

PLANNING APPLICATIONS COMMITTEE

10 October 2013

Item No:13

UPRN

APPLICATION NO.

DATE VALID

13/P1634

26/06/2013

Address/Site:

43 - 45 Palestine Grove, Colliers Wood, SW19 2QN

Ward

Lavender Fields

Proposal

Demolition of the existing vacant warehouse building [195 square metres within Planning Use Class B8] and the construction of two semi detached four bedroom houses with accommodation on two floors and within the building roof space with two off street car parking spaces with access from Palestine Grove.

Drawing No's

8441-PL-01; 8441-PL-03; 8441-PL-04; 8441-PL-06; 8441-PL-07; 8441-PL-08; 8441-PL-09 Design and Access Statement and Flood Risk Assessment.

Contact Officer

Tony Ryan [020 8545 3114]

RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions and a S106 legal agreement.

CHECKLIST INFORMATION.

- S106:
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted – No
- Press notice – No
- Site notice – Yes
- Design Review Panel consulted – No
- Number of neighbours consulted – 33
- External consultations – Environment Agency
- PTAL: 3 [TFL Planning Information Database]
- Density – site area of
- Number of jobs created: N/A

1. INTRODUCTION

- 1.1 This application is brought before Committee for Members' consideration due to the need for authority to enter into a S106 legal agreement.

2. SITE AND SURROUNDINGS

- 2.1 The application site [0.03 hectares] is located on the south side of Palestine Grove and close to the junction with Willow View. Palestine

Grove is a narrow one way street with vehicles prevented from travelling east towards Church Road and on street parking along the northern side of the road. The application site was previously owned by the Council and sold at an auction that took place in February 2013. The majority of the application site is occupied by a single storey pitched roof vacant commercial building. This building has floor space of 195 square metres and a pitched roof with a roof eaves height of 2.3 metres and a roof ridge height of 3.9 metres. A front open yard of 58 square metres is provided with vehicular access on to Palestine Grove.

- 2.2 The adjoining two storey commercial building at 37 Palestine Grove [located to the east] is separated from the application site by 6.8 metre wide open yard. This neighbouring building is currently occupied by an electrician business. The predominant character of the surrounding area is residential with two storey residential properties located opposite the site constructed in red brick with pitched roofs. At the rear of the site [to the south] is the two-storey end of terrace residential property at 17 Willow View. There is a change in level in this location with this neighbouring property and rear garden set higher than the application site. A private residential off street car parking area is located to the west of the application site with nine allocated parking spaces for nearby residents.
- 2.3 The site has a Public Transport Accessibility Level rating of 3 and the site is located outside a controlled parking zone. The application site is not in an archeological priority area. The site is in an area at risk from flooding [Flood risk Zone 2 - June 2012].

3 CURRENT PROPOSAL

- 3.1 The current application involves the demolition of the existing vacant warehouse building and the construction of a pair of semi-detached four bedroom houses with accommodation on two floors and within the building roof space. The houses are provided with rear amenity space and have two off street car parking spaces next to the front elevation with access from Palestine Grove.

Table 1: Floor areas for the 4 flats, amenity space and tenure.

	Floor area [Sq. M]	London Plan standard [Sq. M]	Amenity space [Sq. M]	SPG standard [Sq. M]	Proposed tenure
Unit 1	126	*N/A – see paragraph 3.2	33	50	General market
Unit 2	126	*N/A – see paragraph 3.2	33	50	General market

- 3.2 The above table sets out gross internal areas and external amenity space for the proposed two dwellings. The London Plan does not provide a minimum gross internal area standard for the four bedroom, seven person dwellings that are proposed. The closest minimum standard is for dwellings with four bedrooms and six persons [113 square metres]. The space standards allow an extra 7 square metres for each additional bed space [120 square metres] and the proposed accommodation provides a gross internal area of 126 square metres for each of the two dwellings.
- 3.3 The new dwellings provide a kitchen, toilet and living space on the ground floor, three bedrooms on the first floor [three double and one single room] with an en-suite and shared bathroom. A further double bedroom is located within the roof space that is also provided an en-suite bathroom. The proposed building has a pitched roof with a roof ridge height of 9.2 metres and a roof eaves height of 5.1 metres.

4. PLANNING HISTORY.

- 4.1 The planning history shows a history of commercial uses on the application site with permission granted in October 1953 for a use manufacturing sweets [ref MIT2049].
- 4.2 Planning permission was approved in 1961 for the use of the premises for lithographic and printing purposes [ref MIT4346A].
- 4.3 In 1980 permission was approved for the use of the premises for storage of roofing equipment in connection with a roofing contractor's business [ref MER 210/80].
- 4.4 The records of the Council's property section show that building was subsequently occupied by an upholstery and furniture manufacturer in 1986 and following this used by the Council to store ballot boxes.
- 4.5 In 1992 planning permission was refused [ref 92/P0104] for the use of the premises for refrigerated storage and redistribution of frozen foods. Planning permission was refused on the following grounds:

1. "The proposal is unacceptable in that vehicular movements associated with the use would be prejudicial to the free flow of traffic on this narrow one-way street and highway safety, damaging the amenities of neighbouring residents contrary to Policy 6.12 of the Adopted Borough Plan and M40 of the UDP Draft for Public Consultation".

2. "The proposal represents an unneighbourly form of development, which is detrimental to the amenities of local residents by reason of noise and disturbance particularly associated with the cold store

structure contrary to Policy P9.43 of the Adopted Borough Plan and EP2 of the UDP Draft for Public Consultation”.

5. CONSULTATION

- 5.1 The submitted planning application was publicised by means of a site notice, and individual consultation letters sent to 33 neighbouring properties. There has been no response to this public consultation.
- 5.2 LB Merton Transport Planning There is no Transport Planning objection to this application subject to the inclusion of planning conditions relating to the submission of details of the new vehicular access, the reinstatement of redundant crossovers, details of arrangements for construction vehicles and informatives relating to the need to contact the highways section if works are proposed on the public highway and relating to the new access.
- 5.3 Whilst the application site is not located within a controlled parking zone and has a medium level of access to public transport the proposal includes off street parking for both units. As Palestine Grove is a narrow road and is heavily parked the developer will need to demonstrate how construction vehicles will access the site.
- 5.4 Environment Agency. There is no objection to this application subject to the inclusion of planning conditions relating to investigations for potential site contamination and a restriction preventing infiltration of surface water drainage. Without these conditions, the proposed development on this site is considered to pose an unacceptable risk to groundwater.

