

# BELMONT & SOUTH CHEAM RESIDENTS' ASSOCIATION

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Newsletter No. 40

November 2005

Dear Resident,

## ANNUAL GENERAL MEETING

The 2005 AGM was held on Thursday 7<sup>th</sup> July, attended by 65 members. It was the day of the London bombings, sadly one of a date that will be remembered for many years because of its terrible events. At the start of the meeting, a minute's silence was held for those who had lost their lives and those who had suffered in the bombings. Sgt. Brendan McWilliams, who leads the local Safer Neighbourhood Team, gave an update on the situation in central London and then left for duty there.

An update was given on developments since the issue of the Annual Report, details of which are included in the relevant topic areas of this newsletter.

Brian Williams, our Treasurer, presented the Accounts for the year to 31<sup>st</sup> March 2005 and these were duly approved. Membership had increased significantly to 1,967 as arrears had been almost eliminated. This was thanks to the work of our former Membership Secretary, Derek Breden, and Brian Williams. The net assets of £4,400 were reported as satisfactory for the Association.

Then your officers, Alys Shale - General Secretary, Brian Williams - Treasurer and myself as Chairman, were all re-elected. Derek Breden had moved away and we have a vacancy for Membership Secretary, which we are seeking to fill - volunteers welcome!

Thanks were expressed for the efforts over many years of Joan Edgley who was moving down to Dorset and therefore leaving the Committee. Existing members Dennis Baldry, Mahmood Bhatti, Jean Hamilton, Derek Hurden, Irwin Chernin, Victor Jordan, Peter Matthey and Graham Peters were elected, along with a new member Ian Munro to give representation from the Royal Marsden Hospital area. Since the AGM, Heather Shaw has joined the Committee as a full member, in addition to continuing to represent the Association on the Sutton Police Consultative Committee. In September, Graham Peters stepped down and his place has been taken by Ron Young. Peter Matthey has taken over as our Planning Officer for Cheam west of Belmont Rise. Our thanks to Graham for the work he has done on planning matters.

Alison Griffiths was re-elected as the Association's Auditor.

Our speaker at the AGM was Dr. John Peacock, Chairman of the Banstead Commons' Conservators. Dr. Peacock joined the Conservators some four years ago; he was appointed since he continually lobbied about the state of the commons and the wildlife habitat. When appointed he had little knowledge of the work of the Conservators; apart from the fact that they managed the land.

Banstead Commons comprise 1500 acres, north of the M25 in the Borough of Reigate and Banstead. The four areas covered are:

- Park Downs, which is the smallest area
- Burgh Heath, the main feature of which is the ponds
- Banstead Downs, which is the second largest, covering the area from the prison to the old hospital boundary, and which includes the golf course
- Banstead Heath, which is the largest of the commons and covers a triangular area south of the Tadworth Roundabout

These exist because of common land - but what does that mean? A common misconception is that it means the land is open to all, but this is not the case.

Common Land - in 1066 the country was divided up into plots by William the Conqueror, and given to his supporters, who became Lords of the Manor. Eventually some plots of the land were given to their employees, since they worked harder and better for this reward. The less productive pieces of land were accessible to the general population until the time of the industrial revolution. Pressure on common land in and around towns meant that it started to disappear, generally due to businessmen buying the rights from the employees and then buying the land itself from the lords of the manor. At this point it was realised that this land needed to be protected and parliament was lobbied to require them to define common land under the control of the City of London - this was by means of the Metropolitan Commons Act. This Act created groups of people to protect the land, and at that time Banstead was not part of the Metropolitan Commons Act. It was finally included in 1893, since there was concern that the land was being bought up.

Banstead Commons Conservators were created to:

- Define the area of common land
- To prevent closure of any of the land
- To guarantee legal access to common land for everyone

Originally there were 8 conservators - 2 working for the lord of the manor and 6 independent - whose legal obligation was to protect the commons. Since this is a legal obligation there is no room for any discussion or negotiation.

Common land can only be lost due to a Compulsory Purchase Order; it cannot be accessed by any other means or any other person. However it must be replaced by an equal amount of land. In the 1920s and 1930s, Councils were urged to buy up common land - most of Banstead Commons (95%) is owned by the Borough of Reigate and Banstead - but they have no say in its management.

