

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 23rd November 2010

Report of
Assistant Director, Planning &
Environmental Protection

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Ward:
Winchmore Hill

Application Number : TP/10/1019

Category: Dwellings

LOCATION: Garages adjacent to 2 Fox Lane, And To Rear Of, 2-36, Caversham Avenue, London, N13

PROPOSAL: Construction of a new access road via Fox Lane and redevelopment of site to provide 9 single family dwellings comprising 8 semi-detached 3-bed houses and 1 detached 4-bed house with rear dormer together with associated car parking.

Applicant Name & Address:
Sherrygreen Homes Ltd
c/o Agent

Agent Name & Address:
Luke Emmerton,
DP9
100, Pall Mall
London
SW1Y 5NQ

RECOMMENDATION:

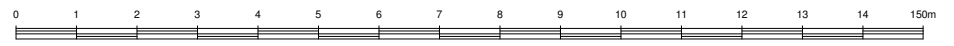
That subject to the completion of a Section 106 Agreement contribution regarding a contribution towards education provision and off site highway works planning permission be **GRANTED**

Note for Members

Although an application of this nature could be determined under delegated authority, due to the level of public interest and concerns about the proposals, ward Councillors Prescott and Hayward have requested that the application is reported to the Planning Committee for determination.



Development Control



Scale - 1:1250
Time of plot: 11:53

Date of plot: 05/11/2010

1 Site and Surroundings

- 1.1 The site is located at the eastern end of Fox Lane and is bounded by a the Hertford “loop” railway line to the west, Fox Lane to the north and the rear gardens of properties at 2-36 Caversham Avenue to the east.
- 1.2 Currently vacant, the front part of the site was last used as private lock up garages (33) with access on to Fox Lane. The garages are now vacant. Beyond the garages, the application site previously formed part of the rear gardens of properties fronting Caversham Avenue (Nos 2 to 36). The land was leased by Network Rail to residents for extensions to their existing gardens but this agreement has now ended.
- 1.3 A strong feature of the site is the tree coverage and in particular, there is a belt of trees between the site and railway line and two large Oaks towards the southern end of the site. A Group Tree Preservation Order covers part of the site up to a point level with 28 Caversham Avenue to safeguard the trees pending acceptable redevelopment proposals
- 1.4 Numbers 2 to 10 Fox Lane which comprise two storey Edwardian properties adjoin the site at the front and also now fall within the newly designated Lakes Estate Conservation Area although the application site itself is not located in the Conservation Area. The Lakes Estate Conservation Area was designated by the Council in February 2010. It is formed of the residential area to the south and east of the site bounded by Fox Lane and Alderman’s Hill. None of the properties in Caversham Avenue form part of the Conservation Area.
- 1.5 The character of the surrounding area is predominantly residential, although there is a three storey commercial building located directly opposite.

2. Proposals

- 2.1 The application proposes the redevelopment of the site to provide nine residential units with associated private and communal amenity space, car parking and landscaping.
- 2.2 One detached 2 storey (4) bedroom house with a rear dormer is shown located on the frontage facing Fox Lane with four pairs of (3) bedroom semi detached properties situated to the rear. The design of the semi detached properties has been amended to incorporate hipped roofs instead of gable ends.
- 2.3 The application site has been extended from the previous application to allow for increased amenity space provision. The rear parts of the gardens of 34 and 36 Caversham Avenue are now also included in this latest application. A number of trees would be removed to facilitate the development; however two large Oak trees within the site are to be retained.
- 2.4 The existing lock up garages would be demolished and new vehicular access on to Fox lane is proposed. A total of 18 car parking spaces are proposed, which also includes some parallel parking spaces along the access road.
- 2.5 In support of the application the applicants have provided a Design and Access Statement, Transport Statement, together with a Tree and Ecology Report and Sustainability Assessment form.

3. Relevant Planning Decisions

- 3.1 TP/09//0207- Redevelopment of site to provide 9 single family dwellings incorporating 7 detached 4 bed houses and a pair of semi detached 4 bed houses with rooms in the roof and front and rear dormers and new access to Fox Lane. (Garages adjacent to 2 Fox Lane and land rear of 2-32 Caversham Avenue). Planning Permission was refused on 30/4/09. An Appeal against the refusal was lodged and the appeal was dismissed on 23/12/10. In dismissing the appeal the key issues the Inspector identified as an issue were: (i) Insufficient amenity space provision, (ii) issues of overlooking to the gardens of Caversham Avenue and loss of privacy harmful to living conditions and (iii) Concerns regarding the long term retention of Oak tree (T8) due to siting of the houses and vehicular hard standing and circulation areas.
- 3.2 TPO/331/2008- Tree Preservation Order on land to side of 2 Fox Lane and Rear of 2-28 Caversham Avenue. The Order was confirmed on the 18th August 2008.

4. Consultations

4.1 Statutory and Non Statutory Consultees

- 4.1.1 Education have confirmed that as the development proposes family houses, a contribution should be sought as there is a high demand for school places. In accordance with the standard methodology, the scheme would generate an annual average child yield of one pupil each in the primary and secondary sectors equating to a sum of £ 32,877.
- 4.1.2 Thames Water does not object to the proposal and provides guidance for the applicant in respect of surface water drainage.
- 4.1.3 The Development Management Tree Officer has confirmed that the arboricultural report is comprehensive and details methods which if carefully applied, will safeguard the trees proposed for retention (particularly the two oaks). In addition there are recommendations for tree planting within the site to compensate for losses.
- 4.1.4 Network Rail raises no objection in principle subject to various requirements being met by informatives and conditions. Issues regarding boundary fencing, Armico barriers, method statements, soundproofing and landscaping are to be subject to conditions.

