p> <ul style="list-style-type: none"> - In the case of a new building, show the proposal in detail, indicating which parts are to be used for which purpose. - Ground level floor plans should usually be shown in context with relevant details from the site plan. - Show floor plans in the context of adjacent buildings, where appropriate, detailing the positions of relevant openings (windows and doors) on immediately adjacent land. - In the case of an extension, show the floor layout of the existing and proposed building to indicate the relationship between the two, clearly indicating what is new work. - Where existing buildings or walls are to be demolished, these should be clearly shown. - Include a roof plan where necessary to show a new roof or alterations to one. 	<p>NPPG Paragraph: 023 Reference ID: 14-023-20140306, and Paragraph: 024 Reference ID: 14-024-20140306 http://planningguidance.communities.gov.uk/bl/og/guidance/making-an-application/validation-requirements/national-information-requirements/</p>
21 Existing and proposed sections	All applications involving building work, alterations to buildings or display of advertisements	<p>All plans to be drawn at a minimum scale of 1:50, or 1:100. Plans should be proportionate to the nature and size of the proposal, titled and numbered, and annotated where appropriate. They should show clearly the proposed works in relation to what is already there, highlighting any structures to be demolished.</p> <ul style="list-style-type: none"> - Cross and long sections should be provided for all new and altered buildings To reveal construction details. These should be shown in context with ground levels and immediately adjacent buildings where necessary. - in all cases where a proposal involves a change in ground levels, drawings should be submitted To show existing and finished levels. - On sloping sites, full information is required concerning alterations To levels and the way in which a proposal sits within the site, particularly relative levels between existing and proposed and How These sit in context with immediately adjacent buildings. 	<p>NPPG Paragraph: 023 Reference ID: 14-023-20140306, and Paragraph: 024 Reference ID: 14-024-20140306 http://planningguidance.communities.gov.uk/bl/og/guidance/making-an-application/validation-requirements/national-information-requirements/</p>
22 Intentionally blank	Intentionally blank	Intentionally blank	Intentionally blank

Validation requirement	Type of application and when required	What is required	Policy driver and other information
23 Financial Viability Assessment	Necessary if required under policy, including if application received for 10 or more residential dwellings.	<p>A financial viability appraisal is required where there is a planning policy requirement that is modified or reduced due to viability. Financial viability appraisals must set out the arguments in financial terms for the maximum level of affordable housing or other provision required to achieve policy compliance that the development can viably support. Planning guidance requires that viability assessments should be evidence based and available for public scrutiny. Viability appraisals are required to be submitted upfront with the planning application. Delays to the determination of applications can occur when viability is not addressed at an early stage or when insufficient information is provided or made publically available. To enable authorities and members of the public to properly evaluate viability appraisals submissions must be provided in-full upfront and must include:</p> <ul style="list-style-type: none"> • an executive summary which outlines the key conclusions being drawn from the appraisal for the lay reader • Viability submissions should be designed in a form that accords with Development Plan policies and Mayoral and Merton guidance. • evidence must be provided to support all assumptions applied and must be robustly justified and appraisal assumptions benchmarked against publicly available data sources. • A table must be provided containing a complete list of references of the evidence and benchmarks used to support all the inputs and assumptions that have been applied to the appraisal. • Appraisals must be balanced, coherent as a whole and internally consistent. • Applicants should demonstrate that the scheme is deliverable with the proposed level of planning obligations. • Applicants and assessors should confirm that the appraisal provides a fair and true reflection of viability and that this complies with professional and ethical standards. • Applicants must provide the appraisal within a fully testable and editable electronic/software model which allows for full and complete analysis of all the cost and values, inputs and outputs, calculations and assumptions used in the viability appraisal. Pdf and excel versions of the appraisal may be required with excel versions allowing all assumptions/costs/values to be tested, with formulas unprotected and visible along with data sources. • The submission must be accompanied by an agreement to pay for the reasonable costs of an independent appraisal of the submitted viability assessment. <p>In line with recent Environmental Information Regulation Tribunal decisions viability submissions will be published in full on the council's website. Applicants may submit a written request to withhold specific inputs and assumptions on the grounds of commercial confidentiality. Such a submission must include fully evidenced reasoning with respect of each individual piece of information that the applicant wants to be withheld demonstrating that withholding the information for a definitive period of time would better serve the public interest in accordance with the Environmental Information Regulations. The council may ensure that some of the information within published submissions is redacted for a period when it considers the public interest would be better served by doing so.</p>	London Plan Policies: 3.11 to 3.13 London Plan Affordable Housing and Viability SPG Core Planning policies: CS 8. Development Management polices: H3 Development Viability SPD [draft for consultation alongside this list]
24 Flood Risk Assessment	In accordance with the NPPF, a site-specific FRA must be produced to support applications for development proposals in flood risk areas. The NPPF states that a site-specific FRA is required to accompany a planning application for a site: <ul style="list-style-type: none"> • within Flood Zones 2 or 3, or • where the site lies within Flood Zone 1 and is greater than 1 hectare in area, or, • in an area in Flood Zone 1 which has critical drainage problems or evidence of risk from other sources of flooding including surface water, groundwater, sewer flooding, ordinary watercourse/s or • where a change of use of land or buildings increases the flood vulnerability of the development, as defined by the NPPF, where it may be subject to other sources of flooding. 	In accordance with the national Planning Policy Guidance (PPG), the assessment should identify and assess the risks of flooding from all source including surface water, groundwater flooding and ordinary water courses and sewer flooding to and from the development and demonstrate how these flood risks will be mitigated and managed so that the development remains safe throughout its lifetime, taking climate change into account. Those proposing developments in areas of flood risk should take advice from the emergency services and Merton's Emergency Planning team, when producing a flood warning and evacuation plan for the development.	London Plan polices: 5.3, 5.12, 5.13. Core Planning policies: CS 16. Development Management polices: DM F1 and F2.
25 Floor space/ accommodation schedule	Major	A schedule of accommodation types, mix and floor space – displayed in Gross External Area (GEA) and Gross Internal Area (GIA)	Core Strategy Policy DM13 London Plan
26 Hardstanding	All	If your proposal involves laying a hard standing then you must confirm the proposed materials are permeable or show on your drawings how the rainwater is directed to a lawn or border to drain naturally	