6 POLICY CONTEXT

- The London Plan [July 2011].
- 6.1 The relevant policies in the London Plan [July 2011] are 3.3 [Increasing housing supply]; 3.4 [Optimising housing potential]; 3.5 [Quality and design of housing developments]; 3.8 [Housing choice]; 3.9 [Mixed and balanced communities]; 3.11 [Affordable housing targets]; 5.1 [Climate change mitigation]; 5.2 [Minimising carbon dioxide emissions]; 5.3 [Sustainable design and construction]; 5.7 [Renewable energy]; 5.10 [Urban greening]; 6.3 [Assessing effects of development on transport capacity]; 6.9 [Cycling]; 6.10 [Walking]; 6.11 [Smoothing traffic flow and tackling congestion]; 6.12 [Road network capacity]; 6.13 [Parking]; 7.2 [An inclusive environment]; 7.3 [Designing out crime]; 7.4 [Local character]; 7.5 [Public realm]; 7.6 [Architecture]; 7.14 [Improving air quality]; 7.15 [Reducing noise and enhancing soundscapes]; and 8.2 [Planning obligations].
- Policies retained in Adopted Unitary Development Plan [October 2003]
- 6.2 The relevant planning policies retained in the Adopted Unitary Development Plan [October 2003] are BE.15 [New buildings and

extensions; daylight; sunlight; privacy; visual intrusion and noise]; BE16 [Urban design; BE22 [Design of new development]; BE25 [Sustainable development]; C13 [Planning obligations for educational facilities]; E2 [Access for disabled people]; F2 [Planning obligations]; HS1 [Housing layout and amenity]; L9 [Children's play facilities]; PE7 [Capacity of water systems]; PE.9 [Waste minimisation and waste disposal]; PE.11 [Recycling points]; PE.12 [Energy generation and energy saving]; RN3 [Vehicular access].

Merton Supplementary Planning Guidance

- 6.3 The key supplementary planning guidance relevant to the proposals includes New Residential Development [1999]; Design [2004] and Planning Obligations [2006].

Policies within Merton LDF Core Planning Strategy [adopted July 2011]

- 6.4 The relevant policies within the Council's Adopted Core Strategy [July 2011] are; CS.8 [Housing choice]; CS.9 [Housing provision]; CS.14 [Design]; CS.15 [Climate change]; CS.18 [Active transport]; CS.19 [Public transport]; and CS.20 [Parking; servicing and delivery].

Sites and Policies Plan [currently under consideration]

- 6.5 The application site is currently a scattered employment site with the loss of employment land on these sites currently considered under UDP policy E6; however the emerging Sites and Policies Plan [Site Proposal 02] states that the Council's preferred land use on the application site will be residential.
- 6.6 When formally adopted by the Council, the Sites and Policies Plan will fully replace the current policies with the Unitary Development Plan [October 2003] including UDP policy E6. At the full Council meeting on the 10 July 2013 it was agreed by Councillors that the draft Sites and Policies Plan should be submitted to the Secretary of State for examination by an independent planning inspector.
- 6.7 With the conclusion of the subsequent pre-submission public consultation on the 30 August 2013 the draft Sites and Policies Plan is due to be submitted to the Secretary of State at the end of September 2013. The current anticipated timetable before formal adoption is for a public hearing to take place in December 2013 and for the Inspectors report to be published and for final adoption to take place in early 2014.

National Planning Policy Framework [March 2012]

- 6.8 The National Planning Policy Framework [NPPF] was published on the 27 March 2012 and replaces previous guidance contained in Planning Policy Guidance Notes and Planning Policy Statements. This document is a key

part of central government reforms ‘...to make the planning system less complex and more accessible, and to promote sustainable growth’.

- 6.9 The NPPF supports the plan led system stating that development that accords with an up to date plan should be approved and proposed development that conflicts should be refused. The framework also states that the primary objective of development management should be to foster the delivery of sustainable development, and not to hinder or prevent development.
- 6.10 To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, the framework advises that local planning authorities need to approach development management decisions positively. Local planning authorities looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. The framework attaches significant weight to the benefits of economic and housing growth, the need to influence development proposals to achieve quality outcomes; and enable the delivery of sustainable development proposals.

7. PLANNING CONSIDERATIONS

- 7.1 The main planning considerations include assessing the principle of the development and the impact of the development including in terms of design, scale and layout, the standard of the proposed residential accommodation; and the impact on residential amenity; impact on access and parking.

Loss of employment floor space

- 7.2 A key objective of the development plan [including the Council’s Unitary Development Plan, Core Strategy and the London Plan] is to promote sustainable communities by balancing the need for housing with the need for employment and other social and community facilities. This includes seeking to maximise the provision of viable employment floor space across the borough.
- 7.3 Unitary Development Plan policy E.6 provides a detailed framework for assessing whether a site such as this, located outside the main industrial areas [a scattered employment site], should be released from employment use. This policy states that the loss of employment land in a predominantly residential area such as this will only be permitted where it can be demonstrated that the size, configuration, access arrangements or other characteristics of the site make it unsuitable and financially unviable for alternative employment or community use as confirmed by full and proper marketing for 5 years for employment or community purposes.

- 7.4 Whilst the application site has not been actively marketed for employment uses, there are various physical factors that would dissuade prospective employment occupiers. The vehicle access to the site is only available along Palestine Grove that is a narrow residential road with parked cars along one side. The site is located in a residential area away from a main road with several residential properties in close proximity to the site. The applicant has stated that the existing building has suffered from a lack of maintenance and would need the expense of renovations before it could be used for employment purposes again.
- 7.5 Central Government planning advice contained in the document 'The Planning System: General Principles' was published in 2005 with this advice remaining extant following publication of the National Planning Policy Framework. This advice states that planning applications should be considered in the light of current planning policies; however account can also be taken of policies in emerging policy documents. The document advises that the weight to be attached to such emerging planning policies depends upon the stage of preparation or review, with this weight increasing as successive stages towards policy adoption are reached. Where policy has been submitted for examination but no representations have been made, then the advice states that considerable weight may be attached to those policies because of the strong possibility that they will be adopted.
- 7.6 When it is formally adopted, the Council's Sites and Policies Plan will replace all remaining existing planning policies with the Unitary Development Plan [October 2003] including UDP policy E6 that considers scattered employment sites. At the full Council meeting on the 10 July 2013 Councillors approved the draft Sites and Policies Plan and it was agreed that this plan should be submitted to the Secretary of State for examination by an independent planning inspector.
- 7.7 The application site is currently vacant employment land however the emerging Sites and Policies Plan [Site Proposal 02] states that the Council's preferred land use will be residential. With the responses to public consultation on the Sites and Policies Plan supporting residential use on the application site; the approval at the full Council meeting on the 10 July 2013; the shortcomings of the application site in terms of access and location and the advanced stage that the Sites and Policies Plan, it is considered that the loss of employment land is acceptable.

Need for additional housing and housing mix.

Need for additional housing

- 7.8 The National Planning Policy Framework [March 2012] requires the Council to identify a supply of specific 'deliverable' sites sufficient to

- provide five years worth of housing with an additional buffer of 5% to provide choice and competition.
- 7.9 Policy CS. 9 within the Council's Adopted Core Strategy [July 2011] and policy 3.3 of the London Plan [July 2011] state that the Council will work with housing providers to provide a minimum of 4,800 additional homes [320 new dwellings annually] between 2011 and 2026. This minimum target that should be exceeded where possible includes a minimum of additional 500 to 600 new dwellings to be provided within the Colliers Wood and South Wimbledon areas where the proposal site is located.
- 7.10 The housing delivery trajectory set out in the latest Council's Annual Monitoring Report has identified future challenges in ensuring an adequate supply of housing is delivered in the borough to meet the minimum targets in the Core Strategy and the London Plan.
- 7.11 The Core Strategy states that the Council will encourage housing in 'sustainable brownfield locations'. The Core Strategy states that that it is expected that the delivery of new housing in the borough will be achieved in various ways including the development of 'windfall sites'. The current application site is a 'windfall site' and is on brownfield land in a sustainable location adjacent to other existing residential properties and benefiting from good access to public transport and other local facilities.
- 7.12 In conclusion the provision of additional residential accommodation on this site is considered acceptable in principle subject to other considerations including matters of design, bulk, scale and layout, the standard of accommodation and the impact on amenity. The proposed development in this sustainable location will also assist in addressing the need for new residential accommodation in the borough that is identified in the London Plan and the Core Strategy.

