

Siobhain McDonagh MP

0207 219 4678 (tel)
mcdonaghs@parliament.uk

LABOUR MEMBER OF PARLIAMENT FOR MITCHAM AND MORDEN

Mr Ged Curran
Chief Executive
London Borough of Merton
Civic Centre
London Road
Morden SM4 5DX

Our Ref: BROW01011/01030038

15 February 2010

Dear Mr Curran

Re: The Tower 125 High Street Colliers Wood London SW19 8AE

I have recently been contacted by many constituents concerning the lack of progress at and deteriorating condition of The Tower in Colliers Wood. They have asked me to contact you as this is one of the most important strategic sites within the whole Borough, and feel it requires your personal involvement as the Chief Executive of the Borough.

More than a year ago, green netting was put up on the exterior of the building. I understand this was at the behest of Merton Council. This has significantly altered the exterior appearance of the building. Residents agree that it has made it look even worse. Can you please supply me with a copy of the decision to grant planning permission for this significant alteration to the exterior appearance of the building. If no planning permission has been granted, can you provide me with a copy of any correspondence and legal advice that the Council has obtained to indicate that permission is not required in this instance. I understood that any major change to the external appearance of such a landmark building requires planning permission, even on a temporary basis.

I believe that the Council permitted Golfrate to change the external appearance of The Tower on the grounds that the netting is helping to keep masonry from falling to the ground, as the exterior concrete cladding is no longer safe. Of course, nobody objects to very short-term measures being taken to protect residents from falling masonry. However, Merton Council has a duty to protect residents from significant detrimental changes to their environment, in line with the Council's policies on improving the environment in Colliers Wood, and in line with the outstanding current Development Brief of 2002, as well as in line with the Council's duty to protect residents from a statutory nuisance. Therefore planning permission should have been rejected, with an exception for a very limited period to prepare for proper repairs to the masonry. If this is not the case, can you explain why the Council has not acted in line with its policies and Development Brief.

Finally, can you please confirm by what date Merton Council has instructed the owners of The Tower to commence repairs to the concrete exterior of the building? Can you also confirm that after this date the Council will proceed with work on their own and reclaim the cost from Golfrate?

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Next, can you advise whether the repairs would need to be in line with the Council's numerous policies on making environmental improvements in the Colliers Wood area. In particular, the current approved plans for The Tower include environmentally friendly re-cladding in a more attractive style and colour. Would any repairs have to be consistent with this principle?

As I have said, the condition of The Tower and the car park next to it is appalling. It is an environmental nuisance in its current form, and is also unsafe. As the owners have not made any progress on repairing the building's infrastructure, or on proceeding with the development for which planning permission has been granted, the Council has a duty to act on behalf of residents and to remove the environmental nuisance.

I understand that for more than a year, Cllr Nick Draper has requested that the Council carry out repairs and an environmental clean-up of the buildings under Section 215. May I see a copy of the decisions made by Merton Council in relation to whether or not to proceed with Section 215 in response to Cllr Draper's requests. If no decision has been made, what legal advice has the Council taken that a decision was not necessary in this case?

Further to this, I understand that the Council has considered a compulsory purchase of the site. The Leader of the Council is on record a year ago asking for financial assistance in order to carry this out. As this means that the Council has concluded that CPO would be legal, what decision has been made as to whether to proceed with CPO? If no decision has been made, why not, and what may residents do to ensure that the Council does take a decision on this important matter as soon as possible, as it is not clear what the Council's policy is?

Finally, can you provide me with details of all financial agreements involving the Council and Golfrate, or its subsidiaries, arising from developments that have been granted planning permission in the past 5 years. For example, I understand that Golfrate has been successful in planning applications at other significant sites throughout the Borough, such as Cavendish House and the Crown Inn, as well as The Tower. If these are developed, the Council will benefit through Section 106. Residents have suggested it would be useful to know precisely how much Merton Council stands to gain through S106 from planning applications that have been granted to Golfrate.

I hope that this is useful, and self-explanatory. If you have any queries, please do not hesitate to contact me, as I would not want this to prevent you from sending me a speedy response.

Thank you in advance for your assistance.

Yours sincerely

Siobhain McDonagh

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