Validation requirement	Type of application and when required	What is required	Policy driver and other information
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27 Health Impact Assessments (HIA)	<p>All large developments of 100 residential units/10,000m2 or more will be required to complete a screening assessment at pre-application stage. This will determine whether a full HIA is required.</p> <p>Screening assessment may also be required for the following and submitted to the council during the pre-application stage for all developments meeting at least one of the following criteria:</p> <ul style="list-style-type: none"> *1 or more hot food (A5) takeaways included in development *Social housing provision included in the development *Areas identified by the Department of Housing, Communities and Local Government (DHLG) Indices of Deprivation (ID) as having high levels of multiple deprivation *10-100 housing units where Merton Public Health and planning have agreed that HIA screening is required 	<p>All large developments of 100 residential units/10,000m2 or more will be required to complete a screening assessment at pre-application stage. This will determine whether a full HIA is required. Public Health Merton and planning may require that a development which is less than 100 housing units/less than 10,000 square metres in area to still carry out a full HIA. This will only occur if there are special circumstances that make a full HIA appropriate, for example a cumulative impact of other development(s) in the area or due to the high levels of inequalities of health but not solely but, wider determinates to health for example social, economic and environmental inequalities.</p> <p>Screening assessment may also be required for the following and submitted to the council during the pre-application stage for all developments meeting at least one of the following criteria:</p> <ul style="list-style-type: none"> • 1 or more hot food (A5) takeaways included in development • Social housing provision included in the development • Areas identified by the Department of Communities and Local Government (DCLG) Indices of Deprivation (ID) as having high levels of multiple deprivation • 10-100 housing units where Merton Public Health and planning have agreed that HIA screening is required 	<p>London Plan policies: 3.2, Core Planning Strategy policies: CS 11. Development Management policies: DM C1.</p>
28 Heritage Statement heritage asset appraisal	<p>All listed building consent applications Development impacting on or within, or on the setting of, the following heritage assets:</p> <ul style="list-style-type: none"> • Listed buildings (designated HA) • Locally listed buildings (undesignated HA) • Buildings in conservation areas (designated HA) • Historic parks and gardens (designated HA) • Local Historic Parks and Gardens (undesignated HA) • Scheduled ancient monuments (designated HA) <p>Sites and Policies Design. Policies DM D1 - DM D7 Sites and Policies Plan 94</p> <ul style="list-style-type: none"> • Archaeological Priority Zones (designated HA) • Any other building, monument, site, area, streetscape or landscape that is positively identified as having a degree of significance 	<p>Heritage Statements should demonstrate how the proposal conserves and where appropriate enhances the significance of the asset in terms of its individual architectural or historic interest and its setting</p> <p>The level of detail provided in the heritage statement should be proportionate to the asset's importance in terms of the significance of the asset affected and the impact of the proposal. Where the proposal has a substantial impact on the significance of a heritage asset, it should be carried out by a specialist historic environment consultant.</p> <p>For listed buildings, you must provide information about:</p> <ul style="list-style-type: none"> • the significance of the architectural and historical interest and character of the building or structure; • the principles of and justification for the proposed works; and • the impact of the proposal on the special interest of the listed building or structure, its setting and the setting of adjacent listed buildings. <p>The information should explain</p> <ul style="list-style-type: none"> • the sources that you have considered; • the expertise that you have consulted; and • the steps that have been taken to avoid or minimise any adverse impacts on the significance of the building. <p>The type and amount of detail required will vary according to the particular circumstances of each application. You can provide this information in the design and access statement, where one is required, as part of the explanation of the design concept. If you are not required to submit a design and access statement then you should provide this information in a separate written statement.</p>	<p>Sites & Policies DM D4 the Historic Environment Planning Practice Guide that accompanies former PPS:5 Planning for the Historic Environment</p>

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29 Lighting assessment	Proposals for external lighting in connection with a publicly accessible development. Proposals for external lighting or floodlighting which is in the vicinity of a residential property, listed building, conservation area or Site of Importance for Nature Conservation.	<p>Details of external lighting proposals to be provided including:</p> <ul style="list-style-type: none"> Proposed hours when the lighting would be switched on Layout plan with beam orientation Schedule of the equipment in the design Light levels and spillage The size of the light fitting <p>An assessment to be provided setting out details of the external lighting or floodlighting including:</p> <ul style="list-style-type: none"> Layout plan with beam orientation A schedule of the equipment in the design Hours of operation Light spillage Light levels Column heights Method, type and colour of illumination The size of the light fitting For projecting signs mark the distance from the edge of the sign to the kerb edge. <p>Evidence demonstrating that consideration has been given to the effect of light from the proposed development on biodiversity, in particular when on or adjacent to a Site of Importance of Nature Conservation, or where roosting or foraging bats are known to frequent or live. Where detrimental effects are identified, suitable on-site mitigation will be required</p>	<p>London Plan Policies 3.19 and 7.5 Core Planning Stagey CS 14. Development Management polices: DM D1, DM D2,</p> <p>Lighting in the countryside: towards good practice' (1997) demonstrates what can be done to lessen the effects of external lighting, including security lighting and is applicable in towns as well.</p> <p>See also The Lighting Engineers "Guidance Notes for the Reduction of Light Pollution 2000" for information outlining possible attenuation measures.</p>
30 Listed Building Consent	Listed Building Consent	<p>Alterations and extensions to a listed building</p> <ul style="list-style-type: none"> existing and proposed internal elevations affected by proposed works at scale 1:50 existing and proposed sections in cases involving the removal or insertion of floors, ceilings, and alterations to staircases drawings of new or replacement architectural features, for example joinery and cornices, at a minimum scale of 1:20. <p>Demolition of or part demolition of a listed building</p> <ul style="list-style-type: none"> show the location and extent of demolition work on existing plan and elevation drawings either by labelling or hatching. 	
31 Noise and Vibration Impact Assessments	Proposals for residential and other noise sensitive development close to existing sources of noise; noise generating uses that raise noise disturbance issues to existing buildings; applications which involve installation of flues, air conditioning, plant, extraction etc.	A noise assessment should be prepared by a suitably qualified acoustician, detailing Noise Exposure Categories and concomitant impact and mitigation measures, including layout, design and insulation.	London Plan policies: 7.15. Core Planning Strategy policies: CS 14. Development Management policies: DM D2, DM EP2, DM D3
32 Open Space assessment	<ul style="list-style-type: none"> Development on open spaces or play, sports and recreation facilities; and Major residential developments that generate a significant demand for on-site/off-site site specific open space/play space capacity/facilities and/or access improvements. 	<p>Plans to be submitted showing any areas of existing or proposed open space, or play, sports or recreation facilities, within or adjoining the application site.</p> <p>Where the proposal would result in the loss of open space or play, sports or recreation facilities, an independent assessment should be provided as evidence that the land/buildings are surplus to local requirements. The assessment must also identify provision for future amenity space (including private, public, communal and formal play space).</p> <p>Applications which affect sports facilities should use the Sports England guidance on what to submit with their planning application.</p> <p>Applications for major developments should provide details of proposed play space and must demonstrate that the area of new open space meets the GLA standards in terms of private and community amenity space as set out in annex 1. This should identify formal and informal play space provision, demonstrating how quantity standards have been met, and should include information on the location and design of the space (including layout, landscaping and materials). Maintenance arrangements should be included.</p>	Policy 7.17 of The London Plan Core Strategy Policy: CS 13 the adopted Merton Sites and Policies Plan (July 2014): O1

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33	Parking provision	Development to which vehicular parking policy applies.	<p>Applicants may be required to provide details of existing and proposed parking provision. These details could also be shown on a site layout plan. Most forms of development have the potential to increase the amount of on-street parking, more commonly known as parking stress. A parking stress survey should be carried out where insufficient off-street parking is to be provided to ensure that the increase in on street parking is acceptable and will not have an impact on highway safety, the free-flow of traffic, amenity, access by emergency services, refuse collection and delivery of goods. The methodology recommended by Lambeth Council should be used when undertaking a parking stress survey; however when calculating parking capacity it should be assumed that each vehicle measures 5.5m rather than 5m as set out in the methodology. Where development occurs in Controlled Parking Zones, (CPZ), it will normally be expected that car free or limited parking is provided and future occupiers are exempt from being able to acquire permits to park in the zone. The Traffic Order controlling the CPZ will require alteration at developer expense.</p>	<p>London Plan policy 6.13. Core Strategy policies CS18 to CS20 the adopted Merton Sites and Policies Plan (July 2014): DM T1 to T5</p>
34	Photographs	<p>If the proposal involves the demolition of an existing building in a conservation area or a listed building [including internal works to a listed building]</p>	<p>You must provide</p> <ul style="list-style-type: none"> dated and numbered photographs cross referenced to the drawings showing the building its surrounding area and the areas where the works/alterations are proposed <p>Large developments: Include photographs and photomontages to show how large buildings can be satisfactorily integrated within the street scene</p> <p>Development affecting a heritage asset or its setting; demolition of an existing building: Provide photographs of the existing building(s).</p> <p>Proposals within strategic or local viewing corridors; or affecting views of landmarks: Provide annotated elevations relating to heights of viewing planes; photomontages; and verified visual montages. These should demonstrate the impact of the proposal on the quality of designated views and on views of designated landmarks.</p>	<p>London Plan Policy 7.6, 7.7 and 7.11</p> <p>London View Management Framework SPG</p>
35	Planning Statement	As appropriate to cover issues not covered by Design & Access statement; may incorporate statement of community involvement.	<p>A planning statement identifies the context and need for a proposed development and includes an assessment of how the proposed development accords with relevant national, regional and local planning policies such as a justification for a change of use or demolition. It may also include details of consultations with the local planning authority and wider community/statutory consultees undertaken prior to submission. Alternatively, a separate statement on community involvement may also be appropriate. This would be separate from the nationally compulsory Design & Access Statement.</p>	<p>Enables the applicant to demonstrate that the development complies with national, regional and local policy.</p>
36	Samples of Materials	All new build residential	<p>Details of the facing materials to be used in the development. This could include sample of the materials the make and type of materials manufactures specification accompanied by photographs and RAL numbers.</p>	
37	Site Sections Levels	All New Build Residential	<p>Plans drawn at a scale of 1:50 or 1:100 should show a cross section(s) through the proposed building(s). Full information should be submitted to demonstrate how proposed buildings relate to existing site levels and neighbouring development. Such plans should show existing site levels and finished floor levels (with levels related to a fixed datum point off site) and also show the proposals in relation to adjoining buildings. Levels should also be taken into account in the formulation of design and access statements.</p>	
38	Site Waste Management Plan	For those developments affecting/generating waste.	<p>Proposed new development should be supported by site waste management plans of the type encouraged by the code of practice published in 2004 by the Department of Trade and Industry now the Department for Business Enterprise and Regulatory Reform Site Waste Management Plans: guidance for construction contractors and clients. These do not require formal approval by planning authorities, but are intended to encourage the identification of the volume and type of material to be demolished and/or excavated, opportunities for the reuse and recovery of materials and to demonstrate how off-site disposal of waste will be minimised and managed.</p>	<p>London Plan policy 5.17. Core Strategy policy CS14, CS15 and CS17 The adopted Merton Sites and Policies Plan (July 2014): DM D2 and EP4</p>
39	Statement of community involvement	<p>Required when scheme would have (significant) impact upon local communities; may be incorporated into Planning statement. Please see Merton's Statement of Community Involvement.</p>	<p>Applications may need to be supported by a statement setting out how the applicant has complied with the requirements for pre-application consultation set out in the local planning authority's adopted statement of community involvement and demonstrating that the views of the local community have been sought and taken into account in the formulation of development proposals.</p>	<p>This is a requirement of the adopted Merton Statement of Community Involvement (SCI), the Localism Act 2011 and the NPPF.</p>