Housing mix

- 7.13 Policy CS. 8 within the Council's Adopted Core Strategy [July 2011] states that the Council will 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.
- 7.14 The development proposal includes two semi detached four bedroom family houses. Whilst character of the local area is predominately housing, many nearby housing are smaller terraced properties. The current proposal will introduce two larger semi detached dwellings and contribute towards the creation of a socially mixed and sustainable neighbourhood in accordance with Core Strategy policy CS8.

Layout, scale and design

- 7.15 Retained adopted Unitary Development Plan policies BE.16 and BE.22 require proposals for development to compliment the character and appearance of the wider setting. This is achieved by careful consideration of how the scale, design and materials of a development relate to the urban setting in which the development is placed. Retained adopted Unitary Development Plan policy BE.23 requires extensions to be sympathetic to the form, scale, bulk and proportions of the original building.
- 7.16 Policy CS8 within the Council's Adopted Core Strategy [July 2011] states that the Council will require redevelopment proposals to be well designed. Policy CS14 of the adopted Core Strategy states that all development needs to be designed to respect, reinforce and enhance local character and contribute to Merton's sense of place and identity. Policy CS14 advises that this should be achieved in various ways including by promoting high quality design and providing functional spaces and buildings. Policy 3.5 of the London Plan states that housing design should enhance the quality of local places taking into account physical context, local character and density.
- 7.17 The application site is located at the end of Palestine Grove, with the character of Palestine Grove formed by the variety of building designs present. The buildings in Palestine Grove are finished in coloured render, red brick and yellow brick, bay windows and properties with both flat and pitched roofs. The land opposite the application site was previously in use as a builders yard with planning permission approved in 1987 for a terrace of four two bedroom houses [LB Merton ref 87p0064]; this terrace has a pitched roof and is constructed in red facing brick.
- 7.18 The detailed design of the proposed semi detached pair of two properties is considered in keeping with the local area with building features which reflect nearby buildings, such as the use of sash windows, detailing of window surrounds, a pitched roof with clay tiles and brick facing material. The general scale of surrounding development is two storey development and the scale of the two storey proposed buildings with dormer windows providing light to roof space accommodation would adequately complement surrounding development.
- 7.19 The existing commercial building at 27 Palestine Grove is set back from the front site boundary and the existing commercial building on the application site is also partially set back from the site frontage. In terms of site layout, the front elevation of the proposed dwellings has been set back from the front boundary of the site to allow for off street parking. With the separation of the application site from adjacent buildings and the variety of designs that currently exists locally, it is considered that a

degree of flexibility may be applied in this instance to the massing of buildings on the site and that, as a matter of judgement, the siting of the current proposals is acceptable.

- 7.20 In conclusion the design, scale, layout and appearance of the proposed development complements the local context and respects the local pattern of development in accordance with policy BE.16, policy BE.22 Unitary Development Plan, policy CS14 of the Core Strategy and policy 3.5 of the London Plan.

Neighbour amenity.

- 7.21 Retained policies HS.1 and BE15 of the adopted Unitary Development Plan [October 2003] state that all proposals for residential development should safeguard the residential amenities of occupiers of nearby properties including in terms of maintaining adequate daylight and sunlight to adjoining buildings and gardens, the protection of privacy; protection from visual intrusion and ensuring that development does not result in harm to living conditions through noise or disturbance.

Privacy and overlooking

- 7.22 To minimise the impact of new development on the privacy of existing dwellings the Council's Supplementary Planning Guidance on 'New Residential Development' sets out minimum separation distances between habitable room windows. This guidance states that there should be a minimum separation distance of 20 metres provided between directly opposing residential windows at first floor level.
- 7.23 The application site has a commercial yard to the east, an off street private car parking area to the west and the residential property at 17 Willow View to the south. There is a change in ground level at the rear of the site with the property at 17 Willow View on land higher than the application site. The rear elevation of the proposed houses face towards the side elevation of the building at 17 Willow View and the rear garden of this adjacent two storey property. Only a small section of one of the proposed new houses will be directly behind this adjacent property and at the closest point there will be a separation distance of 8 metres.
- 7.24 There is a small window at second floor level in the side elevation of the property at 17 Willow View that appears to be a frosted bathroom window. The secondary rear elevation of the two proposed houses closest to the neighbouring dwelling do not have any windows at first floor level. The first floor bedroom windows in the main rear elevation will be separated from the side elevation of 17 Willow View by a distance of 11.5 metres.
- 7.25 The rear gardens of the two proposed houses are 7 metres long, and with the design of the proposed houses a distance of 10.5 metres will separate

the first floor windows from the rear boundary of the application site. It is considered that with this separation distance over the standard garden depth of 10 metres and the screening function of the rear first floor projecting wings the new properties will not result in overlooking to this adjacent garden.

- 7.26 It is considered that the development has been sensitively designed to ensure that the new residential units do not give rise to a loss of privacy or overlooking to neighbouring properties. There is sufficient separation distance and screening to ensure that the new development does not give rise to overlooking and any loss of privacy to neighbouring properties.

Visual intrusion, daylight and sunlight

- 7.27 The existing building has a roof eaves height of 2.3 metres and a roof ridge height of 3.9 metres with the proposed building provided with a pitched roof with a roof ridge height of 9.2 metres and a roof eaves height of 5.1 metres. Whilst the proposed development will result in a higher building, the proposed building will be seen in the context of neighbouring buildings that are all currently two storeys in height including the relatively large adjacent commercial building.

- 7.28 With the set back from the front site boundary the proposed building will be separated from the closest residential properties at 46 Palestine Grove by a distance of 13 metres and 11.5 metres from 17 Willow View. There is also a level change at the rear of the application site with the two-storey property at 17 Willow View located on higher land.

- 7.29 In conclusion it is considered that with the separation distances from neighbouring properties and the scale of existing development it is considered that the proposed development will not give rise to any visual intrusion or loss of daylight or sunlight.

Standard of residential accommodation.

- 7.30 The London Plan states that boroughs should ensure that new development reflects the minimum internal space standards as set out in table 3.3 of the London Plan. The standards are expressed in terms of gross internal area and supersede the individual room size standards provided within the Council's Supplementary Planning Guidance – "New Residential Development" [1999].

- 7.31 Policy HS.1 and BE.15 of the adopted Unitary Development Plan [2003] states that all proposals for residential development should safeguard the residential amenities of future occupiers in terms of providing adequate internal space, a safe layout and access for all users; and provision of adequate amenity space to serve the needs of occupants. Policies CS 8,

CS9 and CS14 within the Council's Adopted Core Strategy [2011] states that the Council will require proposals for new homes to be well designed.

