LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE	**Date: 25th February 2020**

Report of Head of Planning	**Contact Officer:** Andy Higham David Gittens Kate Perry	**Ward:** Cockfosters

Ref: 19/02276/FUL	**Category**: Full application

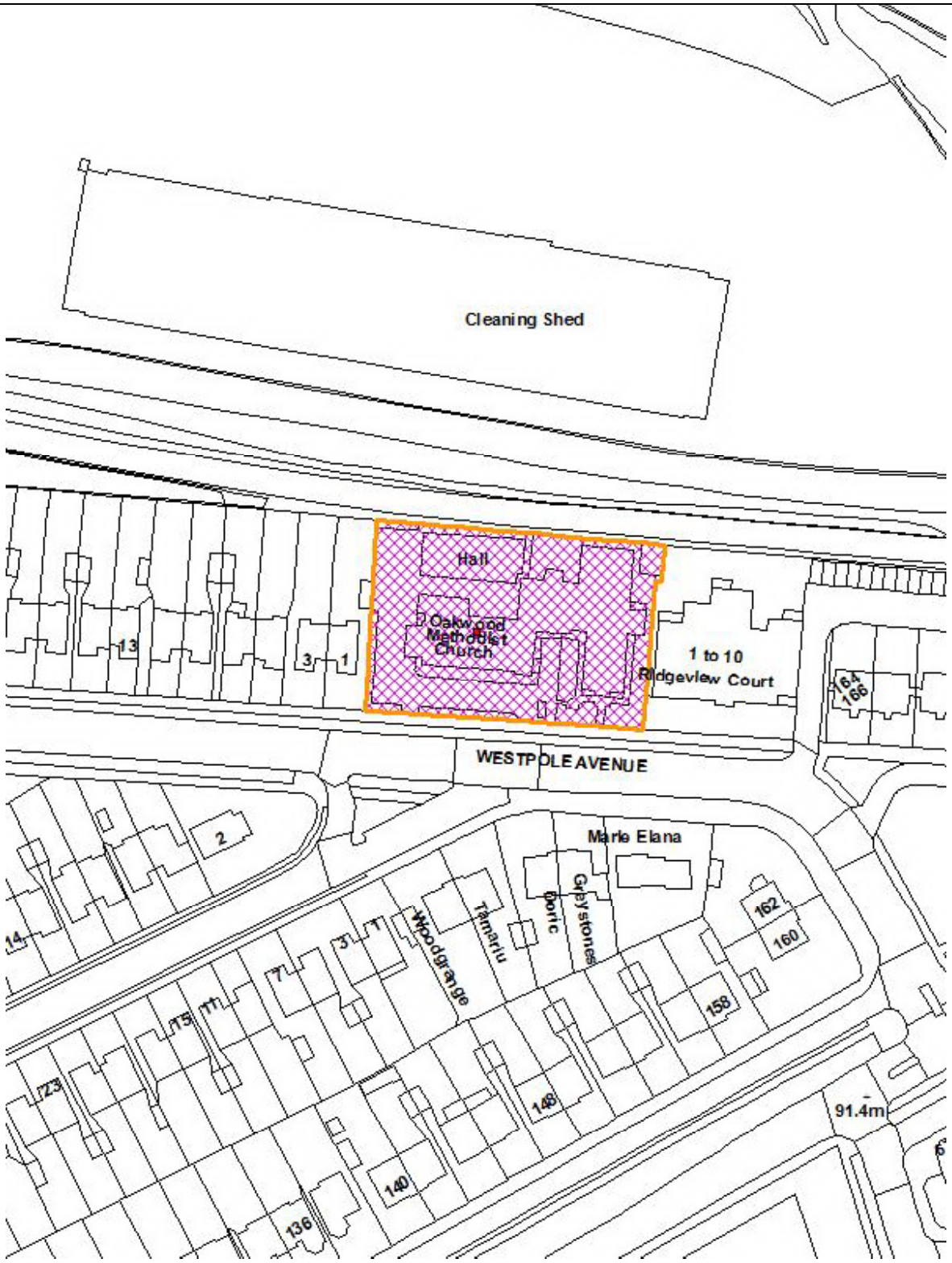
LOCATION: Oakwood Methodist Church, Westpole Avenue ,Barnet, EN4 0BD

PROPOSAL: Redevelopment of the site by the demolition of existing buildings and erection of a 3 storey building to provide 28 x self-contained residential retirement units together with construction of vehicular access from Westpole Avenue with basement level car parking, communal facilities and landscaping.

Applicant Name & Address: McCarthy and Stone McCarthy & Stone Retirement Lifestyle Ltd Prospect Place 85 Great North Road Hatfield AL9 5DA	**Agent Name & Address**: Barbara Godman McCarthy and Stone

Recommendation:
It is recommended that planning permission be **GRANTED** subject to conditions and a S106 Agreement

Ref: 19/02276/FUL **LOCATION: Oakwood Methodist Church, Westpole Avenue, Barnet, EN4 0BD**



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1. Note for Members

1.1 This planning application is categorised as a “major” planning application and in accordance with the scheme of delegation, is reported to Planning Committee for determination

2.0 Recommendation:

2.1 That subject to the completion of a s106 agreement, the Head of Development Management / the Planning Decisions Manager be authorised to GRANT planning permission subject to conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the decision notice.

   Reason: To comply with the provisions of S.51 of the Planning & Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans:

NL-2740-03-AC-003 Rev D	Proposed Elevations
NL-2740-03-AC-007	Proposed Elevations – revisions highlighted
NL-2740-03-AC-006	Proposed Floor Plans
NL-2740-03-AC-002 Rev D	Contextual Elevation & Perspective
NL-2740-02-03-LA-001 Rev A	Landscape Planning Layout
NL-2740-03-AC-001 Rev A	Site Location Plan
NL-2740-03-AC-004 Rev C	Proposed Block Plan

   Reason: For the avoidance of doubt and in the interests of proper planning.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended) the development shall only be used as specialist housing for older people (aged 55+) within Use Class C3 and for no other purpose whatsoever without express planning permission first being obtained.

   Reason: The development is only acceptable as a specialist form of accommodation and would meet the general housing standards set out in Council policy.

4. No above ground works shall commence until details of the external finishing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details before the development is occupied.

   Reason: To ensure a satisfactory external appearance.

5. No above ground works shall commence until details of the surfacing materials to be used within the development including footpaths, access roads and parking areas and road markings have been submitted to and approved in writing by the Local Planning Authority. The surfacing shall be carried out in accordance with the approved detail before the development

is occupied or use commences.

Reason: To ensure that the development does not prejudice highway safety and to ensure a satisfactory external appearance.

6. The development shall not be occupied until all redundant points of access to the site have been closed and the footway reinstated, and the new vehicular access has been constructed.

   Reason: To confine vehicle movements to the permitted points of access, to enable additional kerb-side parking to the roadway and to improve the condition of the adjacent footway.

7. The development shall not commence until details of existing planting to be retained and trees, shrubs and grass to be planted and the treatment of any hard-surfaced amenity areas have been submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped in accordance with the approved details in the first planting season after completion or occupation of the development whichever is the sooner. Any trees or shrubs which die, becomes severely damaged or diseased within five years of planting shall be replaced with new planting in accordance with the approved details.

   Reason: To provide a satisfactory appearance and ensure that the development does not prejudice highway safety.

8. The site shall be enclosed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The means of enclosure shall be erected in accordance with the approved details before the development is occupied and permanently retained.

   Reason: To ensure satisfactory appearance and safeguard the privacy, amenity and safety of adjoining occupiers and the public and in the interests of highway safety.

9. The development shall not commence until plans detailing the existing and proposed ground levels including the levels of any proposed buildings, roads and/or hard surfaced areas have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details before the development is occupied.

   Reason: To ensure that levels have regard to the level of surrounding development, gradients and surface water drainage.

10. The glazing to be installed in the first floor flank elevations of the development shall be in obscured glass and fixed shut to a height of 1.7m above the floor level of the room to which they relate. The glazing shall not be altered without the approval in writing of the Local Planning Authority.

    Reason: To safeguard the privacy of the occupiers of adjoining properties.

11. The development shall not be occupied until a scheme to deal with the contamination of the site including an investigation and assessment of the extent of contamination and the measure to be taken to avoid risk to health

and the environment has been submitted to and approved in writing by the Local Planning Authority. Remediation shall be carried out in accordance with the approved scheme and the Local Planning Authority provided with a written warranty by the appointed specialist to confirm implementation prior to the commencement of development.

Reason: To avoid risk to public health and the environment.

12. The development hereby permitted shall not commence until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:
    - provide details on all structures
    - accommodate the location of the existing London Underground structures
    - demonstrate access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering our land;
    - demonstrate that there will at no time be any potential security risk to our railway, property or structures
    - accommodate ground movement arising from the construction thereof mitigate the effects of noise and vibration arising from the adjoining operations within the structures

    The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

    Reason: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2011 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

13. Prior to first occupation details of proposed boundary screening/ acoustic fencing along the boundary with number 1 Westpole Avenue shall be submitted to and approved in writing by the Local Planning Authority. The screening/acoustic fencing shall be installed as agreed and permanently retained.

    Reason: In the interests of residential amenity.

14. The proposed vehicle passing place indicated on drawing NL-2740-03-AC-004 Rev C shall be clearly labelled as such and shall be kept clear (other than for the intended purpose) at all times.

    Reason: To maintain the function of the vehicular access and in the interest of highway safety

15. Prior to the occupation of the development a method for controlling traffic (e.g. traffic lights) shall be installed at the top and bottom of the proposed vehicular access ramp. The details of the proposed method of control shall

be submitted to and approved in writing by the Local Planning Authority prior to installation and once installed permanently maintained.

Reason: To maintain the function of the vehicular access and in the interest of highway safety

16. Prior to development commencing, including demolition, an updated ecological survey shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development does not harm protected species in line with Policy DMD 36.

