

Merton Council
Planning Applications Committee
21 October 2021
Supplementary Agenda

10 Modifications Sheet

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Modifications Sheet.

Item 5. Garage block, Heyford Avenue, Land rear of 145 and 147 Springfield Avenue, SW20 – 21/P1463 – Cannon Hill Ward.

No modifications.

Item 6. 52B Russell Road, SW19 – 21/P2673 – Abbey Ward

Consultation (Page 42)

Additional objection received on the following grounds:

- Planning Officer writes the Inspector “found the French doors to be an acceptable addition to the character of the site”. This is not true. What he actually said was “they do not cause undue harm to the architectural qualities of the host building”. This means that harm has been done but it is not excessive, like putting in bifold doors for example. Nowhere does he say that he accepts that they can remain. If he thought that, he would have granted permission for the doors but refused permission for the fence.
- The French doors have an undue detrimental impact upon the character and appearance of our plaque-bearing local 1880 cottage. White PVC is used but the appearance of the frontage does not match.
- This would set a bad alteration precedent for the area.
- This work was carried out secretly without Freeholders' permission; Merton Planning permission, or building control.
- Residents Association is made up of the three leaseholders.
- The lease says no changes are allowed that require planning permission.
- Any other changes require all leaseholders to agree.
- The planning officer has been offered sight of the lease, but this has been ignored.
- The leaseholder/applicant has not sought permission from the residents association and would not be allowed anyway by the lease.
- The freeholder have to look after the fabric of the building. The fabric has been damaged, that could come back as a responsibility of the Residents Association, the freeholder.

- The damp-course in the front of the property has been damaged and the doors do not fit with the characteristic of the property. Another reason for saying no in the lease.
- No one knows what has happened to the building as there was no building control and there is no completion certificate.
- See <https://www.gov.uk/guidance/ensuring-effective-enforcement>, entitled, "Enforcement and Post-Permission matters" states, 'an applicant can get one go only at retrospective planning'. Why is this Second Application being allowed?
- There are a number of false statements in this Second planning application, for example, 1. the dates the works were started is stated as 24/05/20 and finished in June 20, This is false. The work was completed 26/02/20. 2. The applicant wrote No, but there is a tree in the front garden. The front garden is to be for flower beds and shrubs only. 3. The applicant declared, 'that on the day 21 days before the date of this application nobody except myself was the owner of any part of the land or building to which the application relates'. This is not true. The freeholder owns the property.
- No Planning notice on property to alert the neighbourhood. The neighbours were not aware of what was going on.
- The front garden measures 3.1m x 3.1m and the applicant has purchased eight sapling pine trees for it.
- The leaseholder had not removed the fence some 2 months after being told to do so. The fence came down on 17/09/21.

Item 7. Eddie Katz, 42 Station Road SW19 – Colliers Wood Ward.

Consultation (page 76)

Insert at end of paragraph 5.20

To address earlier concerns Transport/Highways officers have requested the following, and made the following supplementary observations.

1. An updated plan providing exact demarcation showing the extent of public highway and private property. (Officers note that this can preferably be secured before referral to the Mayor of London so as to assist in the preparation of a draft agreement that would accompany the Council's documents forwarded to the Mayor as part of the Stage 2 referral process).
2. The plan must also show clearly any aspect of the proposal, within that area, which must be agreed with the Highways section. This includes any proposal for cycle stands, kerb revisions and parking bays. Any S278 agreement would cover all works on the public highway to Merton's requirements and agreement; this also includes any S106. (Officers note that this approach provides suitable safeguards to the Council on highways matters and which can be integrated into a planning agreement).

3. The proposed pedestrian and cycle access must be safeguarded through a legal agreement. The pedestrian and cycle access must be maintained to a safe standard and at no point can this access be obstructed (Officers note that the requirements of the transport officers could be dealt with under a S106 planning obligation).

It is important that the applicant understands that the path will be used by all members of the public. The applicant should be made fully aware of the increase in footfall and cycling due to the opening of Harris Academy. They also need to set out how the path would be kept clear of vehicles particularly service vehicles. Additionally, given the fact that all vehicles including service vehicles are required to reverse within the same area where pedestrians and cyclists will be using, a full safety risk assessment would be required. (Officers note that a highways/parking management strategy, along with risk assessments could be imposed so as to safeguard pedestrian safety and may be the subject of a bespoke condition).

The Transport Officer remains of the view that any parking spaces should be provided before commencement of the buildings or their use. (Officers note that the use of a standard condition fails to address the need for space to be available in association with construction activity and that Condition 8 may be modified to require availability before occupation and retention thereafter).

Concerns are reiterated regarding a perceived conflict between the location of the servicing bay and desire lines for pedestrians. The importance of ensuring safe and efficient serving arrangements are given higher priority given the growing trend to on-line shopping and associated deliveries. (Officers consider that the concerns may be addressed subject to a review and adjustment of the site layout. This should not delay determination and could either be reviewed and addressed prior to referral to the Mayor or made subject to any condition referring to drawings caveating their precise status).

Following the observations of the Ecology Officer in para 5.19.3 the matter was reverted to the applicant's consultants. They further commented, 'Areas of scrub and woodland habitat were incorrectly described as falling within River Wandle Local Nature Reserve (LNR) within the Biodiversity Impact Assessment (ref: 551360dpApr21FV04_BIA). As such, a multiplier of 1.15 was added to the value of these habitats. Following confirmation that these areas don't fall within the LNR, this multiplier has been removed. The predicted change in biodiversity units associated with the proposed development, in light of these changes, is now a net gain of +70.71%, thereby demonstrating compliance with emerging planning policy and legislation'.

Recommendation (page 104).

Amend S106 Heads of Terms to include:

Delivering pedestrian/cyclists rights of way connecting site with land to the east and west.

S278 matters pertaining to highways works to be integrated into the S106.

Amend conditions:

2. Amend approved plans condition to include text to read “notwithstanding any details on the submitted plans showing a holding area/servicing/loading bays the development shall be implemented in accordance with the following approved plans

Reason: To ensure the development is implemented in accordance with the approved plans in the interests of proper planning, and to ensure that the servicing arrangements address the concerns of the Local Planning Authority and ensure the delivery of a safe and secure environment for pedestrians and avoid potential for vehicle and pedestrian conflict”.

8. Amend condition to read “Notwithstanding any amendments to the parking and servicing arrangements arising from the requirements of Condition 2, the car parking area shown on the approved plan 172 GSA XX DR A 6000 Rev W2-06 , or any such drawings superseding that drawing approved under condition 2, shall be provided before first occupation of the development hereby permitted and shall be retained for parking purposes for the occupiers and users of the development and for no other purpose”.

10. Amend condition to read “Occupation of the development shall not occur until... (then as per the condition).

Additional conditions.

Pedestrian and cycle safety.

“Before first occupation a pedestrian and cyclist safety management strategy, including and incorporating the findings of a safety risk assessment commensurate with the nature of the proposals, including measures to ensure how the pedestrian/cycle path would be kept clear of vehicles particularly service vehicles, shall be submitted in writing to the local planning authority for approval. The development shall not be occupied until the strategy is approved and shall be operated and managed in accordance with the strategy”.

Item 8. Planning Appeal Decisions.

Item 9. Planning Enforcement Summary.