4.2 Public

- 4.2.1 Consultation letters were sent to neighbouring and surrounding properties. In addition a site notice was also displayed. In reply 39 letters of objection have been received raising the following main points:
- Proximity of development to rear boundaries in Caversham Avenue
 - Loss of privacy/ overlooking contrary to Policy (II) H8
 - Position of access road too close to bridge over railway line resulting in increased chance of accidents and safety concerns, the bridge is a blind summit driving from Green Lanes, siting of access remains a concern
 - Impact of views on properties in Caversham Avenue
 - Loss of large number of trees on TPO land detrimental to visual amenity

- Drainage and subsidence problems
- Still a TPO covering site with the exception of oak all other trees covered by TPO will be removed
- Preservation of TPO Oak still in jeopardy by development
- Loss of outlook
- Concerned development will be extended further along Caversham Avenue
- Suitability of site in relation to revised PPS3
- Increased pressure on parking, the parking allocated is not sufficient
- Impact on wildlife
- First floor windows cause overlooking and loss of privacy to gardens in Caversham backing on to site
- Development detrimental to character of area
- Side flank walls of new development backing on to Caversham Avenue gardens create a sense of enclosure and loss of light resulting in severe restrictions in enjoyment of gardens affected, sited too close to boundary
- Siting of access detrimental to highway safety, with particular regard to visibility of vehicles exiting site and would be detrimental to highway safety and free flow of vehicles and pedestrians
- New tree planting too close to gardens also cause foundation problems to new dwelling
- Communal area will generate noise and pollution
- Concerns raised by Planning Inspectorate regarding long term health of Oak tree not addressed, increased risks due to siting of 2 parking spaces
- Area already overdeveloped
- Plans submitted fails to address the reasons for refusal of the previous application
- Site not suitable for housing
- Hipping of the roofs of the 8 semi detached properties does not changes objections

4.2.2 In addition, the Fox Lane & District Residents Association also raise an objection on the following grounds:

a) Traffic: The access road to the site has been positioned dangerously close to the narrow humpback railway bridge on Fox Lane. A similar, although wider, bridge in Alderman's Hill was made into a dual carriageway when an access road to the station car park was constructed. This was presumably done for safety reasons: as traffic approaching from the left would have been obscured by the station building. A similar situation will exist in Fox Lane where cars would have to move into the carriageway in order to see clearly any oncoming traffic from both directions. Fox Lane is a busy road and accidents do occur with vehicles recorded at speeds much more than 30mph. In these circumstances major accidents are likely to occur with the proposed access road in place.

b) Parking: Local residents used the existing garages have had to find else where to park, thus exacerbating an existing parking problem. The 9 houses have 16 parking spaces; it is more than likely that residents in the new development would have two cars per household. Added to this any visitors, utilities etc will also be trying to park in the surrounding area. This could well be made worse by two recent developments, TP/09/1238 (483/499 Green Lanes and TP/09/1075 1 Caversham Avenue. It is already extremely difficult to find a parking space in Caversham Avenue, which is a very busy cut through road.

c) Environmental: Land alongside railways is well known as a wildlife habitat / corridor and this particular land, up to the footbridge across the railway, has a Tree Preservation Order placed on it. The mature oak tree, subject to the TPO and which the developers show as dominating the “amenity space” will have roadway on three sides of it, apparently right up against the trunk on one side. They consider that this means the circulation area will encroach too much upon the tree’s root protection area, and with the general building operations in the area, is likely to adversely impact on the health of this tree and others in the vicinity.

d) Drainage: Many of the gardens adjoining the site have a great deal of surface water which runs on to the land. The removal of the trees from the site could cause destabilisation of the ground leading to the eventual loss of a large forest of trees near to the railway as the embankment will be in danger of collapse. There would no longer be a green corridor. The developers propose to drain surface and land water into the main sewers. The main sewers are over 100 years old and not built to serve as many new households. The extra surface water from paved over front gardens also goes into these sewers and Fox Lane which already gets flooded near to the bridge.

e) Privacy: Although this proposal has fewer houses than the previous one and these do not back onto existing gardens, the first floor windows would have a view across several gardens. The new houses will be very close to the rear boundaries of existing properties, on land which many of the residents used as gardens or allotments, and therefore the morning sunlight to which they are accustomed will be blocked from their gardens.

f) Appearance: The design of the proposed houses is not very attractive and is unsympathetic to the original Edwardian Houses. In particular the house on Fox Lane is next to those which are now in the Lakes Estate Conservation Area and appears totally out of place. This issue must be taken into consideration and would be detrimental to the visual amenities of the neighbourhood.

4.2.3 The Federation of Enfield Residents and Allied Association also object commenting that:

- Houses still very close and adjacent to rear gardens of Caversham Avenue and could well prejudice enjoyment of residents of Caversham Avenue
- Despite reduction in number of dwellings still cramped
- Turning circular in communal area appears very optimistic for refuse vehicles and fire engines.
- Not enough refuse storage facilities

4.2.4 The ward councillor, Councillor Prescott has also expressed concerns regarding the development

4.3 Letters of Support

4.3.1 Two letters of support for the proposal were received raising the following points:

- Support proposals for redevelopment

- Proposed modern design of new property next to 2 Fox Lane entirely appropriate and seems in keeping with character of area
- Proposal reflects the residential aspect of the area and continues the tradition on the Lakes Estate of quality family accommodation

5. Relevant Policy

5.1 Local Development Framework: Core Strategy:

At the meeting of the full Council on 10th November 2010, the Core Strategy of the Local Development Framework was approved. The document and the policies contained therein, are now material considerations to be taken into account when considering the acceptability of development proposals. The following are of relevance:

- CP2 Housing supply and locations for new homes
- CP4 Housing Quality
- CP5 Housing Types
- CP20 Sustainable Energy Use and Energy Infra structure
- CP21 Delivering Sustainable water supply drainage and sewerage
- CP24 The road network
- CP26 Public Transport
- CP25 Pedestrians and Cyclists
- CP30 Maintaining and Improving the Quality of the Built and Open Environment

5.2 Saved UDP Policies

After the adoption of the Core Strategy, a number of UDP policies are retained as material considerations pending the emergence of new and updates policies and development standards within the Development Management Document. The following are of relevance

- (II)GD3 Design & Character
- (II)GD6 Traffic generation
- (II)GD8 Site access and servicing
- (II)H8 Privacy
- (II)H9 Amenity space
- (II)H11 Loss of garage courts
- (II)H15 Dormers
- (II)C30 New buildings adjacent to Conservation Areas complement character of Area
- (II)EN11 Maintenance and enhancement of wildlife corridors
- (II)EN12 Encourage conservation of wildlife habitats
- (II)C35 Tree Preservation Orders
- (II)C38 Resist developments that entail loss of trees of public amenity
- (II)C36 Replacement Planting
- (II)T13 Creation or improvement of access
- (II)T14 Contribution from developers for highway works
- (II)T16 Adequate Access for pedestrians and disabled persons
- (II) T19 Provision for Cyclists

5.3 London Plan

Policy 2A.1	Sustainability Criteria
Policy 3A.1	Increasing London's housing supply
Policy 3A.2	Boroughs housing target
Policy 3A.3	Maximising the potential of sites
Policy 3A.5	Housing choice
Policy 3A.6	Quality of new housing provision
Policy 3C.23	Parking Strategy
Policy 4A.3	Sustainable design and construction
Policy 4B.1	Design Principles for a compact city
Policy 4B.8	Respect local context and communities

5.4 Other Relevant Considerations

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS9	Biodiversity
PPG13	Transport
PPG 24	Noise

6. Analysis

6.1 Principle

6.1.1 The principle of redeveloping the site for residential purposes is acceptable having regard to the residential composition of the surrounding area together with the thrust of national and regional planning policies in the form of PPS1 (Delivering Sustainable Development) and PPS3 (Housing) as well as London Plan Policies 3A.1, 3A.2 and 3A.3 . However, it is also recognised that this need has to be balanced to ensure any more intensive residential development still maintains high standards of design and amenity so as not to compromise the quality of the environment.

6.1.2 In the previous application which was refused planning permission and dismissed at appeal, the main issues the Inspector considered were the effect of the development on:

- The character and appearance of the surrounding area, with reference to the design of the proposed development and to trees
- The living conditions of existing and future occupiers, with particular regard to privacy and outlook, and to amenity space, and
- Highway safety

6.1.3 In dismissing the appeal the three key issues which the Inspector considered unacceptable were: (i) insufficient amenity space provision (ii) impact on the long term retention of the Oak tree, and (iii) loss of privacy/ overlooking to the gardens of Caversham Avenue. The Inspector did not however support the Council's concerns in respect of design approach or highway safety.

6.2 Effect on Character and Appearance

- 6.2.1 In terms of scale and intensity of development, the London Plan recommends a density between 150- 250 hr/ha having regard to the density matrix and given the characteristics of the locality and accessibility with a PTAL rating of 2. In this instance, the density of the development is 130 hr/ha which is less than that previously accepted on appeal and below the identified range. Nevertheless, although there is a requirement to optimise development potential on all sites, the level of development having regard to form and pattern of the surrounding area, is considered appropriate. Moreover the appropriate integration of development into an area is more than a numerical assessment and careful regard must also be given to the integration of the development into its surroundings with specific focus on its visual appearance.
- 6.2.2 In terms of design the Inspector in the previous appeal considered that whilst there are large Edwardian Houses to the west, the location of the site means those properties are not the defining character of the area as to the east is a wooded railway cutting and beyond those modern flats whilst opposite is a modern commercial building. The Inspector considered therefore that the development could display its own character, without the need to follow rigidly that of the adjoining houses. The Inspector concluded that the design of the properties would be appropriate to the character of the area having regard to the design objectives of the London Plan, National Policies PPS1, PPS3 as well as policies (I) GD1, (I) GD2 and (II) GD3 of the UDP.
- 6.2.3 Since the appeal decision however, the Lakes Conservation Area has been designated and Nos 2-10 Fox Lane lie within its defined boundary. The effect on its setting therefore is a material consideration. Consequently, any development must meet the test in PPS5 "Planning for the Historic Environment" regarding the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment: in the case, the Lakes Conservation Area. In addition, it must be acknowledged that the Character Appraisal for the Conservation Area identifies Nos 2-10 Fox Lane as making a positive contribution to the special character and appearance of the area
- 6.2.4 With reference to the Character Appraisal, the following is the relevant extract concerning Fox Lane with particular reference to the second paragraph:
- "The south side was part of the 1902 sale, but the north side was not offered for development until 1908. Both sides are made up mainly of short terraces and linked pairs, similar in date and character to those in Conway and Harlech Roads. The best houses, such as numbers 97-99, are typical of the estate. They have big gables, canted first floor oriels, bay windows with different fenestration at each level, good-quality red brickwork to ground floors and shared porches, with a small first-floor balcony and a rather old fashioned High Victorian polished granite column between each pair of front doors.
- On the south side of Fox Lane, adjoining the railway, is an unappealing office building of recent (c 2000) date, Dumayne House. Opposite to the north stood a number of post-1945 garages, but the site has now been cleared for development (2009). The boundary of the Conservation Area excludes these sites".
- 6.2.5 Acknowledging this change in circumstances, the current scheme again follows a contemporary design approach theme but on the Fox Lane frontage a single detached dwelling is now proposed. Incorporating a double height

bay, this more closely reflects the traditional houses along Fox lane than the previous application and it is considered that notwithstanding the modern architectural detailing (expressed through aluminium window frames and aluminium cladding), the dwelling would still incorporate white render panels and roof tile colour reflective of the character of the properties which contribute to the character of the Conservation Area. It is considered therefore that the development would forms an appropriate transition between the adjacent Edwardian Houses and the contemporary architectural language within the site and would not harm the setting of the adjoining Conservation Area with particular regard to Policy (II)C30.