17. Prior to development commencing, details of proposed biodiversity enhancements shall be submitted to and approved in writing by the Local Planning Authority. A plan shall be provided to show the locations of the proposed biodiversity enhancements and the development shall be carried out strictly in accordance with the approved plan and permanently retained.

Reason: To ensure that the ecological value of the site is enhanced post development in line with the Biodiversity Action Plan, CP36 of the Core Strategy and the London Plan.

18. The development hereby permitted shall be carried out strictly in accordance with the energy saving measures identified in the submitted Energy Strategy produced by 'Energist London' dated 8th September 2016 and maintained as such thereafter.

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Reason: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets are met.

19. Notwithstanding the details set out in the submitted Preliminary Drainage Strategy (Drawings 1611/09/05 Rev A roof, ground and basement strategies) – October 2017, prior to the commencement of any construction work, details of the Sustainable Drainage Strategy shall be submitted to and approved in writing by the Local Planning Authority and must conform with the Landscaping Strategy. The details shall include:
- Sizes, storage volumes, cross-sections, long-sections (where appropriate) and specifications of all the source control SuDS measures including rain gardens, raised planters, green roofs, swale and permeable paving;
- Final sizes, storage volumes, invert levels, cross-sections and specifications of all site control SuDS measures including ponds, soakaways and underground tanks. Include calculations demonstrating functionality where relevant;
- A management plan for future maintenance;
- Overland flow routes for exceedance events

Reason: To ensure the sustainable management of water, minimise flood risk, minimise discharge of surface water outside of the curtilage of the property and ensure that the drainage system will remain functional throughout the lifetime of the development in accordance with Policy CP28 of the Core Strategy, DMD 61, and Policies 5.12 & 5.13 of the London Plan and the NPPF

20. The development shall not be occupied until a Verification Report demonstrating that the approved drainage / SuDS measures have been fully implemented shall be submitted to the Local Planning Authority for approval in writing. This report must include:
    - As built drawings of the sustainable drainage systems including level information (if appropriate);
    - Photographs of the completed sustainable drainage systems;
    - Any relevant certificates from manufacturers/ suppliers of any drainage features;
    - A confirmation statement of the above signed by a chartered engineer

    Reason: To ensure the sustainable management of water, minimise flood risk, minimise discharge of surface water outside of the curtilage of the property and ensure that the drainage system will remain functional throughout the lifetime of the development in accordance with Policy CP28 of the Core Strategy, DMD 61, and Policies 5.12 & 5.13 of the London Plan and the NPPF

21. Prior to first occupation details of the internal consumption of potable water shall be submitted to and approved in writing by the Local Planning Authority. Submitted details will demonstrate reduced water consumption through the use of water efficient fittings, appliances and recycling systems to show consumption equal to or less than 105 litres per person per day. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

    Reason: To promote water conservation and efficiency measures in all new developments and where possible in the retrofitting of existing stock in accordance with Policy CP21 of the Core Strategy, Policy 5.15 of the London Plan.

22. The development shall not commence until an undertaking to meet with best practice under the Considerate Constructors Scheme and achieve formal certification has been submitted to and approved in writing by the Local Planning Authority.

    Reason: To ensure the implementation of the development does not adversely impact on the surrounding area and to minimise disruption to neighbouring properties.

23. No development shall commence until a Construction Logistics Plan prepared in accordance with the Transport for London “Construction Logistics Plan Guidance” published in June 2017 has been submitted to and approved in writing by the local planning authority.

    Reason: To minimise the impact of construction works upon highway safety, congestion and parking availability

24. No above ground works shall commence until full details of the proposed window types are submitted to and approved in writing by the Local Planning Authority. Details shall include window elevation drawings, horizontal and vertical cross sections at a scale of at least 1:5. The works shall be carried out thereafter in accordance with the approved particulars.

Reason: To ensure the development provides and adequate standard of residential accommodation for future occupiers, in term of daylight and sunlight. In accordance with 3.5 of the London Plan, Policy CP4 of the Enfield Core Strategy 2010 and Policies DMD6, DMD8 and DMD9 of the Enfield Development Management Document 2014.

3.0 Executive Summary

3.1 Due to the evolution of the current proposal and the relevant planning history, the majority of the issues that would normally fall to be considered have been previously assessed and determined to be acceptable – either by the Planning Committee when making earlier decisions (see section on Planning History and Planning Background) or by the Inspector when determining the recent appeal. The key issue therefore was in relation to the level of affordable contribution towards off site affordable housing and it is considered, that now proposed is acceptable.

4.0 Site and Surroundings

4.1 The site is a former Methodist Church (Use Class D1) comprising single storey and two storey development and providing space for a church and hall, a nursery school and an ancillary residential flat.

4.2 The site is located on the northern side of Westpole Avenue, at the junction with Sussex Way. The site has a regular shape and is approximately 2,410 sqm in area (61m wide x 39m deep). The buildings on site have been vacant for approximately 5.5 years and have been in the ownership of McCarthy and Stone since late 2015. The site has two vehicular crossovers on to Westpole Avenue.

4.3 The site is surrounded by primarily, two storey 19:30's semi-detached housing, with a more modern three storey development of 10 flats directly to the east. Rail tracks run close to the rear of the site, with the extensive Trent Park open spaces beyond.

4.4 The site is not located within a Conversation Area and does not contain a Listed Building.

5.0 Proposal

5.1 The current application proposes the redevelopment of the site including the demolition of the existing buildings and the erection of a part 2-storey, part 3-storey building to provide 28 self-contained residential retirement units (17 x 2-bed and 11 x 1-bed). The provision of 1 guest suite is also proposed.

5.2 The proposed building would have maximum dimensions of 51.5m in width, 31.5m in depth and a maximum height of 11.15m. It would have a hipped roof with forward facing gables and crown roof elements.

5.3 28 basement car parking spaces are proposed including 4 disabled spaces. Vehicular access would be via a new vehicular access to the western side of the building and adjacent to number 1 Westpole Avenue.

5.4 The main external amenity space would be provided by way of a communal garden in the north eastern corner of the site. This would measure approximately 170 sqm.

There are also green areas to the front of the site which provide a setting for the building.

5.5 In terms of staffing, there would be one full time house manager.

6.0 Relevant Planning Decisions

6.1 17/01052/FUL - Redevelopment of the site by the demolition of existing buildings and erection of a 3 storey building to provide 28 x self-contained residential retirement units with balconies, plus one guest room, including construction of 2 x vehicular access from Westpole Avenue with automated gates to serve basement level car parking, communal facilities and landscaping.

Withdrawn 7.8.18

6.2 16/04135/FUL - Redevelopment of the site by the demolition of existing buildings and erection of a 3 storey building to provide 28 x self-contained residential retirement units with balconies, plus one guest room, including construction of 2 x vehicular access from Westpole Avenue with automated gates to serve basement level car parking, communal facilities and landscaping (Revised Drawings).

Planning permission refused 6th December 2017. Appeal Dismissed 3rd April 2019. Commentary on this appeal decision is included in the Analysis section of the report.

7.0 Consultations

7.1 Statutory and non-statutory consultees

7.1.1 Traffic and Transportation – No objection

7.1.2 Tree Officer – No objections

7.1.3 SUDs Officer – No objections subject to conditions

7.1.4 Environment Agency – No objections

7.1.5 London Underground – No objections

7.1.6 Thames Water – No objections

7.1.7 Adult Social Services – No objections.

7.1.8 Environmental Health – No objections

7.2 Public

7.2.1 Consultation letters were issued to 243 neighbouring and nearby of occupiers. One response in support of the application has been received commenting that there is a need for retirement apartments in the area and that the site is ideal because of the convenient public transport links.

8.0 Relevant Policy – the "Development Plan"

5.1 The London Plan

3.1 Ensuring Life Chances for All
3.4 Optimising housing potential
3.5 Quality and design of housing developments
3.8 Housing choice
3.9 Mixed and balanced communities
3.16 Protection and Enhancement of Social Infrastructure
3.17 Health and Social Care Facilities
5.1 Climate change mitigation
5.2 Minimising carbon dioxide emissions
5.3 Sustainable design and construction
5.7 Renewable energy
5.8 Innovative energy technologies
5.9 Overheating and cooling
5.10 Urban greening
5.11 Green roofs
5.13 Sustainable drainage
5.14 Water quality and wastewater infrastructure
6.3 Assessing the effects of development on transport capacity
6.9 Cycling
6.12 Road network capacity
6.13 Parking
7.1 Lifetime Neighbourhoods
7.2 An inclusive environment
7.3 Designing out crime
7.4 Local character
7.6 Architecture

8.2 The London Plan – Draft

A draft London Plan was published on 29 November 2017 for consultation purposes with a deadline for consultation of 2 March 2018. The draft plan is a material consideration in determining applications but is likely to carry little or no weight until there is a response to consultation submissions or until after its examination. Of particular relevance is Policy D2 (Delivering good design).

8.3 Core Strategy

CP2 Housing supply and locations for new homes
CP4 Housing quality
CP5 Housing types
CP6 Meeting Particular Housing Needs
CP7 Health and Social Care Facilities and the Wider Determinants of Health
CP9 Supporting Community Cohesion
CP20 Sustainable energy use and energy infrastructure
CP21 Delivering sustainable water supply, drainage and sewerage infrastructure
CP22 Delivering sustainable waste management
CP25 Pedestrians and cyclists
CP30 Maintaining and improving the quality of the built and open environment
CP32 Pollution

8.4 Development Management Document

DMD3	Providing a mix of different size homes
DMD6	Residential character
DMD8	General standards for new residential development
DMD9	Amenity space
DMD10	Distancing
DMD15	Specialist Housing Needs
DMD37	High quality and design led development
DMD45	Parking standards and layout
DMD46	Vehicle crossover and dropped kerbs
DMD49	Sustainable design and construction statements
DMD51	Energy efficiency standards DMD53 Low and Zero Carbon Technology
DMD58	Water Efficiency
DMD68	Noise

8.5 Other Relevant Policy Considerations

National Planning Policy Framework
National Planning Policy Guidance
Technical Housing Standards – Nationally Described Space Standards
Monitoring Report and Housing Trajectory 2015

9.0 Analysis

Key Issues to Consider

9.1 This report sets out the analysis of the issues that arise from the proposal assessed against National, Regional and adopted strategic and local planning policies.