Internal layout and room sizes

- 7.32 The proposed residential units provide internal residential floor space in accordance with the London Plan and in excess of minimum floor space standards. The layout of the accommodation makes good use of the space available with an appropriate internal layout and good provision of natural light to habitable rooms.

External Amenity Space

- 7.33 Retained Unitary Development Plan policy HS.1 requires that all proposals for residential development provide adequate private amenity space to meet the needs of future occupiers.
- 7.34 The application site is located on Palestine Grove where there is currently high on street car parking demand. In response to this situation the two proposed houses have been set back from the front site boundary to allow the provision of two off-street car parking spaces to the front of the site with access on to Palestine Grove.
- 7.35 The provision of two off street car parking spaces as part of the proposed development restricts the quantity of rear garden space that is available on the site. The two houses each have rear garden space covering 33 square metres. This provision is below the normal minimum standard of 50 square metres that would be required for new houses with any number of bedrooms. It is considered that reducing the footprint of the proposed buildings to accommodate more garden space would disrupt the proposed ground floor internal layout. The footprint of the two proposed houses is also similar to other nearby existing houses.
- 7.36 It is a matter of planning judgement as to the relative weight that should be attached to the standard of the development, in the failure to meet the Council's minimum garden space standards against the loss of amenity that would arise from the additional on street parking demand from the removal of the two off street spaces. It is noted that the public consultation on this current planning application has not attracted any responses from adjacent occupiers in Palestine Grove including any comments relating to parking.
- 7.37 The proposed development seeks to provide residential development that makes efficient use of this site whilst respecting the character of the area, reducing any on street parking demand and protecting the amenities of neighbouring occupiers. It is considered that with these constraints the proposed accommodation is acceptable with external amenity space 17 square metres below the specified standard of 50 square metres.

Lifetime Homes

- 7.38 Policies in the London Plan and Core Strategy require all new residential properties to be built to Lifetime Home Standards. The submitted Design and Access Statement advises that the proposed development has been designed to reflect Lifetime Home Standards and a planning condition is recommended to ensure that the development is constructed to these standards.

Car parking, servicing and access.

Car parking

- 7.39 Policy CS20 of the Core Strategy [July 2011] states car parking should be provided in accordance with current parking standards, whilst assessing the impact of any additional on street parking on vehicle movements and road safety. Policy 6.13 of the London Plan states that the Mayor wishes to see an appropriate balance between promoting new development and preventing excessive car parking that can undermine cycling, walking and public transport use. The current maximum off street car parking standards are set out within the London Plan at table 6.2 and allow for a maximum of two off street car parking spaces for properties with four or more bedrooms.
- 7.40 The application site is not located within a controlled parking zone and has a medium level of access to public transport. The proposed development includes one off street car parking space for each of the two proposed residential dwellings with access onto Palestine Grove. The design of the car parking spaces is considered acceptable and the level of parking is in accordance with London Plan standards.

Servicing and access

- 7.41 Policy CS 18 of the adopted Core Strategy [July 2011] states that the Council will promote active transport by prioritising the safety of pedestrian, cycle and other active transport modes; by supporting schemes and encouraging design that provides, attractive, safe, covered cycle storage. The proposed development shows parking for cycle within the rear gardens of the proposed houses
- 7.42 Policy CS20 of the Core Strategy [July 2011] states that the Council will seek to implement effective traffic management by requiring developers to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway. The policy also requires developers to incorporate safe access to and from the public highway.
- 7.43 As Palestine Grove is a narrow road and is heavily parked a planning condition is recommended requesting that the developer submit for

approval arrangements for access to the site by construction vehicles. A planning condition is also recommended to ensure that any redundant vehicular crossover along Palestine Grove is reinstated as pavement.

- 7.44 With arrangements for the storage of refuse not shown on the submitted plans a planning condition is recommended to ensure that details of the storage is submitted for approval and retained. With arrangements for the cycle storage not shown on the submitted plans a planning condition is recommended to ensure that details of the storage is submitted for approval and retained.
- 7.45 In conclusion it is considered that the proposed development has been designed with adequate access and servicing arrangements in line with Policy CS20 of the Core Strategy [July 2011].

Trees and landscaping

- 7.46 Policy CS 13 within the Adopted Core Strategy [July 2011] states that the Council will expect development to maintain landscape features such as trees. The Council will protect and enhance biodiversity and where appropriate require development to integrate new or enhanced habitat design and landscaping that encourages biodiversity.
- 7.47 The proposed development includes the removal of self seeded shrubs in the area to the front of the existing building, however the existing sycamore tree that is located on neighbouring land but overhanging the side boundary will be retained. Landscaping conditions including requirement to ensure trees are protected during development are recommended.

Sustainable design and construction.

- 7.48 The Council's Core Strategy reinforces the wider sustainability objectives of the London Plan with policy CS15 requiring all development to demonstrate how the development makes effective use of resources and materials and minimises water use and CO2 emissions. All new development comprising the creation of new dwellings will be expected to achieve Code 4 Level for Sustainable Homes.
- 7.49 Planning conditions are recommended to seek the submission of a design stage assessment and post construction certification to show that that Code for Sustainable Homes Level 4 is achieved together with a minimum 25% improvement in the dwelling emissions rate in accordance with Policy 5.2 of the London Plan.

8. ENVIRONMENTAL IMPACT ASSESSMENT

- 8.1 The application site is less than 0.5 hectares in area and therefore falls outside the scope of Schedule 2 development under the The Town and

Country Planning (Environmental Impact Assessment) Regulations 2011. In this context there is no requirement for an Environmental Impact Assessment as part of this planning application.

9. LOCAL FINANCIAL CONSIDERATIONS

Mayor of London Community Infrastructure Lev

9.1 The proposed development is liable to pay the Mayoral Community Infrastructure Levy [CIL], the funds for which will be used by the Mayor of London towards the 'CrossRail' project. The CIL amount is non-negotiable and planning permission cannot be refused for failure to pay the CIL.

9.2 The CIL charge that would be payable, for the proposed development, [providing additional floor space of 252 square metres], under the Mayor of London Community Infrastructure Levy would be £8,820.

Planning Obligations

9.3 Regulation 122(2) of the CIL Regulations 2010 (continued in the CIL Regulations 2011) introduced three tests for planning obligations into law, stating that obligations must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development;
- fairly and reasonably related in scale and kind to the development.

9.4 If a planning obligation does not meet all of these tests it cannot legally be taken into account in granting planning permission and for the Local Planning Authority to take account of S106 in granting planning permission it needs to be convinced that, without the obligation, permission should be refused.

Financial contribution towards education provision;

9.5 Saved UDP policy C13 recognises that new housing developments will lead to additional pressure on local educational facilities, and seeks financial contributions to be used towards the extra demand placed on local schools as a result of the development.

9.6 The proposed development will provide 2 four bedroom units and therefore will place additional demand on local schools. The nearest primary school is Haslemere Primary School [0.27 miles], and there are no immediate plans to expand this school with any possible future expansion constrained by a large existing single storey extension and a children's centre on the site.