There are still 8 conservators, of which 2 are appointed by the landowners, i.e. the Council, and 6 are appointed by the Council after requests for nominations have been advertised. The basis upon which these people are chosen is not clear. The tenure is 3 years, and 2 conservators are chosen each year.

The main duties used to be to act on complaints from residents. The Council had to maintain the commons as open space, which was very expensive, so approximately 15 years ago, they decided to give a grant to the BCC to manage and maintain the land as open space. The BCC receive £100,000 from Reigate & Banstead Council and £7,500 from Sutton Council. The team that

currently runs the business consists of 1 full-time warden, 2 full-time keepers, 1 part-time keeper and 1 part-time clerk.

What do the BCC do?

- Management as an open space - it is wild, not a park and is a valuable wildlife habitat, e.g. there are some 32 different species of butterfly. If left, it would revert to scrub and woodland. The team manage the land to retain the wildlife, views, paths and bridleways and to keep it attractive for both wildlife and people.
- Banstead Park Downs is a valuable wildlife site; Park Downs particularly so. For 10 years BCC has been clearing scrub to restore grassland on Park Downs, by cutting and grazing. Dr. Peacock has been counting orchid spikes - in 1999 the odd one could be seen, but the numbers of species have increased each year, and even the Greater Butterfly orchid was seen in 2004.
- Dealing with problems: Even in the enlightened 21<sup>st</sup> century, people still try to enclose parts of common land. The power of the Act means that anyone doing so has to remove their gate or fence and return that portion of the land to the commons.
- The statute is at its most powerful with regard to travellers. The statute states that if a conservator requires removal of someone acting unlawfully on common land, the constabulary must attend and remove the people concerned. Approximately 5 years ago, this Act was successfully invoked to remove travellers in half an hour. The Police are willing to act instantly with regard to this Act and anyone contravening it.

Dr. Peacock then answered questions.

Q - Were the cottages in Downs Road, built before 1893, a common land enclosure?

A - Yes

Q - Do the conservators lead walks?

A - No. The Surrey Wildlife Trust and the Downland Conservation Trust do.

Q - Can land be lost for roads for a Hospital?

A - Only by compulsory purchase by the Highways Authority, with other land substituted.

Q - Is the dell at the back of The Crescent part of the Commons?

A - No

Q - To whom does the golf club pay rent?

A - Reigate and Banstead Borough Council

Q - Should the golf club be managed by BCC?

A - No, but BCC are interested in its management as a Site of Special Scientific Interest.

Q - How does one become a conservator?

A - Apply to Reigate and Banstead Borough Council

Q - Was topsoil from Banstead Downs at Versailles?

A - Not as far as he was aware!

Points arose over the management of the golf course and Dr. Peacock accepted an invitation by Mr. Ron Young to visit.

Dennis Baldry gave the vote of thanks.

The Committee have met three times since the AGM and the latest news is as follows:

#### TRAFFIC

Speeding Traffic - continues to be an issue in Burdon Lane and Sandy Lane. Warning signs have been installed, which illuminate when vehicles exceed the speed limit. Heather Shaw, our police liaison committee member, has taken up the speeding problem with the Police, who have carried out some enforcement using the speed camera. The Police have been asked to include Northey Avenue and Manor Road in the speed checks.

Parked Vans - Members have complained about white vans parked in Sandy Lane. Providing that they display current road fund licences and parking is not restricted, the Police can take no action unless the vehicles cause an obstruction.

Smith & Byford Vans - Following complaints from members, we have been in contact with Smith & Byford over the large number of their vans parked near their offices in Upper Mulgrave Road for a period in the morning and late afternoon. Whilst this is for limited periods, it can restrict access to the shops at those times. Smith & Byford have circulated a letter to households in the area, seeking support to have the Old Dairy site in Ewell Road retained for business purposes, so that they may move there with the expansion in their company.