9.2 The Main considerations of the development are the following,

- Principle / Need for Development
- Dwelling Mix
- Impact of the development on the character of the location
- Standard of accommodation
- Impact of development up neighbouring properties
- Impact on sustainable drainage and level of flood risk
- Highway and transport implications
- Impact of landscaping & trees
- Energy & security
- Other matters
- Affordable housing

Planning Background

9.3 The planning application submitted under ref: 16/04135/FUL was refused at Planning Committee on 21st November 2017 for the following reasons:

The proposal fails to provide a sufficient level of off-site affordable housing and associated monitoring fees contrary to Policies 3.10, 3.11, 3.12, 3.13 and 8.2 of the London Plan, Policies CP3 and CP46 of the Enfield Core Strategy 2010, Policy

DMD1 of the Enfield Development Management Document 2014, and the Enfield S106 Supplementary Planning Document.

The proposed development, by reason of its majority of single aspect units combined with a low quantum of communal private amenity space that would be permanently overshadowed by the proposed building, constitutes an overdevelopment of the site that would provide a poor standard of residential accommodation for future occupiers. This would be contrary to Policy 3.5 of the London Plan, Policy CP4 of the Enfield Core Strategy 2010 and Policies DMD6, DMD8 and DMD9 of the Enfield Development Management Document 2014.

The proposal fails to make any financial or other contribution to compensate for the loss of the previously existing community facility on the site. As such the proposal is contrary to Policy 3.16 London Plan, Policy CP11 of the Enfield Core Strategy 2010 and Policy DMD17 of the Enfield Development Management Document 2014.

9.4 Subsequent to this decision, the applicants, McCarthy and Stone, lodged an appeal and it was agreed that the appeal would be heard by way of "Public Inquiry.

9.5 As part of the preparation for the Inquiry the applicants submitted a revised planning in an attempt to address the reasons for refusal Reasons 2 and 3.

9.6 In respect to Reason 2, comments were sought from the Council's Urban Design Officer: the Council also commissioned BRE to undertake a review of the revised proposals with regard to the quality of accommodation in terms of sunlight and daylight provision, given the concern about the number of north facing rooms. It was concluded that the scheme was significantly and that the revisions resulted in a materially enhancement of the overall quality of the accommodation provided. As a result, it was considered that any remaining deficiencies were marginal and would not be sufficient grounds upon which to refuse an application.

9.7 In relation to Reason 3, the Appellants' offered a sum of £50,000 to be provided towards the provision of / improvements to, existing community facilities within the vicinity of the site. When assessed against DMD 17a, although this specifically requires a 'suitable replacement facility', there is no mention of this being addressed through financial contributions. However, it was accepted that this was an appropriate approach to the issue especially as there were no immediate projects identified. At the same time, Members acknowledged that the imposition of such a contribution would affect the amount that could be secured towards off site affordable housing and officers recommended in light of the emphasis on securing affordable housing, this contribution should be directed towards affordable housing.

9.8 The revised scheme was presented to Planning Committee on 31st October 2018 with a recommendation that Reasons 2 and 3 be set aside. This was agreed by the Planning Committee. This meant the only outstanding issue to be addressed in the appeal was the inadequate affordable housing contribution.

9.9 The Inquiry took place in November 2018. The key difference between the parties was that McCarthy and Stone believed a contribution of £186,916 was sustainable from the development whereas the Council's Consultant, Dr Doug Birt, suggested a contribution of £2.224 million could be provided. After consideration and presentations at the Public Inquiry, the Appeal was dismissed with the Inspector agreeing that a more substantial contribution could be made towards affordable housing. At the time, the Inspector indicated a contribution around the £1 million mark was more appropriate.

9.10 The proposal now before you is the same as the revised planning application but with a revised offer towards affordable housing. This will be discussed further in the affordable housing section of this report.

9.11 The other aspects of the proposal remain as previously accepted by the Planning Committee.

Principle of Development

9.12 In broad terms, the proposal is consistent with the aims of the London Plan and policies within the Core Strategy which seek to support development which contribute to the strategic housing needs of Greater London and the Borough.

9.13 The National Planning Policy Framework and the London Plan seek to ensure that new development offers a range of housing choice, in terms of the mix of the housing sizes and types, taking account of the housing requirements of different groups and the changing roles of different sectors.

9.14 Policy 6 of the Council's Core Strategy sets out the Council's guiding principles for meeting particular housing needs, and states "*The Council, with its partners, will develop flexible and accessible accommodation services that meet the local housing needs… The Council will work to ensure that there is appropriate provision of specialist accommodation across all tenures".*

9.15 The Council's Adult Social Services Department has confirmed that there is a need for good quality retirement living across tenures types. Development in this area is included within their Market Position Statement document. However, whilst the proposed development is acceptable in principle and will contribute to supporting the requirements of an aging population, Council policies also recognise that it is equally important that all other relevant planning considerations are addressed. In particular, Policy DMD 15 states that development proposals for specialist forms of housing will only be permitted if all of the following criteria are met:

a. The development would meet an identified borough need for that form of specialist housing having regard to evidence of need in the Council's Market Statement, Health and Adult Social Care Commissioning Strategies, or the needs assessment of a recognised public health care body;
b. The property is suitable for such a use and would not result in an over intensive use of the site
c. That residential amenity is preserved in accordance with the relevant criteria in policy DMD 8 'General Standards for New Residential Development';
d. It would not result in an excessive number or concentration of similar uses in a locality which would be detrimental to residential character or amenity;
e. The development is adaptable, well designed, of a high quality, accessible (internally and externally), meets the needs of the specific client groups it serves and their carers but is flexible in case these change. Developments must have regard 'General Standards for new development', other design considerations and local guidance. The Council will work with partners to ensure the facilities provide an adequate form of accommodation; and
f. The development is well located so that it is easily accessible to existing local community facilities, infrastructure and services, such as public transport, health services, retail centres, recreation and leisure opportunities.

These issues are considered in detail below.

Loss of Community Facility

9.16 DMD 17 seeks to protect existing community facilities. The loss of an existing community facility will only be permitted if:

- A suitable replacement community facility is provided to cater for the local community and maintain the same level of provision and accessibility; or
- Evidence is submitted to demonstrate that there is no demand for the existing use or any alternative community use.

9.17 A 'Statement of Reasons for Sale' prepared by Enfield Methodist Church Council has been submitted as well as justification provided in the submitted planning statement. From these documents, it is understood that:

- Oakwood Methodist Church closed in September 2014 after 75 years of local service.
- It was 1 of 11 congregations within the Enfield Circuit which more or less follows the boundaries of the Borough and includes a small area north of the M25 where the Goff's Oak Methodists Church is located.
- The congregation has been affected by changes in its community; the aging of its core membership and the difficulty attracting new people.
- In December 2013, the Church Council decided to close Oakwood Methodist Church and dispose of the property.
- The Leadership Team identified a need to invest the sale proceeds in existing facilities east of the A10, particularly those located at Ordnance Road, Ponders End and Edmonton. In contrast to the churches in the western part of the Borough, the churches in the eastern part of the Borough have experienced sustained growth and the Leadership Team would like to modernise and extend these facilities.
- Following the decision to close the Church, the premises were placed on the open market. The property was advertised on the basis it could be suitable for a number of alternative D1 (non-residential intuitions) and D2 (assembly and leisure) uses of the use class order, as well as having development potential, subject to the necessary planning consent.
- The site was first marketed in 2014. A sale was agreed in November 2014 however this later fell through. The property returned to the market in December 2015, where McCarthy & Stone Retirement Lifestyles Ltd were the successful bidders.
- As a charity Methodist Church premises must be sold for best price achievable in the current market conditions. There was no interest from other community uses and no substantive bids for the property were received from other community organisations and therefore the Church Council had no alternative but to sell the property to McCarthy & Stone.

9.18 In light of no alternative community use coming forward, this justification was accepted as was the waiving of any financial contribution to offset the loss of the pre-existing community facility.

9.19 In light of this, on balance, the loss of the community facility is accepted given the significant benefits to the scheme in providing specialist housing for older people.

Housing Mix

9.20 DMD 3 requires that residential developments of 10 or more units provide a housing mix in accordance with Core Policy 5; 35% 1 and 2-bedroom units, 45% 3-bedroom units, and 20% four or more bedroom units.

9.21 The current application proposes 17 x 2-bed units and 11 x 1-bed units. No 3 or 4 bedroom units are proposed. Whilst this would not accord with the requirements of policy, given the purpose of the development to provide specialist accommodation of elderly persons and the specific need for such accommodation, the proposed mix is considered appropriate. A further consideration in this regard is that this type of accommodation can encourage older people to downsize from larger 3 and 4 bedroom family homes increasing the availability of theses family homes which would not have otherwise become available.

Impact on the Street Scene and the Character of the Area

9.22 London Plan policies 7.1 and 7.4 set out the design principles that all boroughs should seek to ensure for all development proposals. The policies state that all development proposals should have regard to the local context, be of the highest architectural quality, which complement the local architectural character and be of an appropriate proportion, composition, scale and orientation.

9.23 Furthermore, Policy DMD8 sets out the 'General Standards for 'New Residential Development' and Policy DMD37 sets out criteria for 'Achieving High Quality and Design-Led Development', and aims to ensure that high standards of design are taken into consideration, with reference to the boundary treatment of the property, the use of materials and the proposals siting, layout, alignment, spacing, height, bulk and massing.

9.24 The surrounding area is characterised by pairs of semi-detached two-storey single family dwellings. The adjoining property to the east contains a three-storey apartment building with undercroft car parking that presents as a two-storey residential building with accommodation in the roof.