9.7 In relation to secondary school places, planning has commenced in order to meet the predicted demand in 2016/2017 across the whole borough that will arise from growth within the existing population. The Council in its Business Plan for 2013-17 has identified a requirement for projects to

meet this need with new classrooms required from 2017/2018. There are no funding commitments from the Department for Education to help meet this need and therefore there is a funding gap. In addition to the need from the existing population the new family sized dwellings within the proposed new development will exacerbate the need for secondary school places within the schools that would serve this development site. There are no formal catchment areas for secondary schools as travel distance is greater.

- 9.8 In order to meet the need from the existing population and new developments the Council is planning projects for which there is a shortfall of funding. Given this situation a financial contribution towards the provision of secondary school places is considered necessary as part of the proposed development and this accords with Regulation 122 of the Community Infrastructure Regulations 2010 and the NPPF. A planning obligation consisting of a financial contribution of £7,285.52 is sought towards secondary school education provision.

Financial contribution towards open space;

- 9.9 The nearest open spaces to the application site are Rock Terrace Recreation Ground [0.35 miles] and All Saints Recreation Ground [0.35 miles]. It is considered that due to the separation distance from the application site and the small level of deficiency it would not be appropriate to seek a financial contribution towards improvements to this open space as part of the current development. [0.4 miles].

Financial contribution towards provision of affordable housing;

- 9.10 Policy CS. 8 within the Council's Adopted Core Strategy [July 2011] states that the Council will seek the provision of a mix of housing tenures at a local level to meet the needs of all sectors of the community including provision for those unable to compete financially in the housing market sector.
- 9.11 Core Strategy policy CS 8 states that for developments providing under ten residential units affordable housing provision should be equivalent to 20% of the new units with this provision achieved through an off site financial contribution, in seeking this off site financial contribution the Council will have regard to the economics of provision including financial viability issues. A head of term is recommended seeking a financial contribution of £85,229 towards affordable housing provision.

The applicant has confirmed in an email dated 22 July 2013 acceptance to the planning obligations that are set out in this report and that a viability appraisal would not be necessary in this instance.

The developer agreeing to meet the Council's costs of preparing and monitoring the Section 106 Obligations;

- 9.12 As set out in the Council's adopted Supplementary Planning Guidance the s106 monitoring fees would be £4,625.73 calculated on the basis of 5% of the monetary contribution. Legal fees would need to be agreed at a later date.

10. CONCLUSION

- 10.1 The proposed development represents an effective and sustainable use of this brownfield site providing additional residential units and incorporates a design and layout sympathetic to the character of the surrounding area, whilst at the same time minimising any adverse impacts on neighbouring amenity. Accordingly, it is recommended that planning permission be granted subject to the planning conditions and planning obligations set out below.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the completion of a Section 106 Agreement and planning conditions.

1. Provision of a financial contribution of £7,285.52 towards secondary school places.
2. Provision of a financial contribution of £85,229.00 towards off site affordable housing provision.
3. The developer agreeing to meet the Council's costs of drafting the Section 106 Obligations [to be agreed].
4. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [£4,625.73].

And the following conditions:

1. Standard condition [Time period] The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission. Reason for condition: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.
2. Amended standard condition [Approved plans] The development hereby permitted shall be carried out in accordance with the following approved plans: 8441-PL-01; 8441-PL-03; 8441-PL-04; 8441-PL-06; 8441-PL-07; 8441-PL-08; 8441-PL-09 Design and Access Statement and Flood Risk Assessment. Reason for condition: For the avoidance of doubt and in the interests of proper planning.
3. Standard condition [Timing of construction work] No demolition or construction work or ancillary activities such as deliveries shall take place before 0800hrs or after 1800hrs Mondays - Fridays inclusive; before

- 0800hrs or after 1300hrs on Saturdays or at any time on Sundays or Bank Holidays. Reason for condition: To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.
4. Non standard condition [Demolition dust and noise] No development [including demolition] shall commence until a method statement outlining the method of demolition, and measures to prevent nuisance from dust and noise to the surrounding occupiers has been submitted to and approved in writing to the Local Planning Authority for approval. Once approved, the scheme shall be implemented and retained thereafter. Reason for condition: To protect the amenities of occupiers of neighbouring properties and to accord with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.
 5. Non standard condition [Land contamination – site investigation] No development shall commence until a detailed site investigation has been completed to survey and assess the extent of potential ground contamination on the site and from the surrounding environment (including any controlled waters), considering historic land use data and the proposed end use with the site investigation report (detailing all investigative works and sampling, together with the results of analysis, risk assessment to any receptors and proposed remediation strategy detailing proposals for remediation), and submitted to and approved by the Local Planning Authority and the residential units hereby approved shall not be occupied until the approved remediation measures/treatments have been implemented in full. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003.
 6. Standard condition [Land contamination – construction phase] If during construction works further contamination is encountered which has not previously been identified and considered the Council's Environmental Health Section shall be notified immediately and no further development shall take place until remediation proposals (detailing all investigative works and sampling, together with the results of analysis, risk assessment to any receptors and proposed remediation strategy detailing proposals for remediation) have been submitted to and approved by the Local Planning Authority and the approved remediation measures/treatments implemented in full. Reason for condition: In order to protect To protect groundwater and the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003.
 7. Standard condition [Land contamination – validation] No residential unit hereby approved shall be occupied until a validation report has been

- submitted to and approved in writing by the Local Planning Authority to demonstrate that remediation works have been carried out in accordance with the agreed remediation strategy. The validation report shall provide a full record of all remediation activities carried out on the site including post remedial sampling and analysis, waste management documentation and evidence that the agreed site remediation criteria have been met (including waste materials removed from the site; an audit trail demonstrating that all imported or reused soil material conforms to current soil quality requirements as approved by the Council) and any post remediation sampling that has been carried out. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003.
8. Amended standard condition [Details of walls and fences] Prior to occupation of the development hereby permitted details of all boundary walls or fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The residential units shall not be occupied until the approved walls and fences or other means of enclosure have been erected in accordance with the approved details. The walls and fencing shall be permanently retained thereafter. Reason for condition: To ensure a satisfactory and safe development in accordance with policies BE.16 and BE.22 of the Adopted Merton Unitary Development Plan.
 9. Non standard condition [Surface water drainage] No infiltration of surface water drainage into the ground within the site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details. Reason for condition: To ensure that infiltration drainage does not mobilise pollutants into the underlying aquifer and to comply with policy PE.8 of the Adopted Merton Unitary Development Plan.
 10. Amended standard condition [Construction phase impacts] No development shall commence until a working method statement has been submitted to and approved in writing by the Local Planning Authority to accommodate: parking of vehicles of site workers and visitors; loading and unloading of plant and materials; storage of construction plant and materials; wheel cleaning facilities; control of dust, smell and other effluvia; control of surface water run-off. No development shall be carried out except in full accordance with the approved method statement. Reason for condition: In the interests of vehicle and pedestrian safety and the amenities of neighbouring occupiers and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.