#### SUTTON HOSPITAL

The Association was invited to the 'Enquiry by Design' run by the Prince's Foundation For The Built Environment for the new Critical Care Hospital (CCH), during the week beginning 31st October 2005. We are informed that the NHS wishes to ensure that the proposed CCH is 'an exemplary, sustainable and high quality development, integrated with the wider environment of Sutton.' The Prince's Foundation has been asked to help achieve these aims using a method called Enquiry by Design. In this, intensive work by technical experts over the course of a week is tested against a reference group of people which included BSCRA. There were three sessions with the reference group; on the Monday morning and on the Wednesday and Friday evenings. This does not replace the statutory planning process but provides additional considered input to the design of a major development.

A number of issues were raised, the major ones being vehicle access to the site and public transport links. The consultants had recognised most of these. At the end they stated that there must be no parking overspill from the site and they did not favour a suggested new road from the A217. They proposed to locate the Accident & Emergency Unit well within the site. There were two options for road access to the whole site (campus). In the first, Cotswold Road would be one-way. In the second, preferred option, the present allotments area would be used including a new access road from Brighton Road, with an equivalent area provided for allotments elsewhere on the campus. This access would replace the existing entrances to both the Sutton and Royal Marsden Hospitals, part of the campus.

Clearly, we welcome the opportunity for local views to be given in the decision process. Separately we are aware that Merton Borough Council has appealed to the Secretary of State that St. Helier Hospital should remain an emergency hospital. Mole Valley Council has appealed that

Epsom Hospital should remain an acute hospital. Sutton Borough Council has strongly encouraged all the NHS organisations involved to develop a master plan for the whole campus. A Joint Overview & Scrutiny Committee has been formed, incorporating the London Boroughs of Sutton and Merton and Surrey County Council. They have drawn the issues together in twelve 'themes', which they are following through. Under emergency services, an option is being considered for two 24-hour Urgent Treatment Centres for areas distant from the CCH.

## PLANNING

Downs Lawn Tennis Club - We await the result of the latest appeal against the Council's refusal of floodlighting the tennis court nearest the road and nearby houses.

Downs Cottage, Cuddington Way - The occupants have appealed against the Council's refusal of a retrospective application for use of part of a garage for office/storage purposes. The Association has written to the Planning Inspectorate, advising of the Council's earlier refusal for an extension of Downs Cottage and confirming our objections because of commercial comings and goings in the Cheam Special Policy Area.

Telecomms Mast, rear of 13 Manor Road, Belmont Rise - The Council refused the increase in height from 10m. to 12.5m. O2 have now appealed against this refusal.

Telecomms Mast, Beresford Road/Belmont Rise - The Association objected to the formal planning application from T-Mobile on the grounds of over-concentration of masts on Belmont Rise, further addition to street clutter, and that a mast over 10m. in height would detract from the tree-lined character of Belmont Rise. The Council has refused the application.

1-7 Upper Mulgrave Road - The first application to build flats was refused by the Council on grounds of excessive height, bulk and scale, but a second application for a reduced scheme has been granted planning consent. An Appeal against the first refusal has been dismissed by the Planning Inspectorate.

Ewell Road, Cheam - Three planning applications, outside the BSCRA area, are of interest. They lie within the Cheam Village Conservation Area.

- Old Petrol Station - bulk wine sales at ground level with flats above, consent granted
- Travis Perkins - new replacement buildings for the existing business, consent granted
- Old Dairy Site - the Council on the grounds of over-development, loss of privacy and traffic impact has refused a mixture of flats and houses by Linden. The Committee report also refers to loss of land for employment purposes. This is the site which Smith & Byford propose to be retained for business use and not used for housing. Linden have recently submitted a new planning application for housing

45 Sandy Lane - The Association objected to a proposal to build a house in place of a garage, on grounds that it would be out of character with surrounding houses and have unsafe road access. The application was refused by the Council.

108 Mulgrave Road - The Association objected to an application for a flats conversion which did not respect the style of the buildings. The application was granted but after suitable amendments.

13-15 Stanley Road - The Association objected to a proposal to build 14 flats and 5 houses in place of two houses on grounds of over-development and parking impact. The Council has refused the application.

82 Cornwall Road - The Council has granted a planning application to convert a double garage into rooms, to provide facilities for a disabled child. The Association has been concerned over precedent being set for an already enlarged house. Council officers have advised that the consent is personal to the applicant.