9.25 The current application proposes a building of some 51.5m in width and 31.5m in depth (max). During discussions on previous applications , the proposals were amended to reduce the height of the building, particularly at each end, to improve the relationship of the development to its immediate neighbouring properties. Efforts have also been made to articulate the building with recesses in the front elevation so that despite its overall width, the individual building sections will relate to the proportions of the neighbouring residential properties. The varied roof form and the articulation of the front elevation, as well as the varied materials, add visual interest to the building and overall, these features reduce the impact of its overall width.

9.26 In terms of the scale and massing, it is acknowledged that this building is greater than may normally be expected on a site of this size. Less weight is now given to numeric assessment of density, but the adopted Development Management Document recognises that higher densities and a greater scale of development may be appropriate in some cases, especially where specialist forms of housing are proposed. Furthermore, it advises that, in the case of bespoke housing for older people, higher densities may be appropriate, and flexibility should be applied to standards depending on the specific group (DMD 15). Mindful of this, but also giving weight to the design features and resultant appearance of the proposed development, it is considered the proposed scale and massing is considered acceptable in this instance. Weight must also be given to the fact that the design and

appearance has been accepted in previous planning decisions and there are no material change in circumstances which would warrant a change in opinion.

Impact on Residential Amenity

Light and Outlook

9.27 DMD 11 applies to rear extensions to residential properties, but it is considered the objective of this policy is relevant to the proposed development in terms of its technical standards to inform the acceptability of relationships between neighbouring buildings. It seeks to protect the amenities of neighbouring properties in terms of light and outlook and requires ground floor rear extensions to not exceed a 45 degree line taken from the centre of the adjoining ground floor windows and that first floor rear extensions do not exceed a 30 degree line taken from the centre of the adjoining first floor windows.

9.28 The dwelling most affected by the current proposal would be No.1 Westpole Avenue; situated to the west of the application site. At its greatest, the proposed development would extend beyond the rear of this neighbouring property by a maximum of 18m: at its closest point, the rearward project is reduced to 8m. This relationship would therefore breach the 45 and 30 degree angles from this property but due to the presence and extent of the original Church and associated buildings on the site and the separation between the proposed new building and the existing dwelling (a minimum of 9 metres), it is considered that the development would not result in material change in terms of the levels of amenity available to this property nor would it lead to an unacceptable loss of light or outlook.

9.29 In relation to the existing properties in Ridge View Court, the development would not breach a 45 or 30 degree from the rear of this property. Ridge View Court is also located to the east of the site where the existing buildings will already cause some overshadowing of the existing amenity space at the rear of the property. The new development is of greater bulk but on balance the removal of existing building and the improved spatial relationship mean it is considered that the development will not result in an unacceptable impact on the amenities available to this property.

9.30 Again, weight must also be given to the fact that the design and appearance has been accepted in previous planning decisions and there are no material change in circumstances which would warrant a change in opinion

Privacy

9.31 In relation to privacy, it is proposed that all first floor side facing windows in the main block be fitted with obscure glazing. First floor windows in the rear projecting element would not be. However, given these are separated from the common side boundaries by a minimum of 25m to No 1 Westpole Avenue and 15m to Ridge View Court, this is considered acceptable. No side facing windows are proposed at second storey level. Windows in the ground floor flank elevations will face towards the common boundary fences and will not overlook the neighbouring sites. Juliet balconies are proposed but these do not change the acceptability of the relationship to neighbouring properties.

Intensity of use

9.32 The current proposal would provide 28 residential units, mainly occupied by single older residents. The previous use of the site was as a church. Whilst there will be more regular activity associated with the site, it is considered that the proposed use

would not significantly increase the overall intensity of the use of the site as it felt the more constant lower level of activity rather than the more concentrated numbers of visitors generated by a church and associated clubs and activities at particular times, would balance out the effects. The intensity of the use is therefore considered acceptable.

Access Road

9.33 The proposed access road to the basement car parking (28 spaces) would run along the common boundary with No. 1 Westpole Avenue. Given the relatively low level of expected vehicle movements it is considered that this will not have an unacceptable impact on the nearest residential occupiers. However, a condition is recommended to require ameliorating measures in the form of boundary screening and/or acoustic fencing to minimise any potential impacts.

<u>Quality of Accommodation</u>

Unit Size and Layout

9.34 In terms of unit sizes, the London Plan and Nationally Described Space Standards specify minimum Gross Internal Areas (GIA) for new residential units. Although this development is not for a conventional residential use and areas of communal living will also be provided, the published Standards provide a guide as to the acceptable size and standard of accommodation to be provided. It is noted that most of the units will provide for individual occupiers which reflects the evidence of demand for such units: McCarthy and Stone have indicated that 85-90% of their residents are single or widowed with 75% of apartments comprising single female households (Planning Statement Para. 1.6). In this case, 17 x 2-bed and 11 x 1-bed units are proposed. Each of the 2-bed units has 4 bed spaces and the 1-bed units each have 2 bed spaces and all the apartments would meet the minimum standards of 70 & 50 sq. metres respectively, with some significantly exceeding the requirements.

9.35 With regard to the layout of the units, as has been previously mentioned, the previous application was initially refused by the Planning Committee due to the proposed number of single aspect units with poor access to natural daylight and sunlight. However, revisions to the layout improved access to light and outlook for individual units. For information, the revised proposal was amended in the following ways:

- Apartments 01, 07, 08 and 09 living room window increased in size;
- Apartment 08 and 09 bedroom windows increased in size;
- Apartment 06, 07, 13 and 14 sliding kitchen door introduced;
- Apartment 04 master bedroom window size increased
- Apartment 05 & 06 – additional living room window introduced
- Apartment 10 – Juliet balcony to master bedroom introduced
- Apartment 10 – master bedroom clear area reduced
- Apartment 11 – Larger window to bedroom one introduced

- Apartment 12 & 13 – additional living room window introduced
- Apartments 14,15,16,18 and 19 – living room window increased in size
- Apartment 15, 16, 17 and 18 bedroom windows increased
- Apartment 22 – rooflight introduced to bedroom 2
- Apartment 23 – additional rooflight to living room
- Apartment 26 – additional rooflight to bedroom one
- Boundary planting around North Eastern garden constrained a little to maximise light into rear gardens

9.36 The Council commissioned BRE to undertake a review of the revised proposals to assess whether these changes were sufficient to improve the quality of the rooms in question. This review concluded the revisions materially enhanced the overall quality of the accommodation provided, and any deficiencies remaining were considered marginal. This position was endorsed by Planning Committee in the run up to the Public Inquiry and this application is the same as that previously assessed and considered acceptable in this regard.

Amenity Space

9.37 There are no standards contained in policy that directly apply to the required levels of amenity space for specialist housing for older people and it is recognised in policy that there may be instances where it is not feasible or desirable to achieve the targets. Housing for older people is given as a case in point in the DMD.

9.38 In this case, no private amenity space is proposed. The ground floor flats at the rear of the site have access to small shared gardens/ terraces and there is a larger communal amenity area in the north eastern corner of the site which would measure 170 sq.m. Flats at first floor level would have Juliette balconies but no actual balconies are proposed. Forward facing flats would look out on to areas of green but no direct access is proposed. This provides a setting for the building but does not contribute to quality amenity space provision.

9.39 At the time of the previous application, concern was raised in relation to the amount as well as the quality of the amenity space proposed. In response, during the lead in to the appeal, the applicant reduced the level of planting in the north eastern corner to maximize access to sunlight and daylight. The subsequent BRE review highlighted that this would result in 50% of the space having adequate access to daylight and sunlight throughout the year. The DMD advises that reduced standards may be appropriate for specialist housing and this is considered, on balance, acceptable in this instance. Again, this point has been previously accepted.

<u>Highway Considerations</u>

9.40 Policy 6.3 of the London Plan is relevant in “assessing the effects of development on transport capacity”. This policy seeks to ensure that impacts of transport capacity and the transport network are fully assessed, and that the development proposal should not adversely affect safety on the transport network. In addition, Core Policies 24 and 25 and DMD policies 45, 46 and 47 are also relevant. Paragraph 32 of the National Planning Policy Framework is also applicable and advises that all developments that generate significant amounts of movement

should be supported by a Transport Statement/ Assessment. The proposal falls outside the Travel Plan Statement requirement criteria as it is fewer than 50 units.

Access

9.41 The proposal includes a separate pedestrian and vehicular access arrangement which is appropriate. Traffic and Transportation have commented on the proposed vehicular access and have advised that details are acceptable. The waiting space at the top of the rap will allow a vehicle to wait off the road whilst the ramp is being utilised. A method of controlling vehicle movements such as traffic lights will also be required at the top and bottom of the ramp to ensure there is no conflict between vehicles. This can be required by condition.

Car Parking Provision

9.42 Twenty-eight car parking spaces are proposed including 4 spaces suitable for people with disabilities and 2 visitor car parking spaces. Six Electric Vehicle charging points have also been included. Traffic and Transportation have confirmed that this is acceptable and will provide sufficient car parking for future residents' and visitors.

Cycle Parking Provision

9.43 Four long stay and four short stay cycle spaces are proposed. This is below the required standard; however, Traffic and Transportation advise it is considered appropriate given the specialist housing proposed.

Servicing

9.44 On-street servicing is proposed and is considered to be acceptable. The number of bins proposed is in line with the Refuse and Recycle Storage Guidance (ENV/08/162) with the refuse and recycling storage area located adjacent to the waiting area/passing place for vehicles using the basement car park. It is recognised that the applicant must ensure the waiting space is kept clear at all times and does not become occupied by bins on collection day. As this is a managed site, it is felt this can be addressed by condition.

<u>Sustainable Design and Construction</u>

Energy

9.45 The adopted policies require new developments achieve the highest sustainable design and construction standards having regard to technical feasibility and economic viability. A 35% CO2 reduction is required for new residential units. An energy statement has been submitted with this application which demonstrates that a 35.05% reduction will be achieved. This development meets the required standard.

9.46 It is noted however that water efficiency measures still need to be provided. These will need to demonstrate reduced water consumption through the use of water efficient fittings, appliances and recycling systems to show consumption equal to or less than 105 litres per person per day. This will be required by condition.