Validation requirement	Type of application and when required	What is required	Policy driver and other information	
40	Street scene	All new build residential and where a proposed extension to an existing dwelling increases the resultant ridge height	Street scenes plan (to scale) showing the relationship between the proposed development and existing buildings along the vicinity of the application site.	Core Planning Strategy CS14 Sites & Policies Plan DM D1
41	Structural Survey/demolition statement (within Design and Access Statement)	Proposals involving demolition in a Conservation Area or of Listed Building/other buildings of Heritage Value	A written statement that includes a structural survey, an analysis of the character and appearance of the building/structure, the principles of and justification for the proposed demolition and its impact on the special character of the area may be required. Heritage Record should be made of any loss.	
42	Student Housing	All applications involving student accommodation	A Student Management Plan is required. The Plan should include details of safety and crime prevention and a 'Code of Conduct'. This shall include details on; <ul style="list-style-type: none"> • health and safety standards and procedures; • maintenance and repairs; • environmental quality; landlord and tenant relationship; • student welfare; • anti social behaviour and disciplinary procedures; • administration, accreditation and compliance procedures. • secured by design principles • student tenancy agreement parking management and allocation 	Core Strategy Policy DM13; CS15
43	Sustainable Design & Construction Statement	Major developments (>9 units residential & non-residential buildings over 500m2). Note: Merton's Core Planning Strategy classifies non-residential over 500m2 as 'major' development.	A full sustainable design and construction strategy setting out how the application complies with relevant sustainable design and construction policies and guidance. Evidence should be submitted in accordance with the guidance detailed in Merton's Explanatory Note on Approaches to Sustainable Design & Construction and should include: <ul style="list-style-type: none"> • A percentage breakdown of CO2 emissions reductions achieved at each stage of the energy hierarchy. • Confirmation of the approved document used for compliance Part L compliance (e.g. Part L1A New build or Part L 1B Existing buildings), and SAP/SBEM/BRUKL output calculations demonstrating CO2 emissions improvements against the Buildings Regulations 2013 Part L (included as an Appendices). • Details setting out the off-setting of remaining CO2 emissions to be secured with s106 agreement / draft heads of terms (residential – only applications valid from 01/10/2016). • BREEAM pre-assessment (where the non-domestic development exceeds 500m2). • Calculations of water efficiency performance demonstrating compliance with policy standards. 	<ul style="list-style-type: none"> • London Plan policies 5.1 – 5.15 • Merton Core Planning Strategy Policy CS15 • Merton Sites and Policies Plan policies: DM H4; DM D2; DM EP1 & DM EP3 • Mayor's Sustainable Design and Construction SPG • Merton Explanatory Note on Approaches to Sustainable Design & Construction
44	Sustainable Design & Construction Statement	Minor residential developments (<10 units), inc. new build and change of use to create a new dwelling.	A brief sustainable design and construction statement (typically included in the Design & Access Statement) setting out how the application complies with relevant sustainable design and construction policies and guidance. Evidence should be submitted in accordance with the guidance detailed in Merton's Explanatory Note on Approaches to Sustainable Design & Construction and should include: <ul style="list-style-type: none"> • A summary of percentage emissions reductions achieved at each stage of the energy hierarchy. • Confirmation of the approved document used for compliance Part L compliance (e.g. Part L1A New build or Part L 1B Existing buildings),and SAP output documentation demonstrating CO2 emissions improvements against the Buildings Regulations 2013 Part L baseline (included as an Appendices). • BREEAM domestic refurbishment pre-assessments (only applicable on conversions/change of use to create a new dwelling). • Calculations of water efficiency performance demonstrating compliance with policy standards. 	<ul style="list-style-type: none"> • London Plan policies 5.1 – 5.15 • Merton Core Planning Strategy Policy CS15 • Merton Sites and Policies Plan policies: DM D2 • Mayor's Sustainable Design and Construction SPG • Merton Explanatory Note on approaches to Sustainable Design & Construction
45	Sustainable Urban Drainage Systems (SUDS)	All new build residential	Details of the implementation, adoption, maintenance and management of a sustainable drainage system. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime. If your development does not include SUDS you should demonstrate that such measures are not feasible and give details of how drainage will be dealt with.	Mayor of London Drainage Hierarchy

Validation requirement	Type of application and when required	What is required	Policy driver and other information
46 Telecommunications Development	Applications for development involving the installation of new telecommunication facilities or equipment or alteration of existing telecommunication facilities or equipment including where prior notification of such works is required.	Planning applications for mast and antenna development by mobile phone network operators in England should be accompanied by Telecommunications Statement containing a range of supplementary information as set out in the NPPF. This should include the area of search, details of any consultation undertaken, details of the proposed structure, and technical justification and information about the proposed development. Planning applications should also be accompanied by a signed declaration that the equipment and installation has been designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP). The statement should include all necessary information to meet the criteria outlined in the <i>Code of Best Practice on Mobile Phone Network Development in England</i> (published by the Mobile Operators Association in July 2013)	Core Strategy policy CS14 and the NPPF The adopted Merton Sites and Policies Plan (July 2014): DM D2 and EP4 Further information on preparing and submitting a telecommunications statement can be obtained via the following link: http://www.legislation.gov.uk/uksi/1995/418/schedule/2/part/24/made
47 Transport assessment	Required when development would have significant transport implications. Planning permission for new buildings, changes of use that would generate additional traffic movements or major developments.	Must include accessibility and modal split details. A Transport Assessment (TA) should be submitted as part of any planning application where the proposed development has significant transport implications. The coverage and detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal. For smaller schemes the TA should simply outline the transport aspects of the application, while for major proposals, the TA should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts. The indicative thresholds for Transport Assessments detailed in Appendix B of the Department for Transport Guidance on Transport Assessments document should be used for guidance as recommended in TfL's Transport Assessment Best Practice Guidance. Further guidance will be found in Transport for London's Urban Planning and Construction website - Transport Assessment Guidance (https://tfl.gov.uk/info-for/urban-planning-and-construction/transport-assessment-guidance)	This is a requirement of the NPPF, London Plan policy 6.3 and Core Strategy policies CS18 to CS20 the adopted Merton Sites and Policies Plan (July 2014): DM T1 to T5
48 Travel Plan	A travel plan should be submitted alongside planning applications which are likely to have significant transport implications and exceed the thresholds detailed in the relevant TfL guidance.	All developments which generate significant amounts of movement should be required to provide a travel plan as required by the NPPF, the London Plan and Core Strategy. In addition, workplace and or residential travel plans (including deliveries and services where appropriate) should be provided for planning applications exceeding the thresholds in, and produced in accordance with the relevant TfL guidance. Further advice is available in Transport for London's Urban Planning and Construction website - Travel Plans (https://tfl.gov.uk/info-for/urban-planning-and-construction/travel-plans)	This is a requirement of the NPPF, London Plan policy 6.3 and Core Strategy policies CS18 to CS20 the adopted Merton Sites and Policies Plan (July 2014): DM T1 to T5
49 Town centre uses / Retail Impact Assessment (and sequential test)	Proposals for new, or extensions to existing, edge or out of town centre uses (e.g. retail, leisure etc) (280m2 and over).	This should include an assessment of the proposal on existing, committed and planned public and private investment and the impact of the proposal on town centre vitality and viability in line with paragraph 26 of the NPPF. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made. Must include sequential testing procedure for site selection. The level and type of evidence and analysis required to address the key considerations should be proportionate to the scale and nature of the proposal. Should be incorporated within Retail Impact Assessment for proposals that require Retail Impact Assessments, and Economic Statements.	This is a requirement of Policy 4.7 of The London Plan and the NPPF, CS, 7 and DM.R2 Core Strategy Policies: CS7, CS12 the adopted Merton Sites and Policies Plan (July 2014): DM R1, R2 and R4 to R7