6.2.6 Overall therefore and mindful of the Inspectors previous acceptance that the design could have its own character without rigidly following that of the adjoining houses, the approach is considered acceptable.

6.3 Impact on Neighbouring Residential Properties

6.3.1 In dismissing the appeal, the Inspector supported the Council's concerns regarding overlooking to the rear gardens of the residential properties in Caversham Avenue. Previously, six of the detached properties had their rear elevations facing the properties in Caversham Avenue. Whilst, the Inspector accepted that there would not be a loss of privacy within the actual houses, it was accepted that the 6m depth of the rear gardens allowed direct overlooking to the gardens. This created a strong sense of there being a loss of privacy to the eastern ends of the gardens, which currently have a private environment. This was considered contrary to Policy (II) H8 of the UDP.

6.3.2 To address this issue semi detached dwellings now proposed are orientated so that there is a blank two storey side elevation facing the rear gardens of properties in Caversham Avenue. The side elevations would be located between 1m to 2m from the common boundaries and in terms of distancing standards, a minimum separation of 22m would be retained between the new units and the existing properties. Consequently , it is considered this would address the loss of privacy issue

6.3.3 Potential overlooking would remain from the first floor rear bedroom windows of the semi detached properties which are sited closest to the common boundary. However, due to the oblique nature and the use of these rooms, the relationship is considered not to give rise to any unacceptable level of overlooking. With regard to the front elevation's, the nearest window is a hall window which is to be obscured glazed, Again due to the oblique nature and the use of these rooms, the relationship is considered not give rise to any unacceptable level of overlooking

6.3.4 No objection other than overlooking was raised in connection with the proximity of the proposed dwellings to the neighbouring properties. The re alignment of the proposed dwellings does bring the dwellings closer although there is greater separation now between the various elements. In addition, to further reduce the impact on the residential amenities of the neighbouring properties the roofs of the semi detached properties have been hipped rather than gabled.

6.3.5 It is therefore considered that the orientation and relationship of the windows together with the siting of the dwellings would not result in a significant loss of privacy or sense of enclosure to the rear gardens of the properties in

Caversham Avenue to justify refusal having regard to policy (II) H8, notwithstanding the strong objections that have been received from residents in Caversham Avenue regarding overlooking/ loss of privacy, sense of enclosure and proximity to boundaries.

6.4 Amenity Space

- 6.4.1 The shortfall of amenity space provision was also one of the issues supported by the Planning Inspector when considering the appeal. In particular he was concerned about the limited depth (at 6 metres) of the rear gardens of six of the detached properties, which, when combined with the widths of those gardens would provide an area constrained in size and proportions and thereby, leading to gardens inappropriate for family housing.
- 6.4.2 Policy (II) H9 requires that amenity space provision should be equal to 100% of the total Gross Internal Area of the house or a minimum of 60 sqm, which ever is greater in area. Furthermore, as well as providing a visual setting in the general street scene, a substantial proportion of amenity space (at least 60%) should be capable of being screened. It should also be noted that the Inspector when assessing the amenity space issue indicated that some flexibility could be applied to the Council's adopted standards to achieve the governments objectives of seeking the more effective and efficient use of land for housing, as contained in PPS3.
- 6.4.3 With regard to this latest application the houses have been re-orientated to provide longer depth gardens of 11m. Of the 9 houses, 5 of them provide amenity space at 100% or more of the Gross Internal Area and thus comply with Policy (II) H9. However, 4 of the houses do not with that for Unit 3 being (94sqm), Unit 5 (79 Sqm) , Unit 6 (108 sqm) and Unit 7 (76 sqm): the gross internal floor area of the houses being 120 sqm. Whilst, there is therefore a numerically a shortfall in amenity space provision in respect of these 4 houses, the whole rear garden areas of these houses is capable of being fenced and screened to provide a high quality private garden area (in excess of 60%) . Moreover, as well as being of a regular shape and sited immediately to the rear of the dwellings, the depth of each garden is a minimum 11m, with widths varying between 6m and 8m on these plots.
- 6.4.4 In addition a grassed landscaped communal area of 212sqm to the rear part the site is also provided.
- 6.4.5 On balance therefore, and noting the Inspectors comments about applying the standard flexibly in the light of PPS3, the provision of amenity space is considered acceptable, providing a high quality family residential environment.

6.5 Access and Traffic Generation

- 6.5.1 The proposal involves repositioning the existing vehicular access on Fox Lane to a point closer to the railway line on Fox Lane. The siting of the new access remains in the same position to that previously considered under the appeal which despite the Council's concerns, the Inspector accepted. In so doing, the Inspector commented that "the proposed vehicular access and related highway works would enable adequate visibility to and from the appeal site and so not harm highway safety".