Biodiversity

9.47 Core Policy 36 of the Core Strategy seeks to protect, enhance, restore or add to biodiversity interests within the Borough, including parks, playing fields and other

sports spaces, green corridors, waterways, sites, habitats and species identified at a European, national, London or local level as being of importance for nature conservation.

9.48 The current application has been accompanied by an Ecology Report. This concludes that it is unlikely that there were any bats roosting on site. It did however identify that it was likely that bats were roosting nearby as they were seen flying close to the site. In light of this, and as the survey is over three years old, an updated ecological survey will be required by condition. Details of proposed ecological enhancements will also be required.

Trees

9.49 DMD 80 requires consideration to be given to the impact of a proposed development on existing trees on development and neighbouring sites. It also requires additional landscaping to be provided where necessary. A tree survey has been submitted with this application and inspected by the Council's Tree Officer who raises no objections to the proposal.

Sustainable Urban Drainage (SUDs)

9.50 In line with DMD 61, all developments must maximise the use of, and where possible retrofit, sustainable urban drainage systems (SUDS). Furthermore, the proposed development must incorporate SUDs in accordance with the quality and quantity requirements set out in the London Plan Drainage Hierarchy and the Development Management Document. The post-development runoff rate must be lower than the pre-development runoff rate and achieve greenfield runoff rates if possible.

9.51 A SUDs strategy has been submitted with this application. The SUDs officer has confirmed it is acceptable in principle but requires additional information in relation to green roof specification, invert levels, management plan and overland flow routes. These details can be required by condition.

10.0 Legal Agreement - S106 (Affordable Housing)

10.1 Core Policy 3 of the Core Strategy states that "The Council will seek to achieve a Borough-wide target of 40% affordable housing units in new developments, applicable on sites capable of accommodating 10 or more dwellings. Affordable housing should be delivered on-site unless in exceptional circumstances, for example where on-site affordable housing would not support the aims of creating sustainable communities...The Council will aim for a borough-wide affordable housing tenure mix ratio of 70% social/affordable rented and 30% intermediate provision."

10.2 In this case it has been accepted that providing on-site affordable units would not be appropriate because it is not practical to mix "affordable retirement housing" with "open market retirement housing" within one building because of the communal facilities within retirement housing and the on-going service and maintenance arrangements which results in a weekly service charge. Housing associations are unable or unwilling to meet these charges and thus it is not practical to have mixed tenure affordable housing within an open market retirement housing development. This is further complicated if there is shared/dual management as there will undoubtedly be conflict between the requirements of the Housing Association and those of the private management company. For example, would the communal facilities be shared and, if so, who manages, maintains, replaces and pays for what?

There is also a large body of appeal casework which support the principle of off-site affordable housing. In fact, the Inspector for the appeal in this case did not challenge this approach.

10.3 In light of the above, it is accepted that on-site provision of affordable housing would not be appropriate in this instance. However, an appropriate off-site contribution will be expected.

10.4 As has been mentioned previously, the remaining issue considered by the Inspector at the Public Inquiry was the amount of financial contribution being offered with the Applicants proposing a figure of £186,916 while the Council's sought a contribution of £2.224 million. This was carefully considered by the Inspector who concluded in supporting the Council by dismissing the appeal that a figure close to the £1 million mark could be sustained by the development and should form the basis of a new offer.

10.5 Having regard to the current application and proposal, negotiations have been ongoing between the Council and the applicant. As a result, the applicant has now agreed to make a contribution of £1,216,000 and this is now considered acceptable.

10.6 It is acknowledged however that this contribution is dependent on the CIL value at the time of the development which could vary slight from current values. Therefore, the precise amount towards affordable housing will depend on the BCIS payment rate at the time of payment.

11.0 Community Infrastructure Levy

11.1 The Mayoral CIL is collected by the Council on behalf of the Mayor of London. The amount that is sought for the scheme is calculated on the net increase of gross internal floor area multiplied by the Outer London weight of £60 together with a monthly indexation figure

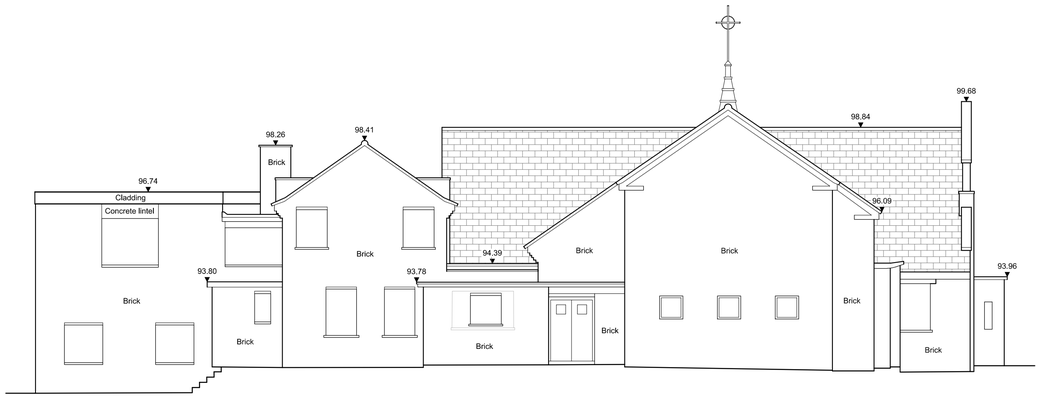
11.2 On 1 April 2016, the Council introduced its own CIL. The money collected from the levy (Regulation 123 Infrastructure List) will fund rail and causeway infrastructure for Meridian Water. The applicable CIL rate is be £120 per square metre together with a monthly indexation figure.

11.3 The proposal is CIL Liable and based on a GIA of 3,976 sqm, the CIL charge would amount to £715,680.00 (LBE £477,120.00 + MCIL 238,560.00).

12.0 Conclusion

12.1 Due to the evolution of the current proposal and the relevant planning history, the majority of the issues that would normally fall to be considered have been previously assessed and determined to be acceptable – either by the Planning Committee when making earlier decisions on by the Inspectors when determining the recent appeal. The key issue therefore was in relation to the level of affordable contribution towards off site affordable housing and it is considered, that now proposed is acceptable.

12.2 It is therefore considered that the proposed development would result in the creation of well-designed, purpose-built specialist housing for older people, the principle of which is consistent with the Council's Development Plan policies and supported by the Council's Adult and Social Care department.



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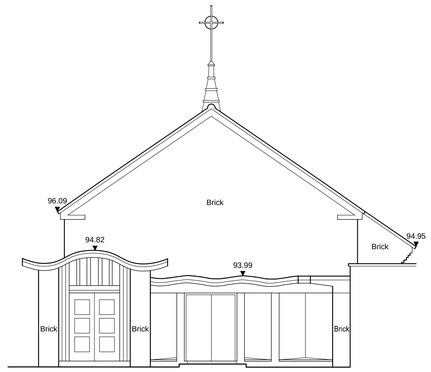

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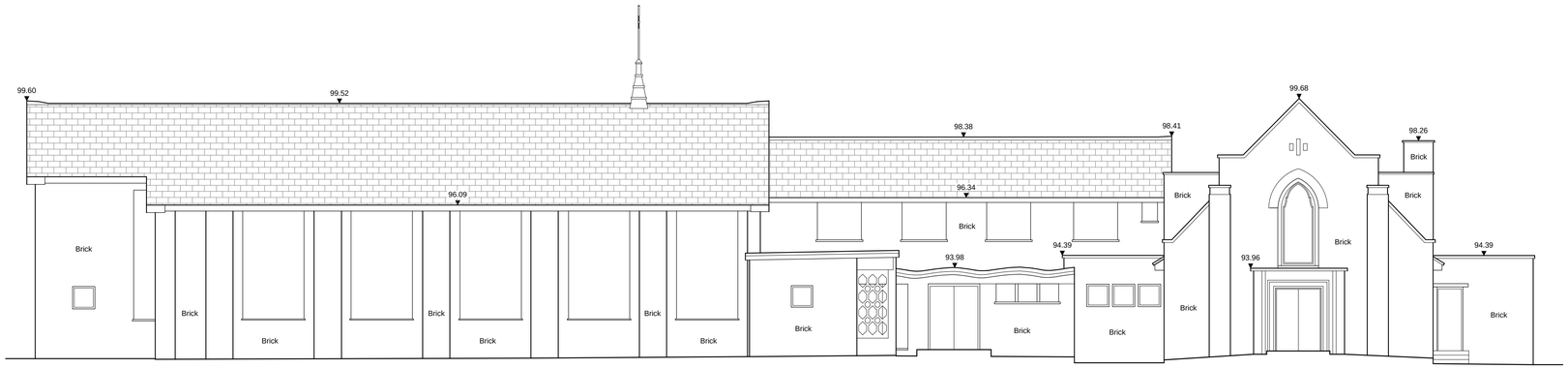

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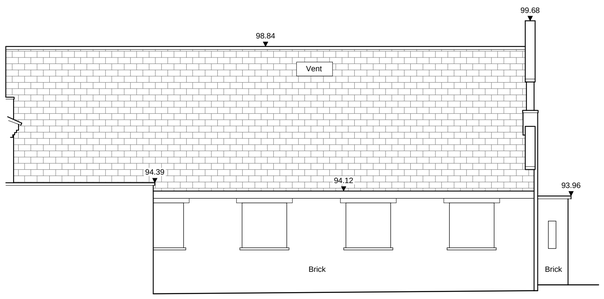