11. Standard condition [New Vehicle Access – Details to be submitted] No development shall commence until details of the proposed vehicular access to serve the development have been submitted in writing for approval to the Local Planning Authority. No works that are subject of this condition shall be carried out until those details have been approved, and the development shall not be occupied until those details have been approved and completed in full. Reason for condition: In the interests of the safety of vehicles and pedestrians and to comply with policy RN.3 of the Adopted Merton Unitary Development Plan 2003.
12. Amended standard condition [External Materials to be Approved] No development shall take place until details of the facing materials to be used on the walls of the development hereby permitted, (notwithstanding any materials specified in the application form and/or the approved drawings) have been submitted to the Local Planning Authority for approval. No works, which are the subject of this condition, shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details. Reason for condition: To ensure a satisfactory appearance of the development and to comply with policy BE.23 of the Adopted Merton Unitary Development Plan 2003.
13. Standard condition [Redundant Crossovers] The development shall not be occupied until the existing redundant crossover/s have been removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority. Reason for condition: In the interests of the safety of pedestrians and vehicles and to comply with policy RN.3 of the Adopted Merton Unitary Development Plan 2003.
14. Standard condition [Code for Sustainable Homes Pre-Commencement - New build residential] No development shall commence until a copy of a letter from a person that is licensed with the Building Research Establishment (BRE) or other equivalent assessors as a Code for Sustainable Homes assessor that the development is registered with BRE or other equivalent assessors under Code For Sustainable Homes and a Design Stage Assessment Report demonstrating that the development will achieve not less than Code for Sustainable Homes Level 3 has been submitted to and approved in writing by the Local Planning Authority together with a minimum 25% improvement in the dwelling emissions rate. Reason for condition: To ensure the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies BE.25 of the Adopted Merton Unitary Development Plan 2003, 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.

15. Standard condition [Code for Sustainable Homes Pre-Occupation- New build residential] Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be occupied until a Building Research Establishment or other equivalent assessors Final Code Certificate confirming that it has achieved not less than a Code 3 level for Sustainable Homes together with confirmation that a minimum 25% improvement in the dwelling emissions rate has been achieved has been submitted to, and acknowledged in writing by the Local Planning Authority. Reason for condition: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies BE.25 of the Adopted Merton Unitary Development Plan 2003, 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.
16. Standard condition [Lifetime homes] The new dwelling units shall meet Lifetime Homes Standards, and shall not be occupied until the applicant has provided written evidence to confirm this has been achieved based on the relevant criteria. Reason for condition: To meet the changing needs of households and comply with policy CS8 of the Adopted Core Strategy [July 2011].
17. Non Standard condition [Landscaping] Prior to occupation of the proposed new dwellings landscaping shall be in place that is accordance with a landscaping plan that has previously been submitted to and approved in writing by the Local Planning Authority with the plan should including full details of the size, species, spacing, quantities and location of plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development. Reason for condition: To enhance the appearance of the development in the interest of the amenities of the area and to comply with policy CS13 of the Adopted Merton Core Planning Strategy 2011.
18. Non standard condition [Cycle storage] Prior to occupation of the development hereby permitted details of the cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority with the approved facilities provided prior to occupation and retained permanently thereafter. Reason for condition: To ensure the provision of satisfactory facilities for the storage of cycles and to comply with policy CS18 of the Adopted Core Strategy [July 2011].
19. Non standard condition [Refuse and recycling facilities] Prior to occupation of the development hereby permitted details of refuse and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority with the approved facilities provided prior to occupation and retained permanently thereafter. Reason for condition: To ensure the

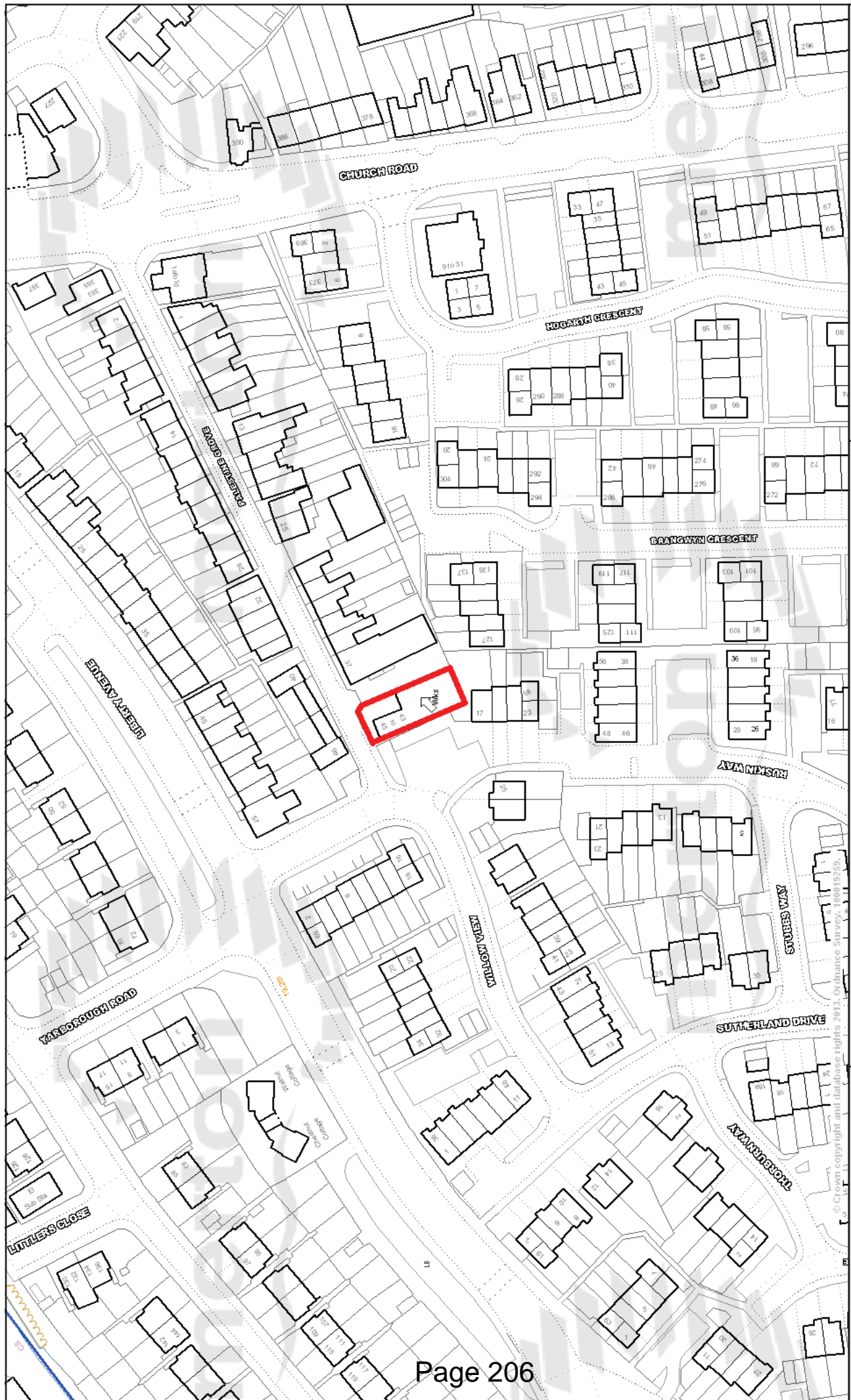
provision of satisfactory facilities for the storage of refuse and recycling material and to comply with policies BE.15 and PE.11 of the Adopted Merton Unitary Development Plan 2003.