Committee: Cabinet

Date: Wednesday 23rd May, 2018

Agenda item: Extension of Children's Community Services Contract

Wards: All

Subject: Extension of Children's Community Services Contract

Lead officer:

Dagmar Zeuner, Director of Public Health

Lead member:

Cabinet Member for Adult Social Care and Health

Forward Plan reference number:

Contact officers:

Julia Groom (Public Health Consultant)

Hilina Asress (Public Health Principal)

Philip Williams (Public Health Commissioning Officer)

Recommendations:

- A. That Cabinet authorise the extension of the current Merton Children's Community Health Services contract with Central London Community Healthcare (CLCH) for a further period of 2 years from 1 April 2019 to 31 March 2021.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. The purpose of this report is to seek Cabinet authorisation for the extension of the current Children's Community Health Services contract for a further two years to March 2021. This contract includes health visiting, school nursing and the Family Nurse Partnership, and is part of a wider Community Health Services Contract commissioned by Merton CCG (which includes adult community services and children's therapy services).
- 1.2. London Borough of Merton are required to notify the current provider (Central London Community Health Services NHS Trust) by the end of June 2018 if they wish to extend the contract.

2 DETAILS

- 2.1. LBM Public Health are recommending an extension of the current contract with Central London Community Health Services NHS Trust (CLCH) to deliver Children's Community Health Services in Merton for a further 2 years.
- 2.2. The contract commenced, following approval from Cabinet, on 1st April 2016 for a period of 3 years and allows for a single extension of up to 2 years. The contract sets out that London Borough of Merton must notify CLCH by the end of June 2018 if they wish to extend the contract (giving a minimum of 9 months notice).

- 2.3. The Children’s Community Health Services contract forms part of a wider Community Health Services contract jointly commissioned with Merton CCG (which includes adult community health services and children’s complex therapies services). Merton CCG have already agreed in March 2018 to extend the CCG-commissioned elements of the contract for 2 years.
- 2.4. Due to the fact that the original Cabinet decision to award the contract in September 2015 did not grant delegated authority to officers to grant an extension, a further decision by Cabinet is required to extend the contract.
- 2.5. Alternative options to extending the current contract were considered (detailed in Section 3 below) but rejected. Extending the current contract was considered the approach most likely to maintain the current and improving performance for the following reasons:

(i) Commissioners are satisfied with the performance of CLCH in delivery of the contract since April 2016. There have been substantial improvements in a number of key performance measures, particularly in the Health Visiting Service. Benchmarking conducted has shown these improvements to have been greater than those seen in national and London-wide trends.

Table 2.5.1 below shows the performance of key nationally mandated elements of the Health Visiting service, comparing Q1 data from 2015/16 under the previous provider with the current provider’s first 2 years delivering the contract. This shows substantial improvements. Table 2.5.2 below shows the average quarterly improvements for each of these measures over the life of the current contract, demonstrating that these improvements have been sustained

Table 2.5.1 – Comparison of CLCH performance in delivering the mandated elements of the Merton Health Visiting service (2015-16 to 2017-18)

National Health Visiting Metrics	Quarter 1 2015/16 (Previous provider)	Quarter 1 2016/17 (Current Provider)	Quarter 1 2017/18 (Current Provider)
New birth visits completed within 14 days	84.1%	90.7%	99.3%
New birth visits after 14 days (Note: these are late visits so a reduced figure is an improvement in performance)	14.5%	8.9%	0.4%
6 - 8 week reviews completed by 8 weeks of age	63.4%	63.3%	96.7%
12 month reviews completed by 12 months of age	62.6%	54.0%	81.6%
12 month reviews completed by 15 months of age	63.4%	66.1%	85.5%
2.5 year reviews completed by 2.5 years of age	46.5%	49.9%	70.8%
2.5 year reviews completed using ‘Ages and Stages questionnaire’ (ASQ 3) questionnaire (Note this is a new measure introduced in 2016)	-	10.3%	99.6%

Table 2.5.2 – Average quarterly change in performance for the mandated elements of the Merton Health Visiting Service (2016/17 to 2017/18)

National Health Visiting Metrics	Average Quarterly Change in Performance (from Quarter 1 2016/17 to Quarter 2 2017/18)
New birth visits completed within 14 days	+1.5%
New birth visits after 14 days <i>(Note: these are late visits so a reduced figure is an improvement in performance)</i>	-1.3%
6 - 8 week reviews completed by 8 weeks of age	+4.7%
12 month reviews completed by 12 months of age	+2.6%
12 month reviews completed by 15 months of age	+1.1%
2.5 year reviews completed by 2.5 years of age	+2.6%

(ii) CLCH have demonstrated a strong focus on safeguarding and innovative models of delivery which commissioners are keen to develop further.

(iii) In instances where there have been performance issues with the current service, commissioners have been assured by CLCH's robust response to improving performance.

(iv) By extending the contract, the work of Public Health, CSF and Merton CCG to explore further models of integration locally across children's services can be progressed, to better inform a future re-commissioning process.

(v) Commissioners have agreed with CLCH a flexible approach to developing the service over the remaining life of the contract. This will enable the current contract to respond to future pressures and opportunities over the life of the extension without requiring a re-tendering process. This is built into the contract which allows commissioners to make reasonable requests for service variations.

3 ALTERNATIVE OPTIONS

3.1. The decision to not extend the current contract and competitively re-tender Children's Community Services at this stage was considered and rejected due to the following:-

(i) Re-tendering the service at this time presents the risk of disrupting the current good and improving service performance demonstrated by CLCH to date.

(ii) Re-tendering the service at this time would not allow for the new contract to take advantage of future work to develop discussions around local integration, innovative service models and wider partnerships. This work is

planned to be progressed from September 2018 to inform a future recommissioning.

(iii) As Merton CCG have confirmed in March 2018 to extend their elements of the Community Services Contract, re-tendering the Children's elements of the contract would also rule out the option of jointly commissioning with the CCG once more. This model has worked well for the current contract and maintained a strong focus on Merton children and families.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. Commissioners have held internal discussions through the Merton Children's Community Services Operational Group which monitors the current contract to review the available options (this includes membership from Public Health, Children Schools and Families, Early Years and Merton CCG).
- 4.2. Dagmar Zeuner (Director of Public Health) and Hannah Doody (Director of Communities and Housing) and Yvette Stanley, former Director of Children, Schools and Families, have been consulted and support the proposed extension.