96 Worcester Road - A planning application was made to build ten flats in place of an Edwardian house, with four terraced houses at the bottom of the garden. The Association has supported

numerous objections from local residents with the help of the Cornwall Road stewards, Victor Jordan and Mike Cutts. BSCRA objected on the grounds that the proposals are out of character and over-dominant, they would result in loss of privacy, car parking proposed in back garden land, loss of trees and inadequate amenity space.

22A-24 York Road - This planning application is to build 13 town houses in place of an Edwardian house and a bungalow; 6 town houses at the front and 7 to the rear of the site. Many residents have sent letters of objection. The Association has objected on the grounds that it is out of keeping with nearby properties, with the front 6 units set much further forward than any other houses, loss of privacy from the rear 7 units and unsafe access near a road junction.

The 96 Worcester Road and 22A-24 York Road applications involve incursion into back garden land. Decisions are awaited on both.

Planning Users' Panel - Jean Hamilton is the Association's representative. At the last meeting, officers explained the Mayor of London's policies for the southern group of boroughs including targets for additional housing over the next few years. Other residents' associations attend and BSCRA supported calls for more plain English and less planning jargon.

Planning Decisions - In order to meet Government targets on decision making, the Council's Strategy Committee has made changes to some procedures. Council planning officers will be able to issue all refusals of applications contrary to adopted Council policy. Officers will be able to approve applications which are not major, unless ten or more valid planning objections have been received. All major applications will be decided at the Development Control Committee, which meets every 4 weeks, not Area Committees which meet every 8 weeks. IT facilities will be improved.

Fireworks Legislation - Enforcement is by the following authorities. Prohibition of possession of Category 4 (more dangerous fireworks) is by the Police. Letting off fireworks is not allowed between 11p.m. and 7a.m., except for 5<sup>th</sup> November, Chinese New Year, Diwali and New Year's Eve, enforceable by the Police. London Borough of Sutton Trading Standards deal with noise levels, suppliers' licences and ensuring fireworks are not sold to those under 18 years.

Belmont Rest Garden - At last the Council has come forward with proposals for the £5400 to improve the Rest Garden. Victor Jordan, Derek Hurden and Norman Edwards represented the Association in a meeting, where they pressed for additional planting against Belmont Rise and the dividing fence from St. John's Church Garden. We await the Council's decision and for the work to be done. An earlier suggestion by Councillor Geiringer that the Rest Garden should be used for a car park was unanimously opposed by the Executive Committee.

Driving Schools - A number of members have complained about the excessive use of Wilbury Avenue and other nearby roads by numerous driving schools. The Association is checking whether this area is part of the Wallington driving test area, prior to writing to the organizations concerned.

### Planning Applications

As ever, it is important that if members hear about planning applications or receive neighbour notification and they have concerns or questions, they should contact the relevant BSCRA Planning Officer, the road steward or any committee member quickly. We are then in a position to help within the initial 3 week period for public response to applications. Our Planning

Officers do scan the weekly lists on the Council web-site or paper list sent. Recently Peter Matthey has introduced a system for notifying neighbours, by means of a small card, of an application, giving contact details of the Association if help is needed.

#### Road Stewards

Our road stewards carry out an essential task for the Association. We have vacancies for Buckingham Court (Dorset Road), Clifton Avenue, Old Barn Close and Peaches Close. If you can help, involving two deliveries a year and collecting subscriptions every other year, please contact any member of the committee. It is not essential to live in the road concerned.

Finally, it is time once again to wish you the compliments of the season as Christmas and the New Year approach.

Yours sincerely

Tony Wallace

#### BSCRA CONTACT DETAILS

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#### Committee Members:

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Brian Williams	Treasurer	020 8642 3719
Dennis Baldry	Planning Officer for Belmont	020 8642 9038
Mahmood Bhatti		020 8661 9762
Irwin Chernin		020 8395 9698
Jean Hamilton	Planning Users' Panel Representative	020 8642 7320
Derek Hurden		020 8643 2332
Peter Matthey	Planning Officer for Cheam, West of Belmont Rise	020 8643 0635
Ian Munro		020 8642 8707
Heather Shaw	Police Liaison Committee Representative	020 8642 5406
Ron Young		020 8642 0429

The list of turnkey holders is held by the Secretary and the Chairman.

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London Borough of Sutton: London Borough of Sutton  
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**COUNCILLORS**

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