6.5.2 The Inspector's conclusions are material to the consideration of this application and in the absence of any material change in circumstances, despite resident's objection to the location of the new access, the proposed development is considered to be acceptable subject to the on street highway works secured through a section 106 agreement. This provides a contribution of £25,000 in respect of additional waiting restrictions, anti skid surfacing, introduction of speed activated warning signs and contributions towards "greenway "cycle routes.

6.6 Parking

6.6.1 With regards parking provision, a total of 18 car parking spaces are provided which acceptable in terms of the number of proposed dwellings.

6.6.2 The layout of the parking arrangement now differs with some parallel parking spaces provided on the access road. The applicants have also provided additional information regarding a residential parking strategy which is to be conditioned to ensure that parking is limited to the formally designated car parking spaces indicated so as to prevent informal parking taking place on the access road. The layout allows for adequate turning and servicing for refuse vehicles having regard to policy (II) GD8 of the UDP.

6.7 Trees

6.7.1 Part of the site is subject to Tree Preservation Order (TPO) which was confirmed in August 2008. The reason for serving the TPO was to ensure a full arboricultural assessment of the merit of the trees to before accepting which trees could be removed as part of any redevelopment.

In assessing the appeal, the Inspector was of the opinion that the majority of the trees have limited public views or amenity value due to the poor form and condition of many of the trees. He considered that it would be possible to make adequate compensatory replanting for the trees to be removed. However, the key issue was the long term retention of Oak Tree T8 especially as new housing and hard standing was shown within the Root Protection Area of the tree. There was also concern regarding the siting of the oak in relation to the houses leading to future pressure for substantive works which could diminish its form and contribution to the visual amenities of the area.

6.7.2 This current application safeguards the tree through the introduction of a grassed communal amenity area that the bole of the tree sits within. The siting of the new dwellings is also located slightly further away from Tree T8 at a distance of 10m. The Councils Arboricultural Officer has reviewed the arboricultural report which he advises is comprehensive and details methods which if carefully applied, will ensure the safe retention of the trees to be retained (particularly two oaks) as far as can be seen. Subject to appropriate conditions it is considered that the long term survival of the Oak tree T8 can be maintained.

6.8 Ecology / Biodiversity

6.8.1 The site adjoins a wildlife corridor identified in the UDP, which runs along the length of the railway line. The submitted Ecology report concludes that the site had a low diversity of habitats and plants, but was considered to potentially be of medium value in the local context to protected species. With

precautionary measures undertaken and further surveys conducted to confirm the presence or likely absence of bats and Stag Beetles, it should be possible for appropriate mitigation measures to be undertaken that would enable the development to proceed without risk of impact on protected species. This can be controlled by an appropriate planning condition.

6.9 Housing Mix

6.9.1 Core Policy 5 of the Core Strategy identifies the mix of unit sizes the Council will look to achieve Borough wide. This requires a significant proportion (65%) of family housing (3 & 4 bed units) to be provided across the Borough. The scheme provides 1 four bed and eight 3 bed houses. Whilst the mix does not directly accord with the Core strategy preferred mix, given the fact that the scheme provides all family housing, it is considered the development remains acceptable.

6.10 Sustainable Design and Construction

6.10.1 Current policies require that all new dwellings are constructed to Lifetime Home standards and Core Strategy Policy 4 seeks to ensure all new housing should seek to exceed Code for Sustainable Homes Level 3. The applicant has confirmed that these standards will be achieved and appropriate sustainability conditions are attached to ensure compliance.

6.11 Section 106 Agreement

6.11.1 A section 106 agreement will be required in respect of the following matters and the following main heads of terms are set out below:

- (i) An education contribution of £32,877
- (ii) An off site highway contribution of £25,000 helping to improve highway safety which would include:
 - Additional waiting restrictions
 - Introduction of speed activated warning signs
 - Contribution towards “greenway” cycle routes

7. **Conclusion**

7.1 Taking the above factors into account and noting the conclusions of the appeal decision, it is considered the proposed development is acceptable for the following reasons:

1. The proposed development would contribute to increasing the range and quantity of the Borough’s Housing stock having regard to Policy CP30 of the Core Strategy, Policy (II) H6 of the Unitary Development Plan, Policies 3A.1, 3A.2, 3A.3 and 3A.6 of the London Plan (2008) as well as the objectives of PPS1 and PPS3.
2. The proposed layout of the development, together with its siting, design, scale density and height of buildings would result in a development that would satisfactorily integrate in to the street scene and surrounding context as well as not adversely impacting the adjacent Conservation Area having regard to Policies CP30 and CP31 of the Core Strategy, Policies (II) GD3 and (II) C30 of the

Unitary Development Plan as well as having regard to Policies 2A.1, 3A.3, 3A.5, 3A.6 and 4.B8 of the London Plan and PPS1 Delivering Sustainable Development and PPS3 Housing.

3. The proposed development would provide a satisfactory level of amenity space provision for future residents having regard to Policy (II) H9 of the Unitary Development Plan.
4. The proposed development by virtue of its layout, orientation and relationship to boundaries would not adversely prejudice the amenities enjoyed by the surrounding occupiers in Caversham Avenue in terms of adverse overlooking/ overshadowing or loss of privacy having regard to Policy CP30 of the Core Strategy and Policy (II) H8 of the Unitary Development Plan
5. The siting of the proposed new vehicular access subject to highway mitigation measures covered by the Section 106 agreement, together with a satisfactory level of on site car parking provision as well as satisfactory on site turning and manoeuvring facilities would not give rise to unacceptable on street parking, congestion, or highway safety issues having regard to Policies (II) GD6, (II) GD8 and (II) T13 of the Unitary Development Plan, Policy 3C.23 of the London Plan (2008), as well as the objectives of PPG13.
6. The layout makes satisfactory provision for the long term retention of the Oak Tree having regard to Policies (II) C35 and (II) C38 of the UDP.