5 TIMETABLE

- 5.1. London Borough of Merton is contractually obliged to notify the current providers by June 30th 2018 if they wish to exercise a contract extension.
- 5.2. If approved by Cabinet, and the decision is not called in, commissioners will be able to notify the providers following the end of the call-in period (30th May).

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. The annual contract value for the Children's Community Services contract is £3,824,695 with a total value for the proposed two year extension of £7,649,390. There will be no additional cost incurred as a result of the extension.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The current contract to deliver Children's Community Services is held under a standard NHS contract. As the contract provides for the extension being requested there is nothing barring the Council requesting the extension of up to two years. However, in order to request the extension the Council must follow the prescribed process and time frames contained in the contract and described in the main body of the report.
- 7.2. The time that the extension provides will enable the service to plan for future procurement once the contract has come to an end. As the contract provides for reasonable variations to service delivery the Council will be able to respond to future changes during the 2 year extension.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. The current services includes a focus on ensuring equalities are a key concern, with regular reporting and reviews of the protected characteristics to ensure equity.

- 8.2. The current contract includes a targeted approach that provides the greatest support to the most vulnerable families to contribute to a reduction in health inequalities.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1 Not applicable.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. Risk management and health and safety implications of the contract are monitored through commissioners' performance management arrangements.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- N/A.

12 BACKGROUND PAPERS

- 12.1. None

13 LINKED DOCUMENT

- 13.1 Community health services procurement cabinet report – 14th September 2015 (previous cabinet reporting authorising the award of the current contract)

<https://democracy.merton.gov.uk/ieListDocuments.aspx?CId=146&MId=2276&Ver=4>

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Committee: Cabinet

Date: 23rd May 2018

Wards: All Wards

Subject: Action Plan arising from the Scrutiny Task Group review of Crossovers in London Borough of Merton

Lead officer: Steve Cooper – steve.cooper@merton.gov.uk – 020-8545-3133

Lead member: Cabinet Member for Regeneration, Environment and Housing

Contact officer: Steve Cooper

Recommendations:

1. Highways Team to strengthen advice and guidance for residents who wish to implement crossovers. Including design and materials. Will be completed by end of July 2018
 2. Merton crossover policy to be reviewed to ensure it complies with plain English guidance. Will be re-written and approved by Merton User groups.
 3. Highways Team to hold information sessions with councillors about crossover policy. These will be arranged after the new Criterion has been agreed. June 2018
 4. Increase Short Frontage depth Agreements from 4.0 metres to 4.3 metres minimum. Increase Standard Crossover from 4.5m to 4.8 metres.
 5. Highways Team to adopt and implement effective enforcement action to tackle the rise in illegal crossovers. Appendix D
 6. Highways Team to conduct a review of fees charged for crossovers to ensure these covers the full cost of managing the service. Appendix D
 7. Highways Team to take action to reduce parking stress caused by the rise of crossover applications in controlled parking zone areas. Parking stress measured at 2.5 permits issued per on street bay will be measured as maximum. Appendix B1
 8. Highways Team to implement a process to manage the increase in applications for crossovers when a controlled parking zone is proposed.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. The process for the application and approval of Vehicle Crossovers had been called into Scrutiny to ensure the needs of our residents are Met.
- 1.2. Through this process detailed within this report are the recommendations of the Scrutiny Review Task Group which have been Approved by Cabinet on 13th November 2017.
- 1.3. Contained in Appendix A are the updates and progress made thus far. Please read in conjunction with this report for your ease of reference.

- 1.4. Officers recommend, after careful review by Cabinet, that the recommendations are formally approved and be included in the Vehicle Crossover Application Process through the Information pack and Crossover Approval Criterion.

2 DETAILS

- 2.1. Highways Team to strengthen advice and guidance for residents who wish to implement crossovers. Including design and materials.
 - 2.1.1 Working with Planning and colleagues within futureMerton we are developing a reference document which will include all links to Best practice and design guides to steer applicants to retain soft landscaping where possible within their off street parking designs. We will have our community groups view this for comments to ensure it meets our expectations especially in plain English.
- 2.2. Merton crossover policy to be reviewed to ensure it complies with plain English guidance.
 - 2.2.1 Crossover Policy and criteria will be updated to reflect the changes. These are underway at present but cannot be finalised until the details have been formally approved. Please see Appendix A for progress to date.
- 2.3. Highways team to hold information sessions with councillors about crossover policy.
 - 2.3.1 futureMerton Infrastructure Team manages Highway planned and reactive works. We will repeat the work we arranged for new councillors and will include all councillors to assist them in understanding the process, the criteria for approval and more importantly why applications are refused.
 - 2.3.2 This will include an insight into the Controlled Parking Zone complexities and the improved methodology used to assess parking stress if approved. (2.8 Below)
- 2.4. Council to consider extending Short Frontage Agreements from 4.0 metres to 4.3 metres.
 - 2.4.1 Under the review in June 2007 a Short Frontage Agreement was introduced for crossovers between 4.0m and 4.49m (4.50m + being an approval without the need for the SFA). Vehicles were set to reduce in length as Electric vehicles were becoming more available. 10 years on we are seeing the size of vehicle increasing not reducing.
 - 2.4.2 Electric vehicles include four wheel drives and even the small car range with petrol and electric dual fuels are remaining moderate family saloons. A review has shown the average car length to be closer to 4.44m.
 - 2.4.3 Please refer to Appendix C for details in reaching the recommendation to increase minimum depth to 4.3m for Short Frontage Agreements. Increase depth for Standard Crossovers to 4.8 metres.
- 2.5. Highways Team to adopt and implement effective enforcement action to tackle the rise in illegal crossovers.

- 2.5.1 futureMerton have over 170 known locations of illegally crossing the footway to access parking within a private property. The cost to take enforcement against these properties cannot be met within current budgets. These numbers are increasing.
- 2.5.2 Prolific and dangerous instances have been actioned by officers after written requests to desist have failed. Follow up letters and letters advising of preventative action also ignored.
- 2.5.3 Last resort action of installing posts results in almost immediate contact and whilst this is not usually without confrontation, it protects the public from danger from damaged footways and potential accidents from unexpected vehicle movements. Some of these then progress their applications to full crossover construction. The cost of removing the posts is added to the cost of the crossover but installation costs are not recovered.
- 2.5.4 Please refer to Appendix D - By strengthening the policy to include provision to charge the cost of installation of these restrictive measures, as well as the cost for removal, into the cost of the crossover construction, where applications progress, will assist in balancing the crossover costs, allow for enforcement of illegal crossovers and ensure we operate within budget.
- 2.6. Please refer to Appendix D - By increasing the application fee, making it non refundable and not deducting it from the estimate, we will increase the income. Applications that do not progress or are refused will assist financially in dealing with staff costs from repeated visits where refusal is not accepted and escalated with member enquiries and requests for re-measure and alternatives to be investigated.
- 2.7. Highways Team to take action to reduce parking stress caused by the rise of crossover applications in controlled parking zone areas. Refer Appendix B1
- 2.7.1 Objections of loss of available space are overturned as loss of one space on street met by the construction of one space off street is deemed acceptable. Many construct two spaces exceeding this measure.
- 2.7.2 Practice has shown that many retain their permit and park within the remaining bays keeping their off street parking for partners, children and relatives.
- 2.7.3 Introducing a fair calculation in relation to the number of Annual Permits, including Annual Visitors permits, which have been purchased per Zone. against the number of available on street parking bays. Where these are one long designated length of available parking, then these are divided by 5.5m, (current approved space for vehicle kerbside parking) to ascertain the number of available bays. Single marked bays count as one space.
- 2.7.4 No London Borough currently measures parking stress in Controlled parking. Only Comparison is Kensington and Chelsea who have whole borough Controlled Parking and no longer accept residential crossing applications.
- 2.7.5 Implementing a Mathematical formula to calculate parking stress. Using the formula Officers have compiled we are confident we can manage stress to protect zones where high on street parking demand is required. Zones across Merton average 1.19 Permits issued per on street space using this formula. The point where zones have no spaces during the majority of the

day have 2.7 Permits per bay issued under this formula. 2.5 permits is deemed to be the correct measure per space to show parking stress. Out of the 46 Zones currently in operation at the time of this report we have 2 zones Exceeding Parking stress. These are VC and W5. We have a further 2 zones that are above 1.75 permits per bay which would indicate as High Parking Demand and applications affecting on street parking may be refused prior to consultation.

