

Anita Gardner

From: Clapham Parish Clerk [clerk.clapham@morris-assocs.demon.co.uk]
Sent: 17 July 2011 12:01
To: Anita Gardner; Karl Roberts; Bleakley, Mike
Cc: Lynn Picton; Cliff Tomkins; Sheila Chapman; Claire Burgess; Michael Turnwell; Peter Jones; Debbie Urquhart
Subject: Waterford House (aka Merrie Gardens) in respect of CL/11/10/ (adherence thereto), CL/7/11/, CL/11/11/DOC (discharges sought), and questions relating to Change of Use

Anita,

Please forgive my writing to you, again, about this development. Karl Roberts leads me to understand that the Parish Council is not barred from commenting further, even though the 'minimum' response date for CL/7/11/ has now passed. Formally, therefore...

Clapham Parish Council would like to draw to your attention certain matters arising in connection with the Waterford House (aka Merrie Gardens) site in Clapham Village.

Firstly, in relation to CL/11/10/ in general, and Conditions 6 and 7 in particular...

In a recent email, a resident whose property abuts the Merrie Gardens/Waterford House site on the southern side wrote remarking on the "the removal of the hedgerow and lower branches of the trees (*along the common boundary*) in May". (*Phrase in italics inserted by me for clarity – JM*) While there was no suggestion of trespass on her land or against her property, the resident felt that this action was consistent neither with the applicant's statement introducing CL/11/10/ which emphasised "visual amenity" and "visual screening" nor with the statement in the summary of the Officer's Report on CL/11/10/ that "the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character".

In this context, the Parish Council notes that on 6th July 2011, Mr Graham Middle wrote to you, in connection with Application CL/11/11/DOC, asking for the discharge of Condition 6 (Landscaping) imposed on CL/11/10. Mr Middle wrote: "... the 3 Acre redevelopment site comprises well-established landscape gardens for (*sic*) which there are no proposals to change, other than to undertake remedial works where any damage may occur or gaps in the landscaping, resulting from the development works..."

The Parish Council does not see that the hedgerow work on the southern boundary of the site need be a bar to otherwise permitted development, provided that the applicant speedily rectifies any changes that, in the view of your officers or the SDNPA's officers, would be at variance with any or all of:-

- (a) the applicant's statements introducing his applications CL/11/10 and CL/7/11/ (and any others),
- (b) the Officer's Report on CL/11/10 quoted above,
- (c) the Conditions to which the Approval of CL/11/10 is subject, notably Conditions 6 (Landscaping) and 7 (Replacement Planting), and
- (d) Mr Middle's specific assurances on Condition 6, quoted above.

Secondly, in connection with an apparent actual Change of Use...

The resident referred to above remarks on the storage of industrial containers on the site. This, if confirmed

on inspection, would seemingly require a Change of Use from Class C3 to Class B8.

The Parish Council, understanding that Use Class B8 is not authorised for this site (*the Parish Council would appreciate confirmation of this - JM*), seeks assurance that any such containers and/or other stored equipment, if found on inspection to be present, will be speedily removed by the applicant, as their presence is – the Parish Council understands – acceptable neither within the permission already granted nor under any application currently awaiting decision.

Thirdly, in connection with a mooted future Change of Use...

The same resident testifies to an exchange in which the applicant told her of his intention to install one or more “industrial units” on the site. The Parish Council, while in no way doubting the resident’s word, is minded to consider this an unfortunately timed and perhaps rather cruel joke, uttered by the applicant in the course of a heated exchange following the removal of the hedge, and doubtless immediately regretted.

The Parish Council understands that the installation of any industrial unit would require a Change of Use to from Class C3 to Class B1 or possibly Class B2 – which would be at variance with the applicant’s stated intentions and assurances. For the avoidance of doubt, the Parish Council seeks confirmation:-

- (i) that the permitted Use Class is C3 (or specifically C3(a)) and,
- (ii) that no Change of Use has been authorised or applied for.

Fourthly, in connection with the discharge of Condition 8 on CL/11/10/ sought in CL/11/11/DOC...

The Parish Council notes that Mr Middle, in a letter dated 6th July 2011 seeking the discharge of Condition 8 (Prior Demolition), remarks on: “... our client’s concerns relating to leaving the *remotely situated (my italics – JM)* site unattended, and open to the possibility of vandalism, fly-tipping, theft occurring and/or travellers taking up residence on the site...” and asks that permission be granted to delay demolition “for a period not exceeding 24 months...”.

The Parish Council suggests that Mr Middle’s fears might be assuaged by:-

- (a) noting that, far from being “remotely situated”, the site is in the middle of a village not noted for its high crime rate,
- (b) replacing, by a continuous, permanent and substantial fence, the – functionally obsolete – double gates opening from the site’s northern boundary onto the public footway which travellers and fly-tippers might conceivably use to gain access,
- (c) blocking, with one of the substantial items of plant currently on site, the gateway at the south-west corner of the site, this being the only other vehicular access point, and
- (d) to deter vandals and thieves, fitting a regular domestic security system.

The Parish Council finds it difficult to believe that, even in “the current economic climate” referred to by Mr Middle, the applicant’s family are unable to afford to retain their existing home “until the new dwelling has been completed”.

The Parish Council therefore opposes the discharge of Condition 8.

The Parish Council would appreciate your views on these matters, and would like these matters to be taken into account in any consideration of applications relating to this site. The site is considered to be of particular importance to the Parish Council, not only because its extensive grounds are worthy of conservation – as the applicant has recognised – but also because it sits in the centre of the Village, immediately adjacent to the Primary School and the Recreation Ground and close to the Village Hall.

Please let me know if you require any clarification of the comments and requests above.

Kind regards,

John

John Morris

Clerk to Clapham Parish Council

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