8. Recommendation

- 8.1 That subject to the completion of a Section 106 Agreement contribution regarding a contribution towards education provision and off site highway works Planning Permission be GRANTED subject to the following conditions:

1. C60- Drawing numbers
2. C51a- Time Limit
3. C7 - Details of materials
4. C9 - Details of hard surfacing
5. C10- Details of levels
6. C19- Details of refuse storage
7. C17- Details of Landscaping
8. C25- No additional fenestration
9. C59- Cycle parking
10. C11- Means of enclosure

11. The development shall not commence on site until a construction methodology has been submitted to and approved in writing by the Local Planning Authority. The construction methodology shall contain:
- (1) A photographic condition survey of the roads and footways leading to the site.
 - (2) Details of construction access and vehicle routing to the site.
 - (3) Arrangements for vehicle servicing and turning areas.
 - (4) Arrangements for parking contractor's vehicles
 - (5) Arrangement for wheel cleaning.
 - (6) Arrangement for the storage of materials, hours of work.

The development shall be undertaken in accordance with the approved construction methodology unless otherwise agreed in writing by the LPA.

Reason: To ensure the implementation of the development does not lead to damage to the existing roads and to minimise disruption to neighbours.

12. Details regarding the provision of a trespass fence adjacent to Network Rail's boundary to a minimum height of 1.8m shall be submitted to and approved in writing by the LPA and there after installed and retained as well as provision made for its future maintenance and renewal.

Reason: In order to avoid trespass on to the railway.

13. Details regarding the provision of Armco safety barriers or similar barriers to be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the line side fencing shall be submitted to and approved in writing by the LPA in conjunction with Network Rail and there after installed and retained.

Reason: In the interest of Rail safety.

14. Prior to the commencement of development details regarding adequate measures for the sound proofing of the dwellings shall be submitted to and approved in writing by the LPA. The approved sound proofing measures shall there after be implemented.

Reason: In order to ensure that the new dwellings are adequately soundproofed from any adverse noise from the adjoining railway.

15. Prior to the commencement of works, full details of excavations and earthworks to be carried out near the railway undertakers boundary fence shall be submitted to and approved in writing by the LPA acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details.

Reason: In the interests of rail safety and to avoid any interference with network rail operations.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by Town and Country Planning (General Permitted Development) (Amendment) (no2) (England) Order 2008 no development within Schedule 2 Part 1 Classes A to E shall be carried out either to the proposed dwellings or within their curtilage unless planning permission has first been granted by the Local Planning Authority.

Reason: To ensure an adequate level of amenity space provision is retained and to protect the privacy of surrounding occupiers.

17. Details regarding the siting, design and degree of illumination of any external street lighting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate street lighting provision for the development.

18. Prior to the commencement of development details regarding adequate tree protection measures for the 2 Oak trees T8 and T11 shall be submitted to and approved in writing by the LPA and thereafter implemented in accordance with the approved details.

Reason : To ensure satisfactory protection of the two Oaks during construction.

19. Evidence confirming that the development achieves a Code for Sustainable Homes rating of no less than Level 3, with a supporting statement to demonstrate why higher code levels are not feasible shall be submitted to and approved in writing by the LPA. The evidence required shall be provided in the following formats and at the following times,

1. Design stage assessment, conducted by an accredited Code Assessor and supported by relevant BRE interim certificate, shall be submitted at pre-construction stage prior to the commencement of superstructure works on site, And

2. Post construction assessment, conducted by and Accredited Code Assessor and supported by relevant BRE accreditation certificate, shall be submitted following practical completion of the development and prior first occupation.

The development shall be carried out strictly in accordance with the details so approved and shall thereafter be maintained.

Reason: In the interests of addressing climate change and to secure sustainable development in accordance with the strategic objectives of the Council and Policies 4A.1, 4A.2, 4A.3 and 4A.9 of the London Plan as well as PPS1.

20. That prior to the commencement of development details shall be submitted to and approved by the LPA demonstrating that the development complies with Life Time Homes Standards. The development shall be completed in accordance with the approved details prior to occupation

Reason: In order to comply with the requirements of London Plan Policy 3A.5 and Core Strategy Policy 4.

21. The strategy to ensure the retention of the two oak trees during construction and after identified as T8 and T11 shall accord with the

aboricultural report submitted on 3 June 2010 in particular (section 2.6 “ Strategy to ensure health and longevity of trees during and after development).

Reason: To ensure the satisfactory retention of the two trees which are considered to be of important amenity value with tree T8 being protected by a TPO.

22. Before development commences, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for the communal landscaped area shall be submitted to and approved in writing by the LPA. The Landscape Management Plan shall be carried out as approved.

Reason: To ensure the adequate maintenance and long term use of the communal amenity area.

23. Details regarding an internal parking management strategy for the site to ensure that parking is limited to the formal designated parking spaces which shall include lining, informative signage and warning signs shall be submitted to and approved in writing by the LPA and thereafter the measures implemented and retained.

Reason: In order to help keep the internal access way free from indiscriminate parking.

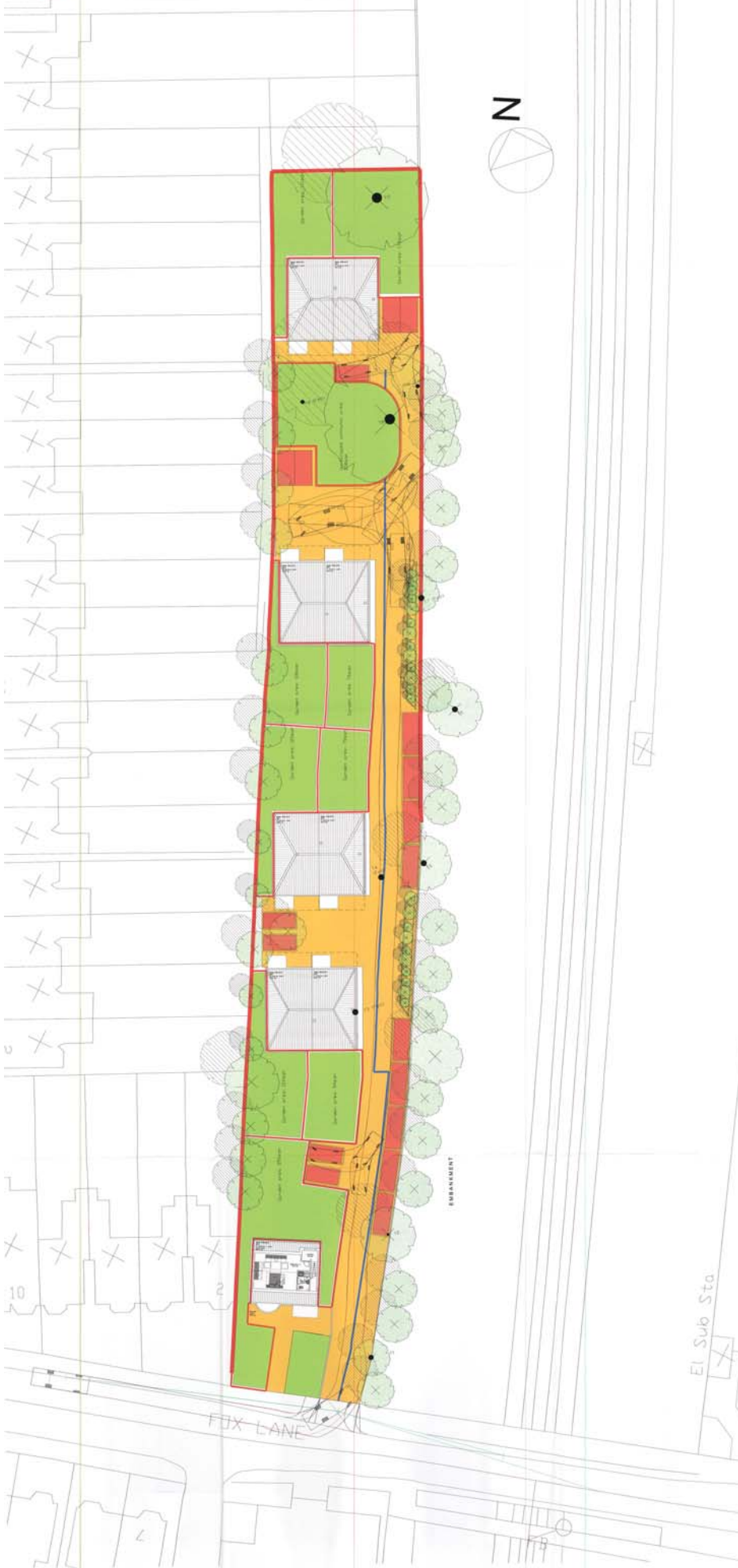
24. Prior to the commencement of development further surveys shall be conducted to confirm the presence or absence of bats and Stag Beetles on site as set out in the ecology report together with any appropriate mitigation measures required, details of which shall be submitted to and approved in writing by the LPA and thereafter implemented.

Reason: In the interests of Nature Conservation and having regard to PPS9.

25. Details regarding the closure of the existing redundant vehicular access on to Fox Lane and reinstatement of the footway shall be submitted to and approved in writing by the LPA.

Reason: In the interests of highway safety and visual amenity.

1. All work shall be in accordance with the City of Chelwood Planning Department's standards and specifications.
 2. All work shall be in accordance with the City of Chelwood Planning Department's standards and specifications.
 3. All work shall be in accordance with the City of Chelwood Planning Department's standards and specifications.
CHELWOOD
 Planning Department
 1000 Walnut Street
 Chelwood, PA 19015
 Phone: 610-381-2000
 Fax: 610-381-2001
 Website: www.chelwoodpa.gov



Site Layout Plan
 1/200

SCHEDULE OF ACCOMMODATION
 Number: 1-10, 1-15, 1-20, 1-25, 1-30, 1-35, 1-40, 1-45, 1-50, 1-55, 1-60, 1-65, 1-70, 1-75, 1-80, 1-85, 1-90, 1-95, 1-100
 Parking: 18 total, 18 reserved
 Access: 18 total, 18 reserved
 Notes: 1-10, 1-15, 1-20, 1-25, 1-30, 1-35, 1-40, 1-45, 1-50, 1-55, 1-60, 1-65, 1-70, 1-75, 1-80, 1-85, 1-90, 1-95, 1-100
 Date: 01/20/2010

TP 10 / 1017
 Revised/Additional Drawings
 Received: 05/04/09
 Date of Cover of:

10/10/09
 10/10/09

PLANNING	
1. Staff approval	10/10/09
2. City Council approval	10/10/09
3. Planning Commission approval	10/10/09
4. Final approval	10/10/09
5. Final approval	10/10/09
6. Final approval	10/10/09
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9. Final approval	10/10/09
10. Final approval	10/10/09

CHAIRWOODS

PLANNING

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PROJECT INFORMATION

Project Name: *For Lease Sale*
 Location: *Paterson Creek, NJ*
 Drawn By: *Sherrygrain Horne*
 Street Elevations: *2*