- 2.8. Highways Team to implement a process to manage the increase in applications for crossovers when a controlled parking zone is proposed.
- 2.8.1 futureMerton Commissioning Team face real pressure when carrying out formal consultation on proposed Controlled Parking Zones. Pressure to find a way to prevent the loss of allocated on street parking space to vehicle crossover applications that can then affect the viability of the scheme during the consultation process.
- 2.8.2 At present the suspension of applications for vehicle crossovers only applies at the point the Cabinet Member approves the start of the Formal Consultation.
- 2.8.3 At this time the public informal consultation will have taken place and applications for vehicle crossovers always increase and this can be very high in some areas. Some applicants delay their decision to go ahead until the formal consultation starts. This can affect the number of on street parking spaces available between informal and formal consultation. This increases the number of objections and makes support for a scheme difficult.
- 2.8.4 Brining in a criterion that suspends new crossover applications at the stage the Ward Councillors agree the boundary of a new zone or extended zone. Any application already received will continue to be processed until the Formal Consultation start date is agreed. Any application not already fully paid for construction at the start of the Formal Consultation will be suspended until after the consultation has concluded. This would ensure consultations are robust and less subjected to changes. Those held applications would then be subject to parking stress test in the order the applications were received.

3 CONSULTATION UNDERTAKEN OR PROPOSED

- 3.1. Report for Cabinet approval.

4 TIMETABLE

- 4.1. All areas of the review have been progressed. Formulas have been completed tested and are robust. Work on the referencing and plain English for the Criteria and application process will be completed ready for April 2018.
- 4.2. Criterion and information pack will be re-written in plain English and will have been through user groups to test and strengthen understanding.

- 4.3. Advice on acceptable materials and design principles from many sources will be made available through the website as selectable links. Should an applicant be unable to use the internet we will provide this material in Printed form. We will not hold copies and will only print as a last resort.

5 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 5.1. Through this review the Crossover Process will be more robust, will provide an enforcement function and will finance the full time position making the whole function self funded.
- 5.2. No extra resource is required
- 5.3. There are no property implications

6 LEGAL AND STATUTORY IMPLICATIONS

- 6.1. No Changes to the legal or Statutory duties. This will in fact improve our enforcement process and improve the street scene for our residents

7 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 7.1. Crossover applications, where refused, have been criticised for unfair treatment of our residents. By implementing these changes and improving the plain English of our documents we will improve the experience for our customers.

8 CRIME AND DISORDER IMPLICATIONS

- 8.1. There are no Crime and Disorder implications.

9 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 9.1. Illegally crossing the footway is a danger to our residents. By bringing into force an enforcement process we will be able to reduce the risks to our residents and reduce the damage to our streets and pavements.

10 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Appendix A – Vehicle Crossover Task Group Recommendations Timeline
- Appendix B – Controlled parking zone information
- Appendix B1 – Controlled Parking Zone Stress Calculation Summary
- Appendix C – Vehicle length data information
- Appendix C1 – Vehicle length data Summary
- Appendix D – Fees and Charges information

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	STAKE HOLDER	ACTION / PROGRESS	TIMELINE	STATUS
<p>Recommendation 1 Highways Team to strengthen advice and guidance for residents who wish to implement crossovers. This could be incorporated into the London Plan and should include; guidance around porous materials and water retention. The team could improve the links to construction advice from Merton’s design guides. Good practice designs from London Councils and central government should also be made available to residents.</p>	Cabinet	<i>Departments are compiling best practice and these will be supplied as a set of links for applicants to access. Only in the few cases where Internet access is still not being used will these be printed and poste. If email is used then we will email.</i>	On-going Expected date for completion August 2018	G
<p>Recommendation 2 Merton crossover policy to be reviewed to ensure it complies with plain English guidance. The revised policy should be sent to community forums for comments and feedback.</p>	Cabinet	<i>The Current criterion is being re-written and will then be passed to community groups for their comments</i>	On-going June 2018	G
<p>Recommendation 3 Highways team to hold information sessions with councillors about crossover policy.</p>	Cabinet	<i>Work towards this will be increased when the criterion and guidance has been completed and approved to ensure we work with correct data.</i>	To be arranged June 2018	A
<p>Recommendation 4 Council to consider extending Short Frontage Agreements Garden Depth from 4.0 Metres to 4.3 Metres. (paragraph 8.12) Also to consider extending Standard Depth from 4.5 Metres to 4.8Metres</p>	Cabinet	<i>Work has been completed collecting the vast data available on car sales and this has been analised. We have completed the evaluation of a representative dimension in length as a minimum depth without causing Obstruction in line with safety recommendations to access property.</i>	Completed February 18	G

<p>Recommendation 5 Highways Team to adopt and implement effective enforcement action to tackle the rise in illegal crossovers. Consideration should be given to other enforcement measures such as Community Protection Orders.</p>	Cabinet	<p><i>Properties are already being recorded where they are crossing illegally and a robust post has been identified which is also ready for installations. This is a wooden post with recessed reflective band.</i></p>	Ready for Implementation. Funding still to be confirmed	R
<p>Recommendation 6 Highways Team to conduct a review of fees charged for crossovers to ensure these covers the full cost of managing the service. Revised fees should include an additional pot of money to pay for enforcement action. Additional funding could be identified from transport related budgets.</p>	Cabinet	<p><i>Fees have been looked at and there is clear evidence that the fees should be increased. Currently £75 non refundable But does count towards Administration fee if application approved. Increase to £200 Fee non refundable and no count towards construction cost, further £100 Technical services fee for those progressing to construction. £200 Technical services fee for CPZ applications.</i></p>	On-going Will be ready to include in the go live application process June 2018	G
<p>Recommendation 7 Highways Team to take action to reduce parking stress caused by the rise of crossover applications in controlled parking zone areas. A limit of 2.5 annual permits will be issued per bay. Once this is reached no further crossovers should be allowed in that zonal area.</p>	Cabinet	<p><i>Departments have been updating current records to reflect the CPZ coverage of the borough. This includes updating all bay number details and permit provision details. This has been used to assess parking stress in high use Zones. Calculation in Appendix B1 is robust and fair.</i></p>	Complete - Data accepted by Committee in previous report	G
<p>Recommendation 8 Highways Team to implement a process to manage the increase in applications for crossovers when a controlled parking zone is proposed.</p>	Cabinet	<p><i>Applications will be put on hold It has been agreed that the point in time that the Ward members agree the boundary, or new boundary, of a CPZ immediately prior to informal consultation.</i></p>	Agreed and will be included in Criteria from June 2018	G

Controlled Parking Analysis

Zone totals

177.4 28.5

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ZONE	PERMIT HOLDER BAYS	P&D ONLY	SHARED USE BAYS	DISABLED BAYS	LOADING BAYS	RESIDENT PERMIT HOLDERS ONLY	TOTAL BAYS	Bus Permit Issued	Business Address Permit	Residents Permits	Visitor FD Permits	Visitor HD Permits	Annual Visitor Permit	Address Permit issued	Teacher Permits	M/C bays
A1	488	0	31	8	0	0	527	8	0	422	11930	17740	57	1	0	0
2F	258	4	42	6		0	310	0	0	252	11210	10310	46	5	0	0
3E	1266	9	136	12		12	1435	1	2	1177	50890	58320	192	14	24	1
3F	305	8	76	3		0	392	0	0	330	15200	18330	53	4	0	1
4F	218	0	58	0		0	276	15	1	206	7890	8240	33	4	0	
S1	589	25	72	1		12	699	6	2	561	24490	29100	100	6	0	3
VC	0	61	38	3		114	192	14	1	252	8310	8640	49	5	0	1
VON	154	0	144	2		39	339	0	0	225	7850	6330	48	2	0	0
W1	175	36	118	3		0	332	18	4	254	7660	8420	37	5	0	3
W2	102	18	92	3	1	0	216	22	10	147	7990	8330	37	1	0	0
W3	224	20	142	0	0	26	412	15	0	237	10080	14280	61	2	0	1
W4	480	16	92	8	1	0	597	13	4	610	28900	47270	166	14	0	0
W5	87	3	0			0	92	2	0	125	6760	5760	19	1	0	0
W6	151	0	73	4	0	0	228	0	0	104	4540	4030	14	4	0	0
P1	376	90	87	17	2	0	572	1	4	485	1960	26740	43	4	0	3
P2S	739	32	153	9	0	0	924	1	4	561	4760	34010	58	2	0	1
VOS	4	10	146	0	0	186	346	0	0	144	6040	4750	34	0	0	
5F	1215	8	133	13	0	0	1369	5	3	982	36830	41540	135	13	11	1
M1	116	0	30	1	0	0	147	0	1	140	1331	1047	10	4	0	0
M2	655	44	0	7	0	0	705	0	0	291	5488	5365	22	9	0	0
VOT	202	0	71	1	1	9	284	7	2	259	11289	10876	45	4	0	0
P3	376	0	39	5	0	0	420	6	0	312	10050	8300	30	2	0	0
S2	497	4	79	10	0	0	590	27	1	470	20730	23250	91	5	0	2
S3	488	0	120	0	0	0	608	0	0	322	10400	8370	29	3	0	0
CW	1632	9	215	25	0	0	1878	10	3	1337	41610	36100	169	23	0	4
VN	121	15	138	1	0	2	277	1	0	107	4270	3010	30	1	22	0
P2	635	29	37	7	0	0	708	0	0	634	3877	38864	39	7	0	0
MP1	507	9	105	6	0	0	627	2	0	325	11500	10310	36	8	6	0
GC	834	0	82	44	1	0	961	1	0	662	17110	15580	55	8	12	1
MT	92	0	56	0	0	0	148	0	0	56	80	830	1	1	0	
RP	295	19	23	3	0	0	340	1	0	221	6020	7490	22	3	0	
RPN	194	12	15	1	0	0	222	2	0	185	5560	6970	31	2	0	
RPS	332	14	18	7	0	0	369	2	8	365	14700	16510	53	11	0	
SW	195	9	10	0	0	0	214	1	0	133	4450	4780	15	3	0	
H1	220	14	5	7	0	0	246	0	0	193	8300	7400	24	1	0	
H2	281	15	19	4	0	0	319	0	4	248	10550	7880	24	4	3	
W7	394	0	80	4	1	0	479	4	0	274	7880	13070	28	4		
VNE	162	0	9	1	0	0	172	0	0	61	3130	2650	10	4		
CL/CH	44	29	0	0	0	0	73	0	0	23	30	80	4	0		
M3	21	0	0	0	0	0	21	0	0	15	200	250	2	1		
VSW	81	16	0	4	0	0	97	0	0	56	890	760	9	1		
MP1 Ext	223	26	40	2	0	0	289	0	0	119	2760	2790	17	0		
A1 Ext	18	0	0	0	0	0	18	0	0	1	120	130	1	0		
MTC	237	7	0	8	1	0	244	0	0	196	1340	2370	31	3		
RPC1	152	0	0	0	0	0	169	0	0	65	0	1780	4	1		
RPC	647	18	68	6	0	0	733	0	0	324	0	13490	24	1		
TOTAL	16482	629	2892	246	8	400	20616	185	54	14468	456955	602442	2038	201	78	22

Total Available Bays	Total permits after Mathematical Calculation applied	Parking stress Calculated Number of Permits divided by number of Bays	
519	667.5	1.28613	1.3
300	443.65	1.47883	1.5
1414	2114.5	1.49540	1.5
381	604.15	1.58570	1.6
276	362.6	1.31377	1.3
673	1015.4	1.50877	1.5
152	422.8	2.78158	2.8
337	361.15	1.07166	1.1
293	418.2	1.42730	1.4
194	320.05	1.64974	1.6
392	456.7	1.16505	1.2
572	1249.35	2.18418	2.2
87	233.9	2.68851	2.7
224	180.55	0.80603	0.8
463	668.8	1.44449	1.4
892	814.65	0.91328	0.9
336	245.15	0.72961	0.7
1348	1657.5	1.22960	1.2
146	168.545	1.15442	1.2
655	392.705	0.59955	0.6
282	461.77	1.63748	1.6
415	477	1.14940	1.1
576	872.05	1.51398	1.5
608	485.35	0.79827	0.8
1847	2054.1	1.11213	1.1
261	203.75	0.78065	0.8
672	893.59	1.32975	1.3
612	525.55	0.85874	0.9
916	959.5	1.04749	1
148	62.45	0.42196	0.4
318	333.65	1.04921	1.05
209	294.95	1.41124	1.4
350	642.05	1.83443	1.8
205	212.9	1.03854	1
225	326	1.44889	1.4
300	415.9	1.38633	1.4
474	440.15	0.92859	0.9
171	114.55	0.66988	0.7
44	25.7	0.58409	0.6
21	20.25	0.96429	1
81	74.2	0.91605	0.9
263	169.05	0.64278	0.6
18	3.35	0.18611	0.2
237	239.75	1.01160	1
152	76.9	0.50592	0.5
715	404.45	0.56566	0.6
19774	23587	1.19	1.18

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Appendix B1;

Calculations for Parking stress within Merton CPZ's

For the fair analysis of the number of permits issued against number of available spaces, Disabled Bays and Pay and display bays have been discounted.

Full Day and Half Day Visitor Permits are a rolling number of purchased permits with a 20 year expiry. They may not be regularly used as they have no expiry date. The number of active permits does not reflect the annual purchase amount. The average annual amount taken over the last three years is 10% of the current permit recorded value. Whilst we cannot measure how many of these are used, a rating of 10% of those permits issued is anticipated to be a fair reflection for the purposes of creating a robust mathematical calculation.

For this calculation the mathematical value of 0.01 has been applied to Full Day Visitor Permits and for the Half Day Permits a mathematical value of 0.005.

Annual Visitor permits are less likely to be used every day but cannot be assumed that they would only be used one day a week. Therefore an estimated use in the majority of cases is 50% represented by mathematical figure 0.5

Business permits carry the full value 1.0 Business address permits also carry a full value 1.0.

Residents Permits full value 1.0. Resident address permits are also counted as 1.0, as are Teacher permits.

Full zone details in appendix B:

46 Zones in order of Implementation.

CPZ Full List Permits and Bays – Valid at February 2018

(After all calculations applied)

Zones	Number of available Bays	Number of Permits (After Equations applied)	Number of Permits per bay	Current Zone Performance Capacity Low Below 1.75 / High between 1.75 and 2.5 / Exceeded Above 2,5
A1	519	667.5	1.286127168	1.3
2F	300	443.65	1.478833333	1.5
3E	1402	2114.5	1.495403112	1.5
3F	381	604.15	1.585695538	1.6
4F	276	362.6	1.313768116	1.3
S1	661	1015.4	1.508766716	1.5
VC	38	422.8	2.781578947	2.8
VoN	298	361.15	1.071661721	1.1
W1	293	418.2	1.427303754	1.4
W2	194	320.05	1.649742268	1.6
W3	366	456.7	1.16505102	1.2
W4	572	1249.35	2.184178322	2.2
W5	87	233.9	2.688505747	2.7