20. Amended Standard condition [front hardstanding] All areas of proposed hardstanding shall be made of porous materials, or provision made to direct surface water run-off to a permeable or porous area or surface within the boundaries of the application site before the development hereby permitted is first occupied. Reason for condition To reduce surface water run off and to reduce pressure on the surrounding drainage system in accordance with Policy CS 16 of the Adopted Merton Core Planning Strategy 2011
21. Standard condition [removal of permitted development: extensions] Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwelling house other than that expressly authorised by this permission shall be carried out without planning permission first obtained from the Local Planning Authority. Reason for condition: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future development to comply with policies BE.15 and BE.23 of the Adopted Merton Unitary Development Plan 2003.
22. Standard condition [removal of permitted development: windows] Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer, roof light or door other than those expressly authorised by this permission shall be constructed without planning permission first obtained from the Local Planning Authority. Reason for condition: To safeguard the amenities of the occupiers of nearby properties and to comply with policies BE.15 and BE.23 of the Adopted Merton Unitary Development Plan 2003.

INFORMATIVES:

- a) Details of Lifetime Homes standards can be found at www.lifetimehomes.org.uk
- b) The applicant is advised that it is Council policy for the Council's contractor to construct new vehicular accesses. The applicant should contact the Council's Highways Team on 020 8545 3829 prior to any work starting to arrange for this work to be done. If the applicant wishes to undertake this work the Council will require a deposit and the applicant will need to cover all the Council's costs (including supervision of the works). If the works are of a significant nature, a Section 278 Agreement (Highways

- Act 1980) will be required and the works must be carried out to the Council's specification.
- c) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application.
 - d) The development hereby approved is liable to the Community Infrastructure Levy (CIL). The chargeable amount of CIL that would be payable (subject to any successful applications for relief, surcharges or late payment interest charges) is £8,820. To avoid substantial surcharges an Assumption of Liability Notice and a Commencement Notice must be submitted to the Local Planning Authority prior to commencement of the development hereby approved. A Liability Transfer Notice can be submitted prior to the day the final payment falls due should parties who will be liable to pay change. These notices can be found on the planning portal at www.planningportal.gov.uk. For more information regarding CIL visit www.merton.gov.uk/CIL or email cilevy@merton.gov.uk.
 - e) The applicant is advised to contact the Council's Highways team prior to undertaking any works within the Public Highway
 - f) The applicant is advised that the demolition works should avoid the bird nesting and bat roosting season. This avoids disturbing birds and bats during a critical period and will assist in preventing possible contravention of the Wildlife and Countryside Act 1981, which seeks to protect nesting birds/bats and their nests/roosts. Buildings should be also be inspected for bird nests and bat roosts prior to demolition. All species of bat in Britain and their roosts are afforded special protection under the Wildlife and Countryside act 1981. If bats are found, Natural England should be contacted for advice (telephone: 020 7831 6922).
 - g) The applicant is reminded of the need to comply with the Control of Asbestos Regulations 2012 in relation to the demolition of the existing garages on the application site, with further advice available at the following link: <http://www.hse.gov.uk/asbestos/regulations.htm>.



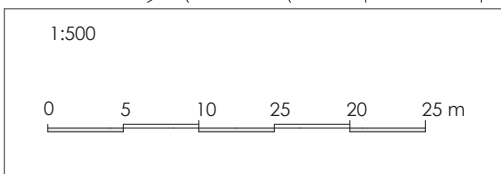
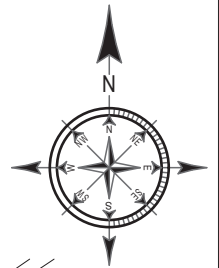
London Borough of Merton
100 London Road
Morden
Surrey
SM4 5DX

Scale 1/1250
Date 24/9/2013

43-45 Palestine Grove

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DEVELOPMENT CONTROL

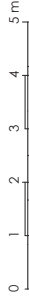


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Drawing Title: Proposed Block Plan		Job No: 8441	Drg No: PL-03	Rev: -			
Rev	Comment	By	Date				

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Notes:

1:100



Rev	Comment	By	Date

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Client:

First Choice Properties
Management Ltd

Job Title:

Palestine Grove, London SW19
2QN

Drawing Title:

Proposed Elevations

Status:

PLANNING

Date Drawn:

21.05.13

Scale:

1:100@A3

Drawn By:

SWS

Job No:

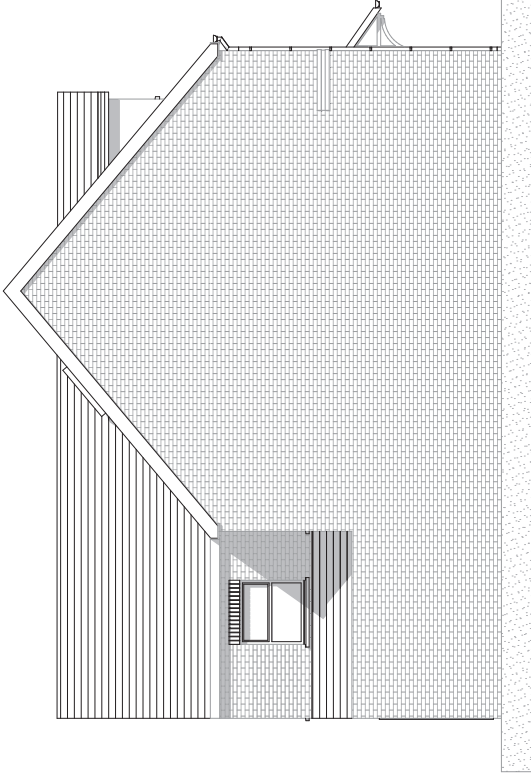
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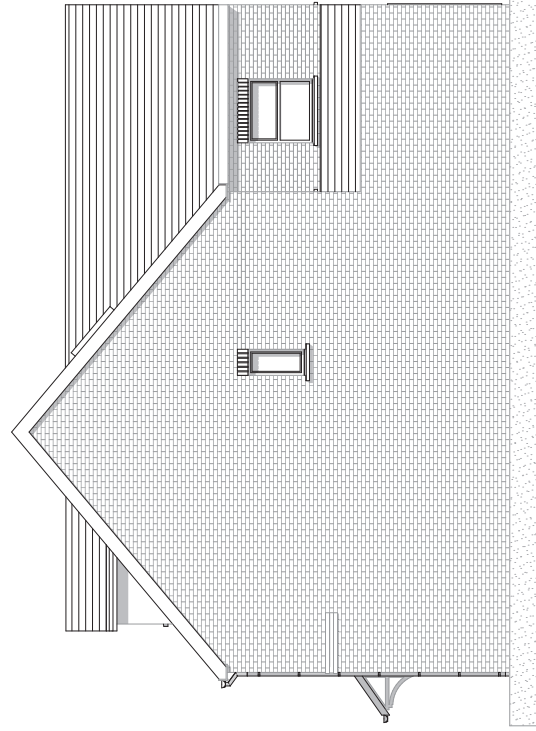
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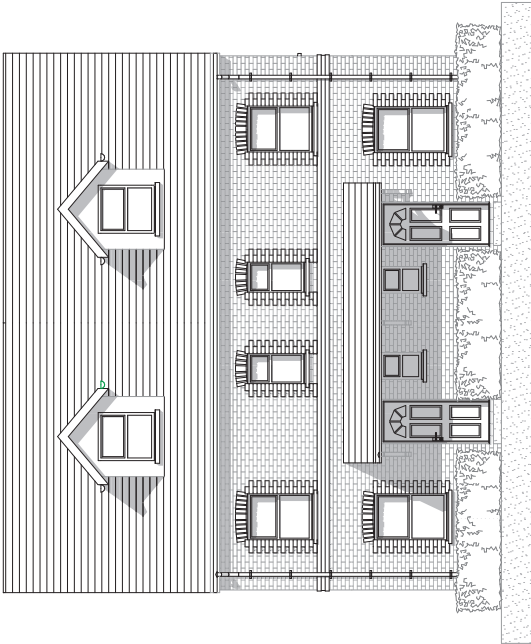
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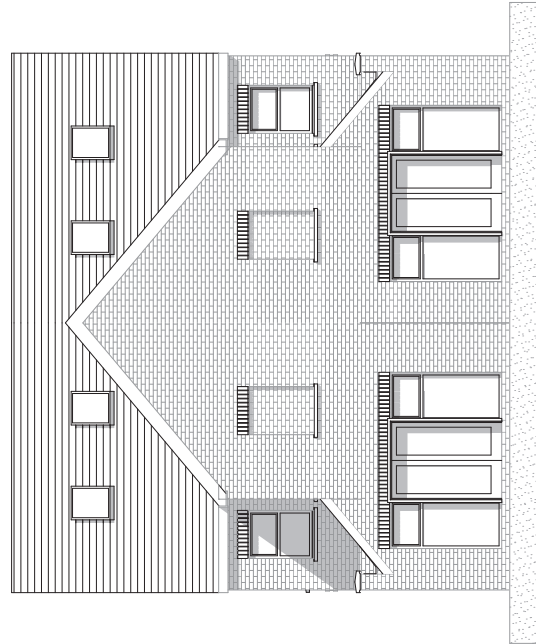
SIDE ELEVATION
Palestine Grove, London SW19 2QN



SIDE ELEVATION
Palestine Grove, London SW19 2QN



FRONT ELEVATION
Palestine Grove, London SW19 2QN

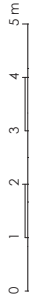


REAR ELEVATION
Palestine Grove, London SW19 2QN

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Rev	Comment	By	Date

THE KEEN PARTNERSHIP

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Email: info@keenpartnership.co.uk

Client:

First Choice Properties
Management Ltd

Job Title:

Palestine Grove, London SW19
2QN

Drawing Title:

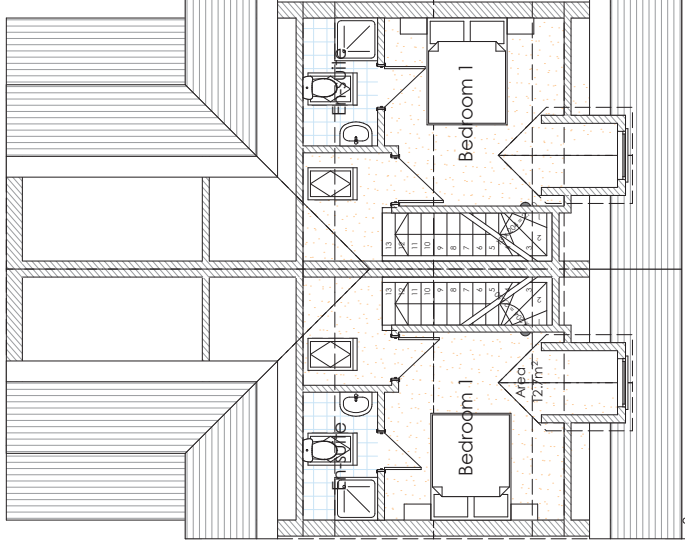
Proposed Floor Plans

Status:

PLANNING

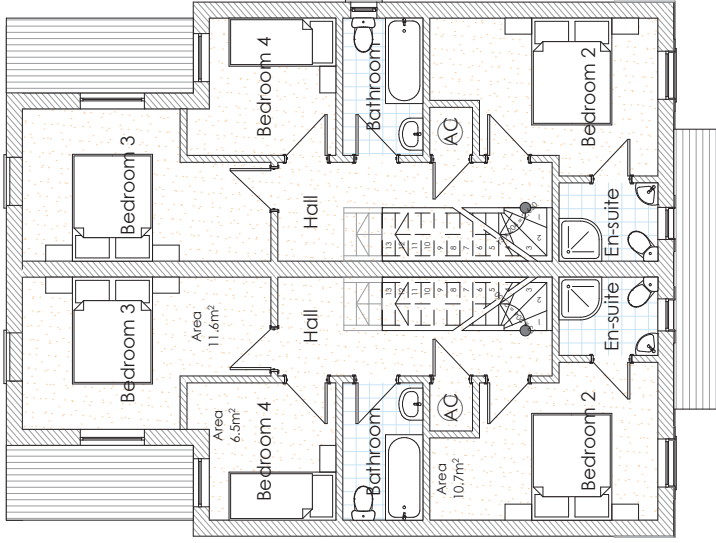
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Dwg No: PL-06
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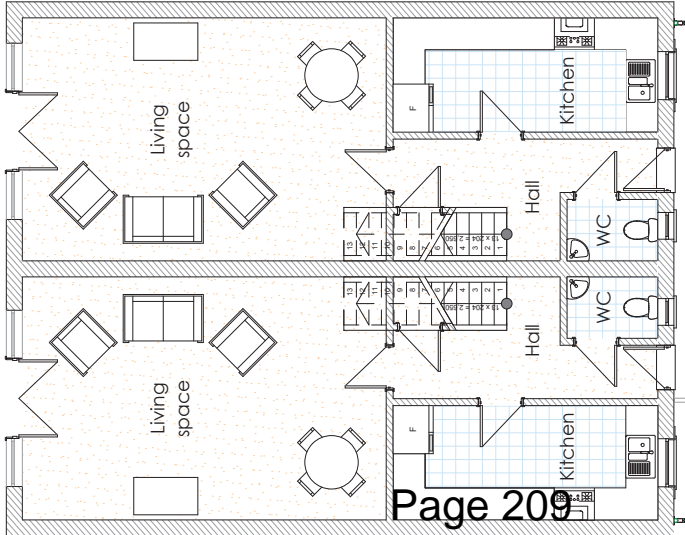
SECOND FLOOR PLAN

Palestine Grove, London SW19 2QN



FIRST FLOOR PLAN

Palestine Grove, London SW19 2QN



GROUND FLOOR PLAN

Palestine Grove, London SW19 2QN

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