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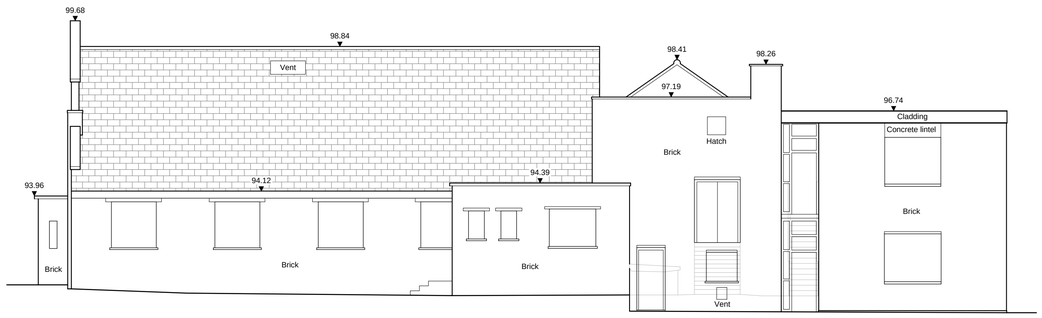

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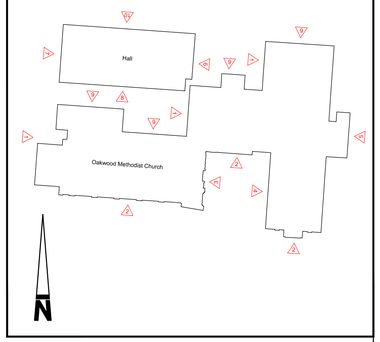
Location Plan :



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Basic Elevations

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1:100	A1	1	February 2016
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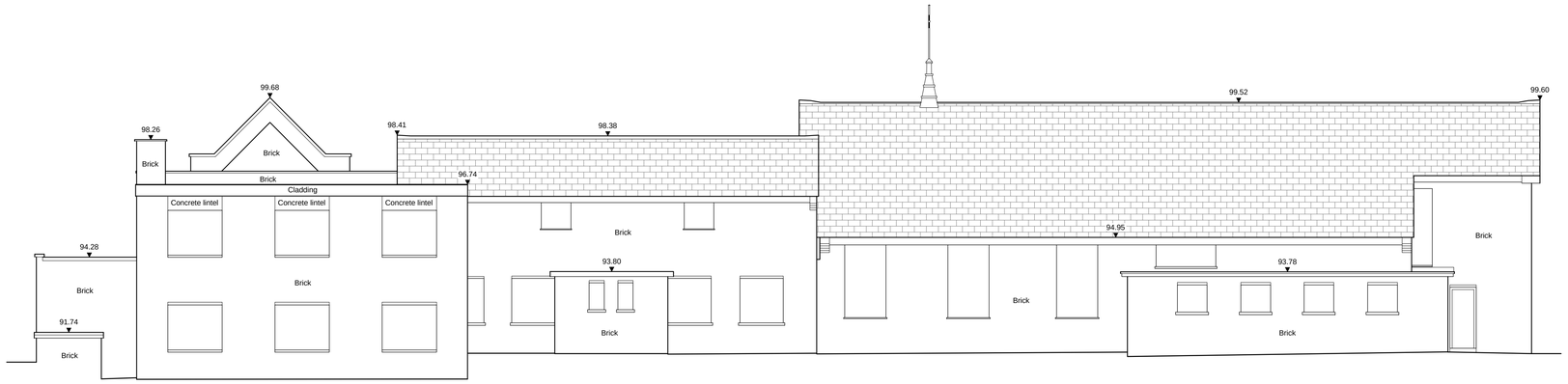

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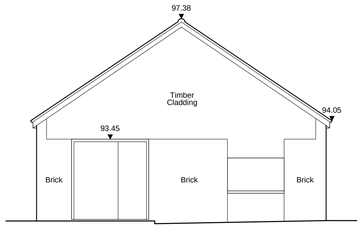

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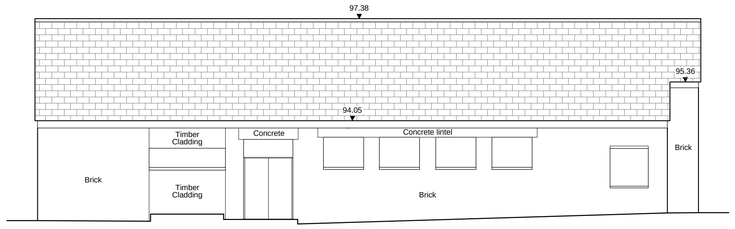

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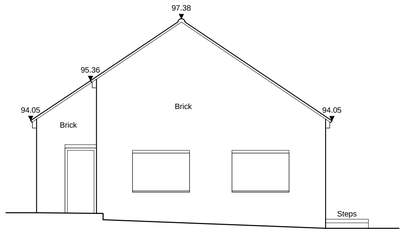

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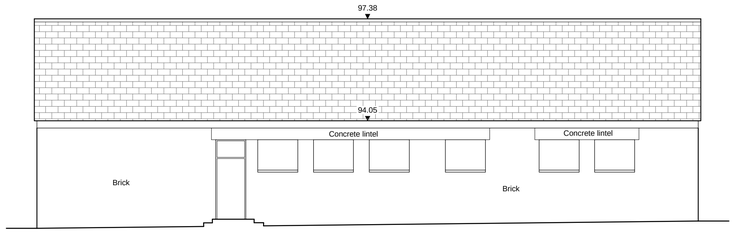

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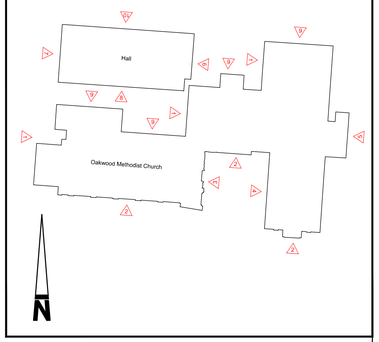

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C	CILL LEVEL
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CP	CROWN LEVEL
CvL	COVER LEVEL
DH	DOOR HEAD LEVEL
(F)	FALSE/SUSPENDED CEILING
FL	FLOOR LEVEL
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U/S	UNDER SIDE
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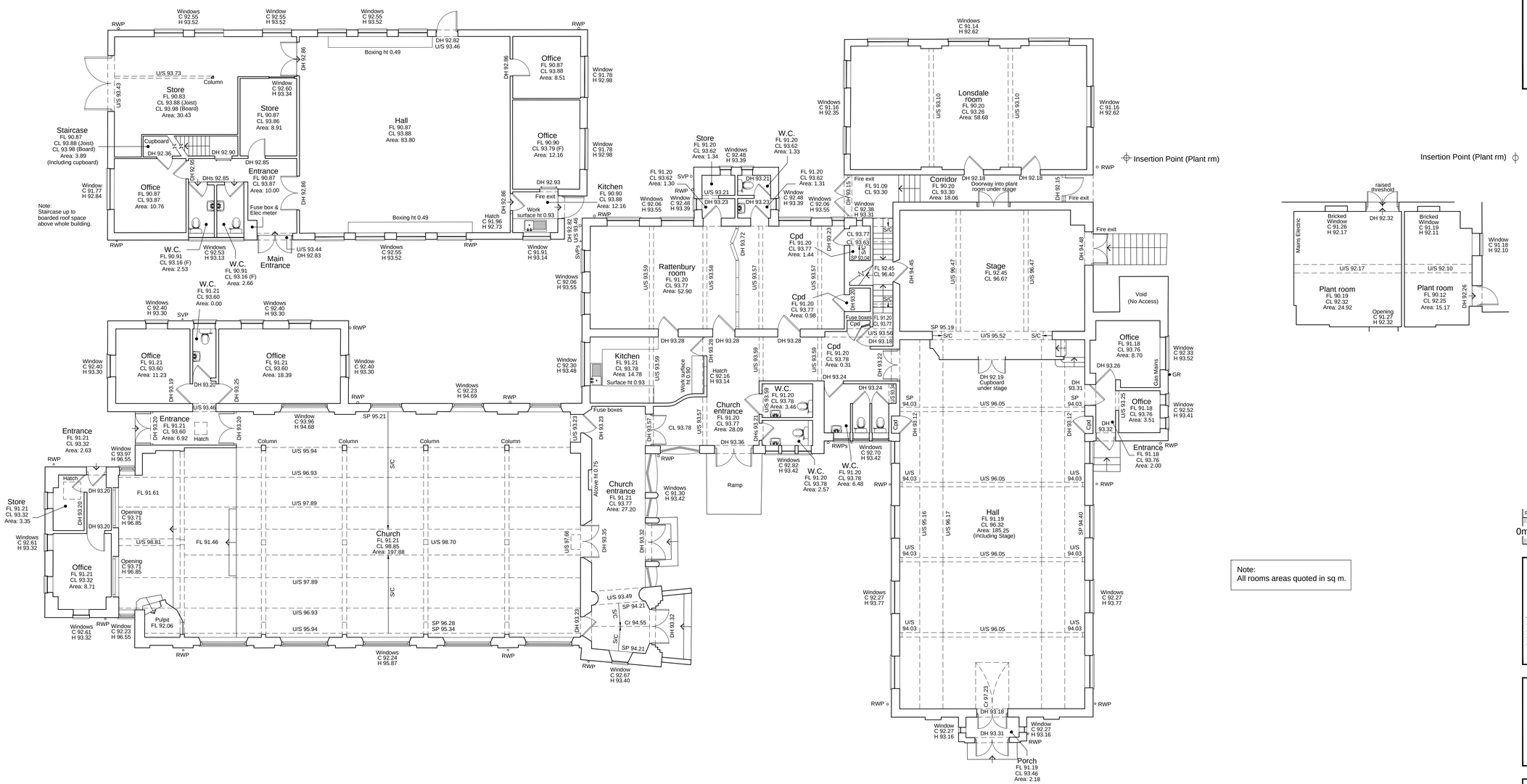

GROUND FLOOR

Note:
All rooms areas quoted in sq m.