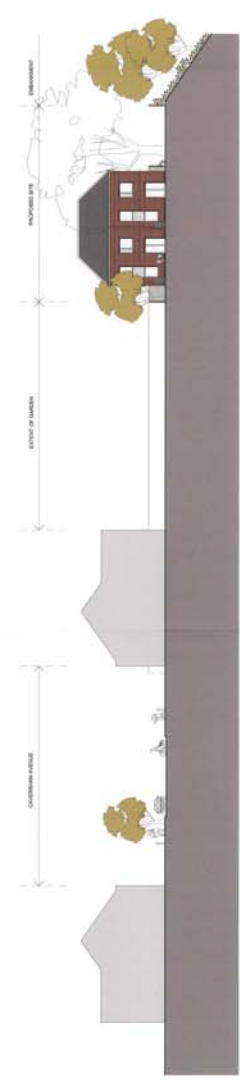
Scale: 1" = 20' (Arch.) / 1" = 40' (Civil)
 Date: 2/13/2007
 Designer: *J. Woods*



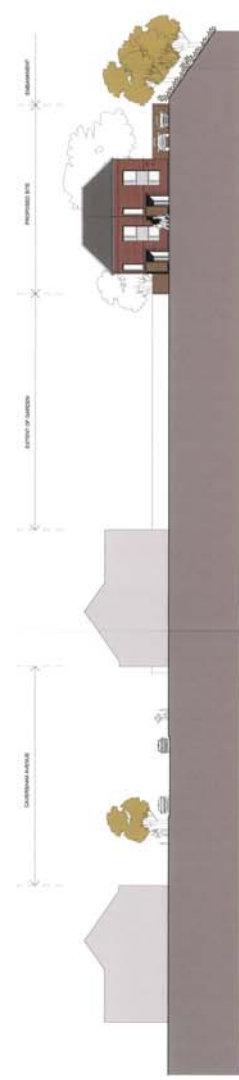
E. East Elevation
 1/200



F. South Elevation (4b/7p front)
 1/200



G. South Elevation (3b/5p rear)
 1/200



H. South Elevation (3b/5p front)
 1/200

TP 26/10/09
Revised/Updated Drawings
15th Oct 2010
Aguda Edric
15th Oct 2010

1/2007 4/13/2007

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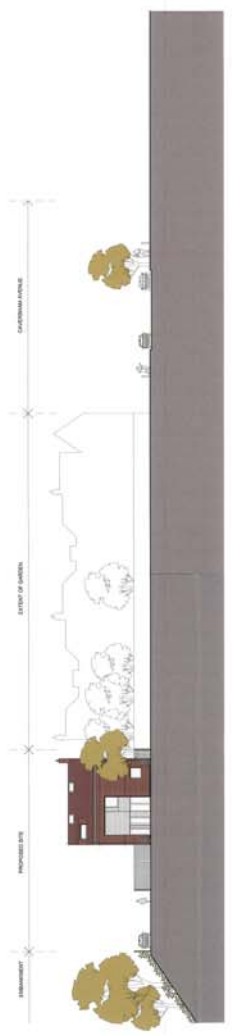
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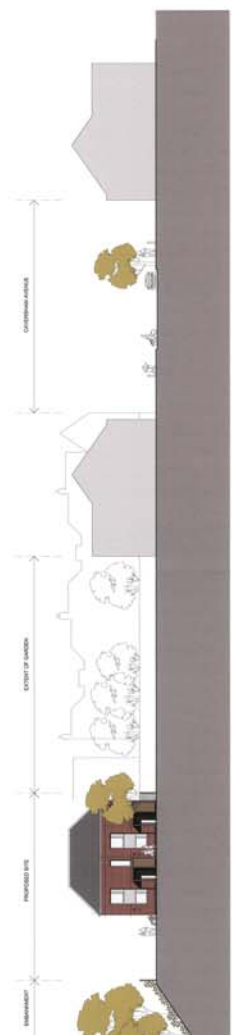
Key Plan
 NTS



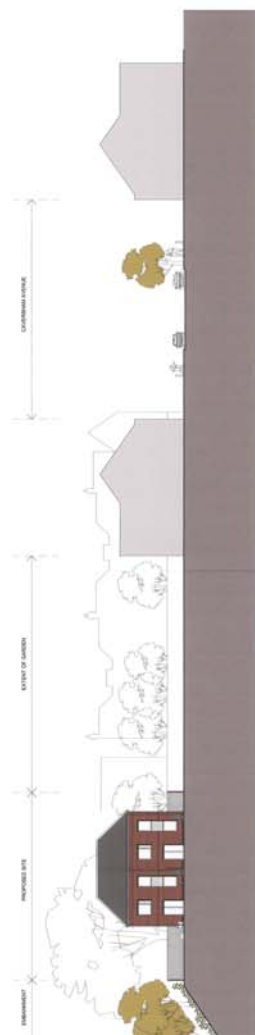
A West Elevation
 1:200



B North Elevation (4b/7p rear)
 1:200



C North Elevation (3b/5p front)
 1:200



D North Elevation (3b/5p rear)
 1:200

10/10/10
 15th Oct 2010
 15th Oct 2010
 15th Oct 2010

15 OCT 2010

PLANNING	
Project No.	10-10-10
Project Name	15th Oct 2010
Project Location	15th Oct 2010
Project Status	15th Oct 2010
Project Date	15th Oct 2010
Project Author	15th Oct 2010
Project Reviewer	15th Oct 2010
Project Approver	15th Oct 2010
Project Date	15th Oct 2010
Project Status	15th Oct 2010
Project Location	15th Oct 2010
Project Name	15th Oct 2010
Project No.	15th Oct 2010