W6	224	180.55	0.806026786	0.8
P1	463	668.8	1.444492441	1.4
P2S	892	814.65	0.913284753	0.9
VoS	150	245.15	0.729613095	0.7
5F	1348	1657.5	1.229599407	1.2
M1	146	168.545	1.154417808	1.2
M2	655	392.705	0.599549618	0.6
VoT	273	461.77	1.63748227	1.6
P3	415	477	1.14939759	1.1
S2	576	872.05	1.513975694	1.5
S3	608	485.35	0.798273026	0.8
CW	1847	2054.1	1.112127775	1.1
VN	259	203.75	0.780651341	0.8
P2	672	893.59	1.329747024	1.3
MP1	612	525.55	0.85874183	0.9
GC	916	959.5	1.047489083	1.0
MT	148	62.45	0.421959459	0.4
RP	318	333.65	1.049213836	1.05
RPN	209	294.95	1.411244019	1.4
RPS	350	642.05	1.834428571	1.8
SW	205	212.9	1.038536585	1.0
H1	225	326	1.448888889	1.4
H2	300	415.9	1.386333333	1.4
W7	474	440.15	0.928586498	0.9
VNE	171	114.55	0.669883041	0.7
CL/CH	44	25.7	0.584090909	0.6
M3	21	20.25	0.964285714	1.0
VSW	81	74.2	0.916049383	0.9
MP1Ext	263	169.05	0.642775665	0.6
A1 Ext	18	3.35	0.186111111	0.2
MTC	237	239.75	1.011603376	1.0
RPC1	152	76.9	0.505921053	0.5
RPC	715	404.45	0.565664336	0.6
Total	19774	23587	1.19	1.18

All Vehicles	Averages	4491	1827	1548	37581									

Appendix C1 – Vehicle Length Data Summary

The United Kingdom imports a vast majority of all the makes and models of car available throughout the world. Appendix C has been formulated using all the data available on new car sales. This has been sorted into summary data which is within the table below.

Group	Average Car Length
Small Family Car	3204
Large Family Car	4181
Executive Car	4744
Larger than 5m	5216
Sports	4723
Electric	4151

From this data it is clear to see that even the electric car market has an average vehicle length of over 4.0 meters. This measurement being our adopted minimum depth for our Short Frontage Agreement (SFA) There is evidence that the small car market still remains under this threshold however when we look at the car sales as a whole at over 19.5 million cars, the small car sales are 1.73% of that market. The Larger Car within the market at over 5 metres also only represents 1.84% of the sales figures.

So lets remove those from our calculations and look at the Large family car Which dominates 50% of the car sales, Executive car sales at a little over 25% of the market, with sports at just over 12% of the market and Electric at 8.5%. The average length of this group of sales which is over 96% of the market is 4.44 Metres in length. Electric vehicles have increased by nearly 3.5% to 8.5% of the market sales. The average car length, within this group, being 4.15 metres. It is clear that to continue to offer the SFA at 4.0 Metres we are in fact encouraging obstruction.

With 50% of the market dominated by large family cars, with an average length of 4.74 metres, it could be argued that our application depth should in fact be increased to 4.8 metres. However within Merton we do not experience obstruction from large vehicles, it is more common to have the obstruction where the gardens are within that 4.0 metre length.

To ensure we continue to offer our customers a fair and equal application process It would be better to increase the depth as a standard vehicle crossover to 4.8 metres and increase the SFA depth to 4.3 metres. This SFA will be in force for 4.30 metres to 4.79 Metres. This will give better enforcement control on obstruction from overhanging vehicles.

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Appendix D – Fees and Charges Background

Current Position

Vehicle Crossovers have two application fees, £75 or £125. The £125 is for applications within a Controlled Parking Zone. The engineer will attend the applicants address and assess the onsite conditions against the current criterion. Where the application is approved an estimate is prepared and a design drawing is completed. All works costs are at the contracted rate and an administration fee of £200 is applied but the initial £75 or £125 application fee is deducted. An application outside of a CPZ has that estimated cost sent to the applicant and if they pay in full the crossover is passed to the contractor to construct within four weeks. There are occasions when the cost of the works exceed the estimate, our customers are not re-charged this cost. Going forward this cost must be covered through the application.

An application in a CPZ has the same work completed but with the estimate is a letter advising them they need to go into a formal consultation process to have the Traffic Order amended so the parking bays can be adjusted to allow the crossover to be constructed. This requires a further £300 to be paid towards the cost of the traffic order, and they will await 9 other applications within any CPZ throughout Merton. They can choose to pay the full cost of £3000 and the consultation can be progressed with just their application. This is rare but it does go ahead sometimes.

Comparison with other boroughs

As part of the Scrutiny Process the Task Group contacted the 32 London Boroughs and London Councils. Representatives from London Councils attended one of the Panel Meetings. They commented that they had responses from many of the boroughs asking for a copy of any policy we agreed, to assist them in dealing with the same issues. Only 7 Boroughs responded to our direct question around fees. Sutton, who have an £80 fee non Refundable, Croydon £150 Fee non refundable, Kingston £80 fee non refundable, Wandsworth only mentioned a £45 admin fee but had a fixed £1493.50 standard crossover construction fee. Bromley £200 fee non refundable, Richmond has a £221 non refundable fee and a £740 admin fee which is included in the crossover fees which average £2000 to £2500. Camden who did not disclose an application or admin fee but said crossovers cost between £2000 and £3000.

Re-evaluating our costs

Application Fee

Discussions with our finance staff has identified costs around staff hours and office space which we are not capturing through our applications. The current application fees are subsequently deducted from the final Estimate if the application is successful. This means the £200 administration fee within our current charges is the only income. Our contractor rates we apply with no uplift. Within a CPZ where more Officer time is taken the admin fee remains the same at £200. A straight forward crossover will take the engineer 2 hours to measure on site and prepare the estimate. The Technical Admin team spends 2 hours throughout the process. With office space charges and overheads this equates to around £180. However, many applications take more time with customer interaction

especially with refusals on short frontages where measurements are questioned. Each visit can take an hour of the officers time.

CPZ Applications have a further time impact, with traffic engineers evaluating the best out come to support the application with the least impact on that zone. With traffic order amendments and signage put out on site a further 4 hours is spent on these applications.

Enforcement of non compliant properties

Currently, illegally crossing the footway, damage to footway to the side of a crossover, overhanging vehicles and altered properties affecting previously agreed off street parking, are all dealt with without costs. First Warning letters are sent to the property, follow up visits are carried out and second letters are sent. Due to the current budget restraints no further action is taken unless there is a danger to other residents. Only then are restrictive measures put in place but no charge is made. However if the restricted property applies to construct a crossover the cost of removal of the restrictive measures is included in the estimate.

The Task Group supported implementing an enforcement process as part of the revised crossover criterion. This has to generate sufficient income to support and promote equal and fair implementation across the whole borough. The task group were advised by the Parking Manager that a £30,000 one off payment from the transport initiative could generate the starting fund for the Enforcement Budget.

Enforcement action will be taken in line with the second letter, this will be financed from the Enforcement Budget. £50 from each application will be allocated to this Budget to allow enforcement to continue. Any property that has the restrictive measures imposed which then applies to legalise their access through an application will have the enforcement installation costs included in their estimate. When we receive their full payment we will allocate the enforcement cost back into the enforcement Budget.

Recommendation of fees and charges

We receive approximately 450 applications a year, the figures below are for 01st January 2016 to the 31st December 2017, a 2 year period.

921 applications Received
579 Applications approved paid and constructed
74 Applications in a CPZ
196 Approved and estimates sent but no further contact from the applicant
15 are awaiting CPZ Consultation conclusion
83 refused on insufficient garden depth
15 refused on insufficient width
11 refused on loss of amenity (Grass Verges)
11 refused due to a tree
6 refused too close to a road junction
3 refused due to loss of British Telecom mast or pole
1 refused loss of a Disabled Bay

We have considered the increase in fees and would recommend increasing the application fee to £200. This is non refundable, will not be deducted from the crossover estimate and will not have an increased application fee for CPZ applications. £50 from these applications will support the enforcement budget. The administration fee should be reduced to £100 for non CPZ applications and remain £200 for CPZ applications. This should be declared as a technical services fee.

Based on the increased fees, The above Applications over a two year period would have brought in £306,350 as a fixed income. This is an increase of £114,150 equalling £57,075 for the year. £24,025 would be income for the enforcement budget for one year. By implementing these charges the post would be self funding.

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