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Floor plans - Ground Floor

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1:100	A1	3	February 2016
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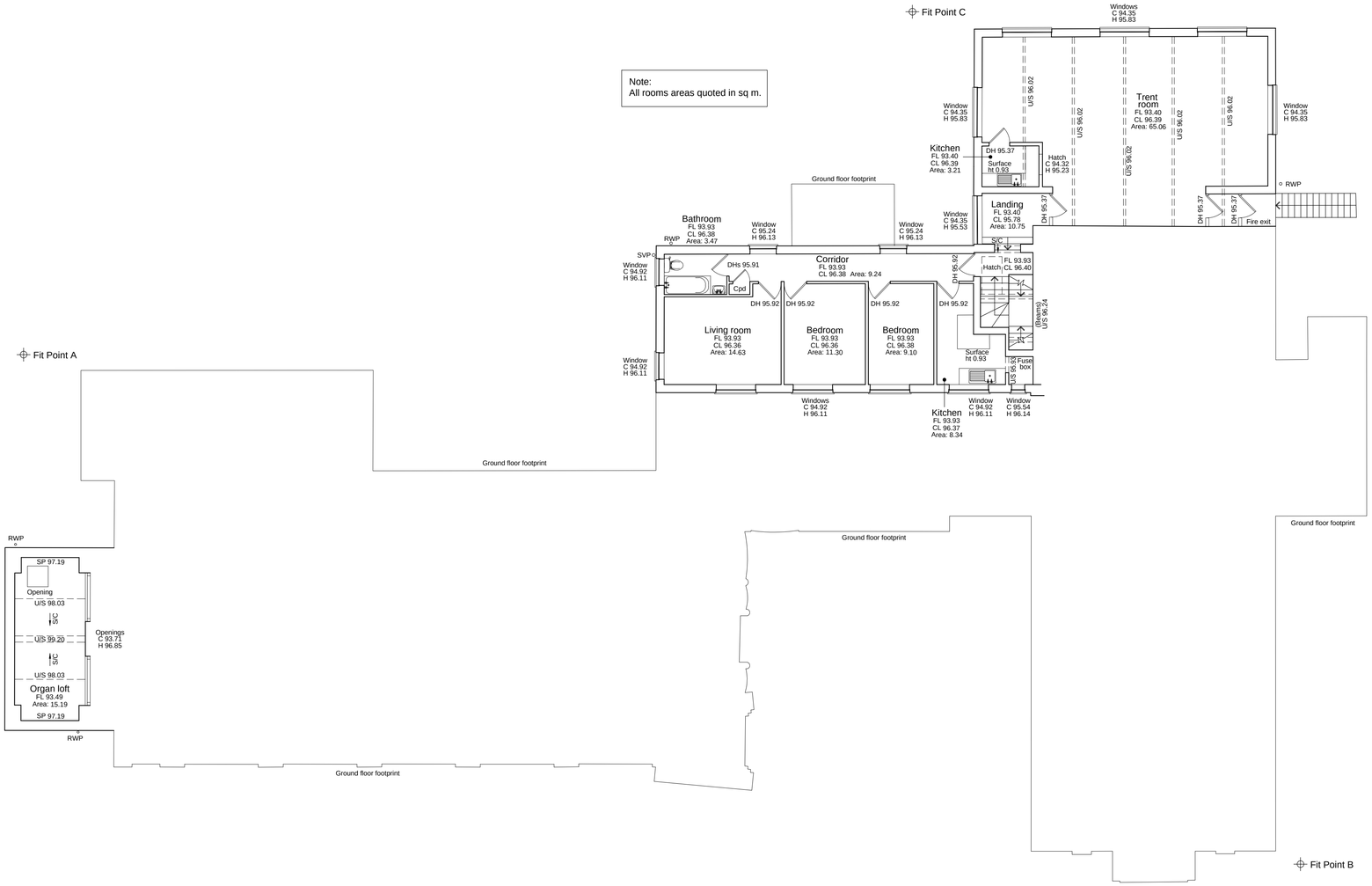

FIRST FLOOR

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Oakwood
London

First Floor - Floor plans

Scale	Sheet Size:	Sheet Number:	Date:
1:100	A1	4	February 2016
Project Number: 22035	Rev: -	Surveyed By: SL	Approved By: GF

Site Plan

Scale 1:200 @ A1

0 5m 10m 20m

REVISIONS

Rev.		Date	By
A	Scheme revised following comments from Planning Officers.	Feb 2017	IDP
B	Amendments to access ramp and cycle spaces added.	Oct 2017	IDP
C	Revisions further to daylighting consultant direction	Aug 2018	IDP

N

UNPATH MAR
UNPATH SUMMER

ALL DIMENSIONS TO BE CHECKED ON SITE
WORK TO FIGURED DIMENSIONS ONLY
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C:\Users\cnjoe\Desktop\McCarthy & Stone\LOGO 60mm CMYK 2016.jpg

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Project Title
Proposed Retirement Living Development
Westpole Avenue,
OAKWOOD

Drawing Title
Planning
Site Plan

Scale 1:200 @ A1	Date Feb 2017
Drawn IDP	Checked IDP
Drawing No. NL-2740-03-AC-004	Rev. C

CAD plot date:

South Elevation

West Elevation

East Elevation

North Elevation

Scale 1:100 @ A1

0 5m 10m 20m

REVISIONS

Rev.		Date	By
B	Scheme revised following comments from Planning Officers.	Feb 2017	IDP
C	Revisions further to daylighting consultant direction	Aug 2018	IDP
D	Update in line with daylighting amendments	Sept 2018	IDP

Material Specification

- K-Rend Through coloured render - 'white' or similar
- Wienerberger New Red facing brick or similar
- Recon Bath M Stone or similar
- White UPVC frames with glazing bars within
- Contemporary glazed juliet balconies - glazing tinted grey
- GRP chimneys with brick slips to match facing brickwork
- Black UPVC rainwater goods
- Marley Eternit Rivendale fibre cement tile or simlar
- Marley Eternit 'Ashmore' Interlocking tile or similar
- Feature Timber Boarding Detail

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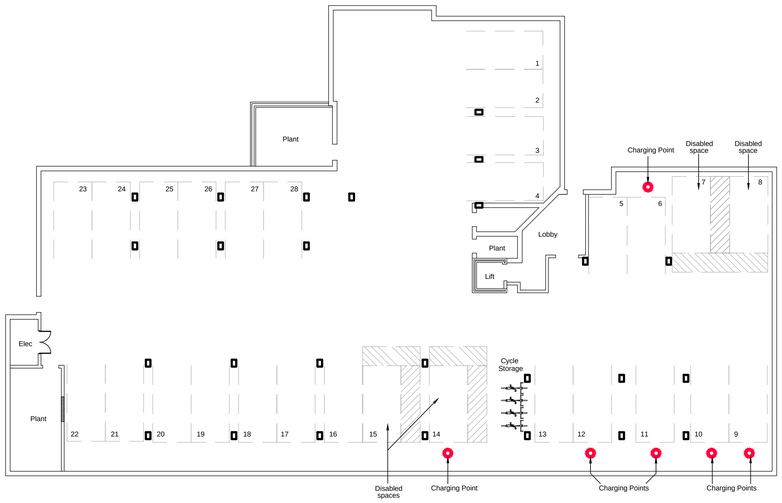
Project Title
Proposed Retirement Living Development
Westpole Avenue,
OAKWOOD

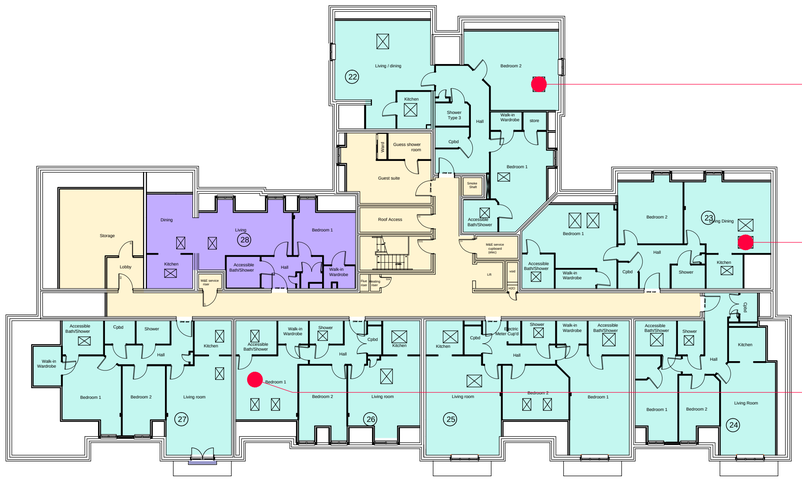
Drawing Title
Planning
Building Elevations

Scale 1:100 @ A1		Date Feb 2017	
Drawn IDP		Checked IDP	
Drawing No.			Rev.
NL-2740-03-AC-003			D

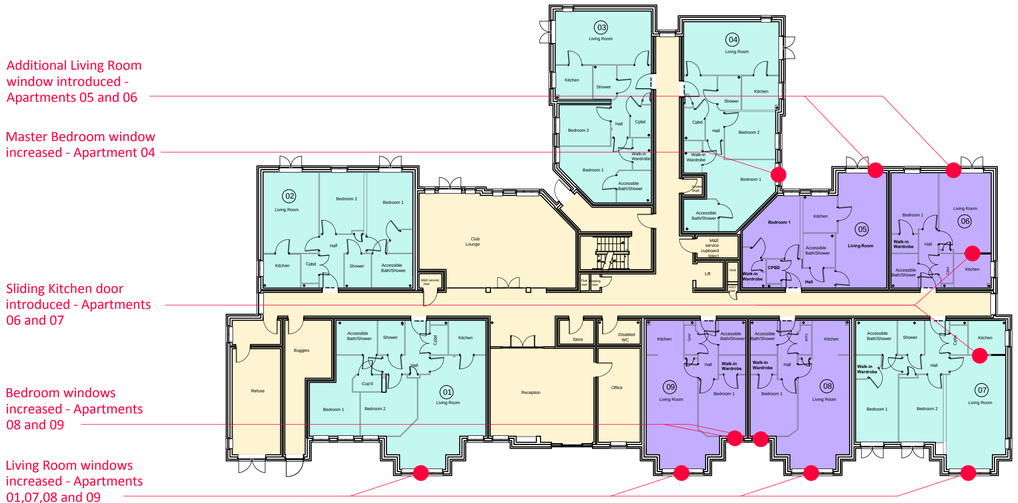
CAD plot date:



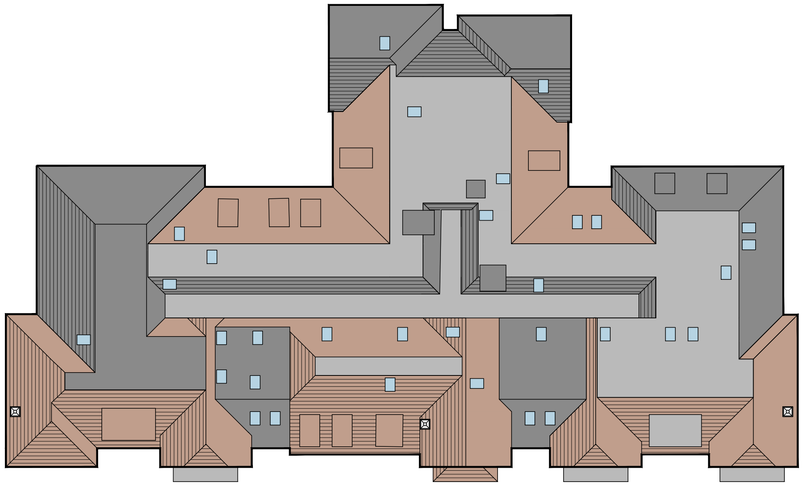
Basement Plan



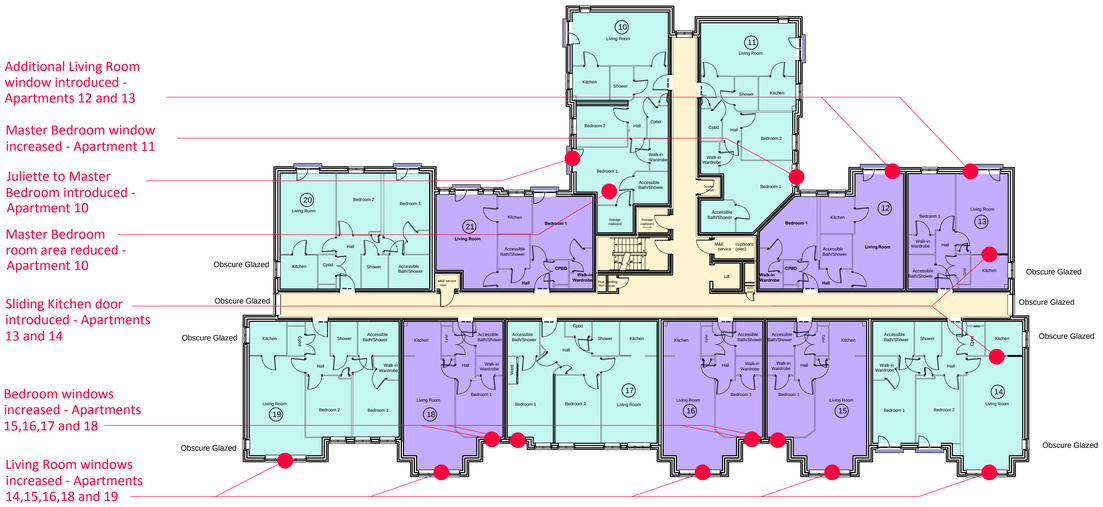
Second Floor Plan



Ground Floor Plan



Roof Plan



First Floor Plan

Communal Area

One Bed Apartment

Two Bed Apartment

Scale 1:200 @ A1

0 5m 10m 20m

REVISIONS

Rev.	Date	By

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Project Title
Proposed Retirement Living Development
Westpole Avenue,
OAKWOOD

Drawing Title
Planning
Floor Plans
Revisions Study

Scale 1:200 @ A1 Date Sept 2018
Drawn IDP Checked IDP
Drawing No. Rev.
NL-2740-03-AC-006

CAD plot date:

Streetscene

Perspective

REVISIONS

Rev.		Date	By
A	Scheme revised following comments from Planning Officers.	Feb 2017	IDP
B	Updated perspective supplied.	Feb 2017	IDP
C	Revisions further to daylighting consultant direction	Aug 2018	IDP
D	Update in line with daylighting amendments	Sept 2018	IDP

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Project Title
Proposed Retirement Living Development
Westpole Avenue,
OAKWOOD

Drawing Title
Planning

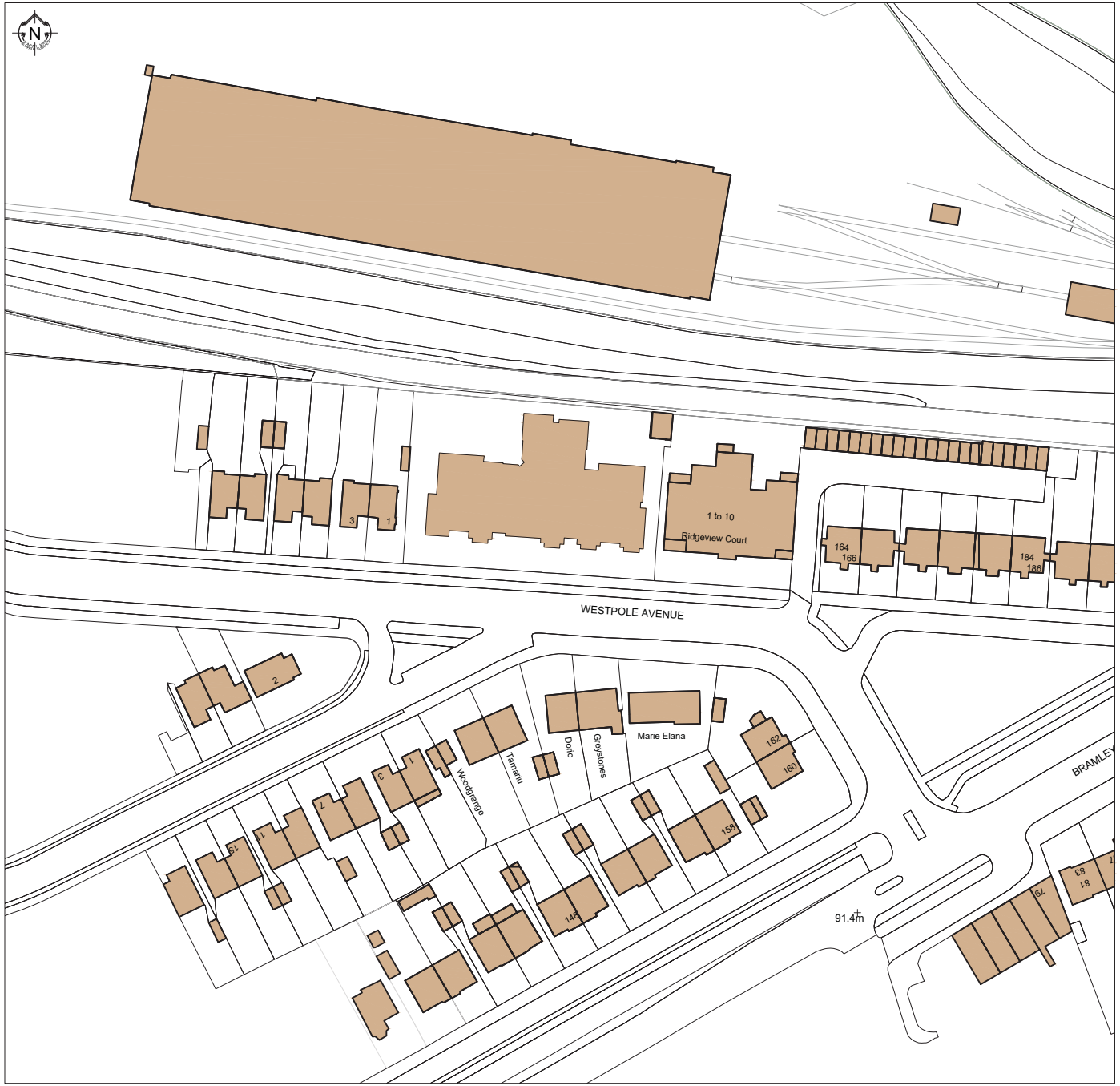
Streetscene & Perspective

Scale NTS		Date Feb 2017	
Drawn IDP		Checked IDP	
Drawing No.			Rev.
NL-2740-03-AC-002			D

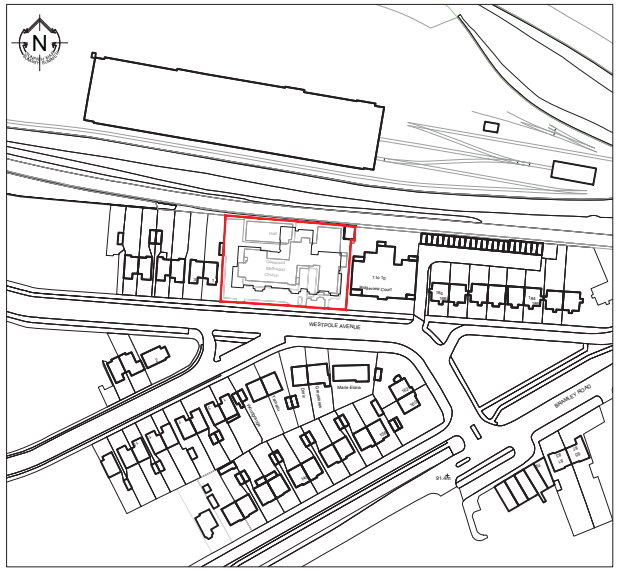
CAD plot date:

REVISIONS

Rev.		Date	By
A	Revised further to planning comments	24.02.2017	IDP



Context Plan - Scale 1:500



Location Plan - Scale 1:1250

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Project Title
Proposed Retirement Living Development
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Drawing Title

Location & Context Plan

Scale	As Noted @A1	Date	August 2016
Drawn	IDP	Checked	
Drawing No.			Rev.
NL-2740-03-AC-001			A

CAD plot date: