



# Appeal Decision

Inquiry held on 13-15 July 2010

Site visit made on 13 July 2010

by **Stephen Amos MA(Cantab) MCD**  
MRTPI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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**Decision date:**  
**7 September 2010**

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## Appeal Ref: APP/L5240/A/10/2123712

### Cumberlow Lodge, 24 Chalfont Road, South Norwood, London SE25 4AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Fairview New Homes Ltd against the decision of the Council of the London Borough of Croydon.
- The application Ref 09/01729/P dated 24/06/09 was refused by notice dated 21/01/10.
- The development proposed is "a mixed use development of 92 residential dwellings comprising 70 x 2 bedroom flats, 2 x 1 bedroom flats and 20 x 3 bedroom family houses and a community building comprising of a day care centre and care home, together with parking, open space & extensive landscaping".

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### Procedural matters

1. The scheme was amended from the description above to include 8 1-bedroom flats, 64 2-bedroom flats, and 20 houses with 2, 3 and 5 bedrooms. Three revised drawings were submitted before the inquiry, to correct an error on one elevation and to make amendments resulting from the altered dwelling mix. Two revised drawings were submitted at the inquiry, to modify a window in Block C. It was agreed that no one would be prejudiced if these drawings were considered. I have reached my decision on that basis. The "care home" would be dual registered for residential and nursing care. I have amended the description of the proposal in my decision below to reflect that.
2. A previous appeal was dismissed in 2008 (Ref: APP/L5240/A/07/2048988). The current appeal involves a materially different proposal.
3. The development plan for the area includes the Croydon Replacement Unitary Development Plan (UDP), also known as the Croydon Plan. The UDP policies referred to in this decision have been saved and are of continuing effect.

### Decision

4. I allow the appeal and grant planning permission for a mixed use development of 92 residential dwellings, including 72 flats and 20 houses (the mix of dwellings being as detailed in the schedule on Drawing No. FNH343/P/103 Rev D), and a community building comprising of a day care centre and nursing/care home at Cumberlow Lodge, 24 Chalfont Road, South Norwood, London SE25 4AA, in accordance with the terms of the application Ref 09/01729/P dated 24 June 2009, subject to the conditions in the Schedule at the end of this decision.

### Main issues

5. The main issues are (i) the effect on the character and appearance of the area, including whether the character or appearance of the South Norwood
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Conservation Area would be preserved or enhanced; (ii) whether a satisfactory mix of dwellings would be provided, including with regard to family units; (iii) whether the development would provide adequate living conditions for its future residents; (iv) the effects on the living conditions of adjacent and nearby residents; (v) the effect on the safety and convenience of highway users; and, (vi) whether the proposal would conflict with the intentions of the development plan with respect to community facilities.

## **Reasons**

6. There was no dispute about the suitability of the site for a development mainly of housing. It is cleared land in the South Norwood Conservation Area which has been previously developed. It is in a sustainable location close to South Norwood District Centre and has a Public Transport Accessibility Level (PTAL) of 4. The scheme's density of about 197 habitable rooms per hectare (hrh) is close to the lower end of the range of 200-350hrh which the London Plan (LP) indicates is appropriate for a suburban site with this PTAL. As a result, housing development is acceptable in principle and the proposed density is appropriate for the type of location.

### *Character and appearance*

7. The sole access to the site is via Chalfont Road, a cul-de-sac off South Norwood Hill (A215). By reference to Supplementary Planning Document (SPD) 5 - *South Norwood Conservation Area Appraisal and Management Plan* - the Council argued that the Conservation Area was characterised by a system of hierarchical massing, with larger buildings on main roads and subservient buildings on side streets. Chalfont Road was regarded as being a side street.
8. Based on my observations, the pattern of development is more complex and varied than that. Whilst SPD5 indicates that the old shopping streets of High Street and Portland and Station Roads are characterised by mainly 3-storey buildings, those streets also include 2-storey and single storey buildings. Chalfont Road itself has 2 and 3-storey buildings, with the latter including rooms partly within the roofs. Lancaster and Warminster Roads have a wide variety of buildings. A few of these are of 4-storey height, with 3 full storeys plus semi-basements and dormers. Adjacent to the appeal site to the north east, and fronting Lancaster Road, there is a recent development of flats which is partly of 3-storeys plus dormers. The Stanley Halls character area of the Conservation Area, which includes the appeal site, is adjacent to the character area that covers these buildings in Lancaster and Warminster Roads.
9. Some of the buildings at the adjacent Harris Academy are of 4-storey height, and there is a block of flats of up to 5-storeys at David House on High Street. The former Cumberlow Lodge had 4-storeys, including accommodation within the roof. With this varied context, the appeal scheme would not be out of keeping with the character and appearance of the Conservation Area by virtue of the 2½, 3 and 4-storey heights of the proposed buildings.
10. It is also relevant that the range of building heights proposed would be distributed to avoid any abrupt visual discontinuities with adjacent buildings, including by using the varying levels on the site. As a result, although the proposed residential buildings would be higher relative to the ground levels on their plots than the semi-detached houses in Southern Avenue are, the

- absolute height of the ridges of their roofs would for the most part be at levels not dissimilar from the ridges of those existing houses, which lie outside the Conservation Area. The exception would be the limb of Block C furthest from Southern Avenue, the roofs of which would in part rise to higher absolute levels. Given the extent of the separation of that limb from Southern Avenue, and taking into account that it would be juxtaposed with the flats on Lancaster Road, that part of Block C would not be out of keeping with its surroundings.
11. The proposed buildings on the first new length of Chalfont Road would be different in their detailed appearance to the existing buildings on that road, but would be sufficiently reflective of their general scale and style as to preserve the essential qualities of the street scene. The increase in building heights would be progressive, such that the houses on Plots 1-8 would be slightly higher than the adjacent properties. The differences would not be so great as to be visually jarring, particularly with the context that the existing building heights on Chalfont Road vary. The locally listed terrace is higher than the semi-detached properties and the single detached property. The houses on Plots 1-8 would be of similar height to that terrace and so would not appear out of place within the street scene. Blocks A and B would involve another step up in height on their Chalfont Road frontages to a full 3-storeys, but that gradual rise would not be discordant with the appearance of the street as a whole.
  12. The width of the building blocks facing Chalfont Road of Plots 1-4 and 5-8 and Blocks A and B would be somewhat wider than the existing pairs of semi-detached houses. As the street scene also includes the wider block of Elliot Court, at the South Norwood Hill junction, and the length of the frontage of the locally listed terrace, these proposed buildings would not be out of keeping with the street scene in terms of their frontage dimensions. Although the widths of the individual houses would be significantly less than those of the existing houses, that would not be unduly apparent in the context of the overall scale of the building blocks. Other more detailed features of these proposed buildings would also serve to integrate them with the existing appearance of the street scene. These would include the continuation of the building lines, the inclusion of front gardens, the provision of parallel parking and street trees, and details of the elevations such as the bays and the forward facing gables.
  13. The integration of the development would also be aided by the treatment of the part of the south west elevation of Block C which would form the visual stop to Chalfont Road. A prominent gable would provide a visually beneficial closure of the vista along the road from South Norwood Hill. This would be linked to the character of the existing buildings by the inclusion of projecting bays and an arched Gothic-style window at 3<sup>rd</sup> floor level. That window would be closely modelled on similar windows in the locally listed terrace. The character and appearance of Chalfont Road, and the role it plays in the character and appearance of the Conservation Area, would be enhanced by those features.
  14. Although of different plan form, the proposed buildings I have considered above would in their scale, bulk and massing be broadly comparable with the adjacent buildings within the Conservation Area. The figure ground plans provided indicate that they would be compatible with the existing urban grain. That grain would also be reflected in the layout of Block C and the terraces of houses on Plots 9-20, which would be located further into the site.

15. Block C would be quite a large building, but its perimeter block form would serve to reduce its evident scale and avoid any excessive bulk and massing. The minimisation in those respects would be aided by the arrangement around the courtyard. That would allow the use of ridged and gabled roofs of similar scale to those elsewhere in the scheme. The stepping up and down of sections of the roofs would also assist in reducing the bulk of the building, as would the articulation within the elevations including the gabled elements. The length of the frontages on the perimeters would not be excessive in the context of the Conservation Area as a whole, given the existence elsewhere of buildings in terraces and of other buildings containing flats.
16. Block C would be of 4-storeys facing the designated Local Open Land (LOL) at the eastern end of the site, which is to be retained as open space. That part of the development would not have any close visual relationship to any existing domestic buildings of a materially lesser height and scale, and there is a relatively strong visual separation in the form of the trees along the north east edge of the site. Taking into account also that the greater height of Block C to this side would be achieved in part through the incorporation of a lower floor level facilitated by the ground levels, the 4-storey section would not look out of keeping in its context. This taller part of Block C would form part of an effective transition from the houses to the north west towards the civic/non-domestic buildings of greater scale at the Harris Academy and Stanley Halls.
17. It was contended that a 4-storey building would be inappropriate at the edge of the open space, but such a building would be an effective and satisfactory means of defining the edge of what would be quite a sizeable open area of land. The sense of space would include not only the LOL, but also the adjoining open space at the Harris Academy. Block C would be well related in its proportions to the extent of the open space, and it would not be overbearing or out of keeping with its surroundings in scale or form.
18. It was suggested that the frontages of the proposed blocks of flats should incorporate a series of front doors. Whilst that might have been a feasible alternative design approach, it is not essential to the compatibility of the buildings with the Conservation Area. The buildings concerned are intended to be blocks of flats, and their access arrangements are of an appropriate form which respects and reflects that intended function. In that regard, there are other flats in the Conservation Area which have communal access doors.
19. The proposed houses on Plots 9-20 would continue the design themes of the building blocks on Chalfont Road leading to this part of the scheme. Although there would be quite narrow gaps between the terraces, that would not be out of keeping with the general character of the Conservation Area, bearing in mind that this includes houses in terraces, and that wide gaps and resulting spaciousness to the sides of buildings are not a dominant characteristic.
20. The Council was concerned about what it saw as the car-dominated character of the space between Block C and Plots 9-20. However, limited areas of front garden would be provided as a link with that feature of the Conservation Area, and the car parking would be softened by some trees to continue the characteristic presence of street trees. The vista along what was dubbed as "Chalfont Close" would also be softened by the retention of trees near the north east boundary. The Chalfont Close space would be well enclosed by the

buildings and by those trees, so that any relative dominance of the hard surfaced areas and parked vehicles would not be unduly evident from outside the site. I have not found these features of Chalfont Close to be matters which, considered in the context of the entire development, can be regarded as constituting a failure to preserve the character and appearance of the Conservation Area as a whole.

21. The day care centre and care/nursing home building would be of a different design to the rest of the scheme. The limbs of its footprint would have greater depth than the residential buildings, but its mass and bulk would be limited by its flat roofed design. The inclusion of areas of facing brickwork would provide a visual link with the other buildings. The arrangement of rectangular areas of other lighter facing materials, together with the pattern of fenestration with quite large openings, would create a contemporary feel to the design. That and the roof form would provide an appropriate design transition to the overtly modern appearance of some of the Harris Academy buildings, which are integral to the overall character and appearance of the Conservation Area.
22. With the context of the sharp fall in the ground levels at the southern end of the site, and having regard to the comparable height of the buildings at the Harris Academy, the maximum 4-storey height of the day care centre and care/nursing home building would be appropriate to its location and visually sympathetic with its surroundings. Again taking account of the falling ground, and having regard to the transitional position on the site, the 4-storey height of the rear elevations of Block B and the houses on Plots 5-8 would not appear out of place where they would face the day care centre and care/nursing home.
23. Criticisms were made of the plainer design of the rear elevations of the buildings, particularly the houses. The simpler designs of those elevations would not be an inappropriate treatment of the parts of the buildings which face away from the public domain, and I have not found that to be a matter to which significant weight should be attached. The relatively neutral appearance of the rear elevations would not be conspicuously out of place in relation to the variety of built forms in this Conservation Area.
24. Whilst it would have been preferable for the intended solar panels to have been incorporated into the initial design of the buildings, their satisfactory integration into the scheme would be achievable through the submission of details pursuant to a condition. The intention to have a mix of houses and flats in the scheme would reflect the character of the Conservation Area, and of the wider surrounding area, as both contain a variety of different types of residential accommodation.
25. A final matter which would assist in integrating the development with its surroundings is the extent of tree cover around the north east and north west boundaries, and on the LOL. It was confirmed at the inquiry that the trees covered by Tree Preservation Orders were not threatened by the proposal.
26. Taking account of all of the other points made concerning the character and appearance of the Conservation Area and its surroundings, I have concluded that the proposal would be appropriate to its location in terms of its content, form, layout, and design. It would preserve and enhance both the character and appearance of the South Norwood Conservation Area, and would cause no

material harm to the character and appearance of the wider area. In the light of those conclusions, I have found no material conflicts with the development plan policies which bear on this issue. I am not convinced that LP policy 4B.10 strictly applies, as the proposed buildings would not be unduly large in their scale and would not be significantly taller than their surroundings. If a contrary view were taken, I have found no conflict with this policy, as the proposed buildings are suited to their wider context.

27. The proposal is of a high standard of design, as required by UDP policy SP3. In the terms of that policy, the proposal would complement nearby buildings and enhance the quality of the environment. As the site is in the existing built-up area, and the proposal would respect the character of the area, there would be no conflict with UDP policy H2. I have also found no conflict with UDP policy UC3, which concerns proposals in Conservation Areas and requires, amongst other matters, that proposals should pay special attention to matters including scale, height, massing and historic building lines. In relation to UDP policy UD2, the proposal would reinforce and respect the existing development pattern in terms of those features which contribute to the local character, would provide active frontages to the streets and a clear distinction between public and private spaces, and would retain existing trees where appropriate.
28. There would be no conflict with the intentions of UDP policy UD3 in terms of matters including the heights and proportions of the buildings and the visual interest of the roof designs, and it is proposed to use established materials used in the locality. The Council and objectors argued that there were parts of the development, including on the elevations of Block C, where there should be more doors, but there would not be any ground floor elevations facing public areas which would be devoid of windows and doors, or which would be significantly deficient in those respects. There would be no material conflict with the part of policy UD3 which deals with that matter. With respect to UDP policy UD13, car and cycle parking provision has been designed as an integral part of the scheme, and would not dominate its urban form viewed as a whole.

#### *Dwelling Mix*

29. It was argued that the scheme made insufficient provision of family housing. UDP policy H4 requires that the mix of units on sites of this size should reflect the needs for family and non-family housing. The supporting text makes clear that the objective is to ensure a mix of dwelling types on larger sites. That text also conveys that a mix in the region of 55% family housing and 45% non-family housing will be sought. However, that cannot be regarded as being an absolute requirement for every site, as it is acknowledged in the supporting text that the requirement for a mix could be relaxed in larger schemes at accessible locations, because the form of development in such locations should provide additional smaller units as part of higher density schemes. As the appeal site is accepted to be in an accessible location, the development plan does not in my view support the proposition that development on this site must include a 55%/45% split of family to non-family housing.
30. The UDP's Glossary of Terms defines family housing as a residential unit with a minimum of 2 bedrooms providing at least 3 bed spaces, with other accommodation and layout to meet the needs of family living. No reference was made to any supplementary guidance to the UDP, or to any formally

adopted standards, which provide any further detail as to what would be needed in terms of other accommodation and layout to comply with that definition. There is nothing in the definition itself which would support a claim that family housing must be in houses rather than in flats, or which dictates that flats on upper floors must have access by lift to qualify as family units. Nor is there anything specific in UDP policy H4 or its supporting text which would require that flats should have separate kitchens and/or their own private amenity spaces in order to be regarded as family accommodation. Whilst the Norhyrst Householders Association (NHA) would prefer the site to be developed with houses, there is no basis in the LP or the UDP for that to be required.

31. References were made to standards in the draft London Housing Design Guide (DLHDG), and in particular to deficiencies in the sizes of some of the proposed rooms relative to sizes recommended in that document. No significant weight can be attached to the DLHDG at present due to its draft status, the objections that have been made to it, the uncertainty that this causes as to what any final version might contain, and the doubts expressed by the appellant about whether the DLHDG is intended to become a SPD to the development plan. The applicability of the DLHDG to most, or any, of the units in the appeal scheme is also questionable because it is intended to apply only to new build publicly subsidised housing, and then only to schemes seeking funding from April 2011 onwards. Although the DLHDG may be an indicator of what the London Development Agency regards as affording appropriate standards of housing, until the outcome of the consultation has been taken into account there can be no certainty that the same standards will survive.
32. In the light of those points, the failure of some of the proposed dwellings to comply with the space standards in the DLHDG does not establish that such units should not be regarded as family housing. Whilst an Inspector in another case stated that the DLHDG was a material consideration to which some weight should be attached (Ref: APP/L5240/A/09/2115503), that appeal was dealt with by written representations, and there is no evidence to show that the status of the DLHDG was examined in detail in the cases put to that Inspector.
33. All 20 of the proposed houses would provide family housing, and these would comprise about 22% of the total units. That percentage constitutes a substantial proportion for this site in relation to the relevant policy, given that the accessible location would in the terms of the supporting text justify a relaxation of the requirement for a mix of units. The proportion of family units increases to about 37% if the 2-bedroom ground floor flats are included, and to about 60% if flats of that size on the ground and 1<sup>st</sup> floors are counted. Given the relatively easy access there would be from all of those flats to either private or communal areas of amenity space, and to the publicly accessible open space on the LOL, I consider that it is not unreasonable to count them as being family housing. Consequently, even if the flats with 2 bedrooms and 3 bedspaces which are above 1<sup>st</sup> floor level are discounted, the proposal would still more than meet the proportion of 55% family housing.
34. The Council suggested that the sizes of many of the 2-bedroom flats would make them unsuitable for families, but there is no specific evidence which demonstrates that any essential activities of life for small families would be precluded by the sizes of the flats. Insofar as it was argued that the parking provision would be poor, I have not been referred to any policy or advice which

indicates that the absence of parking, or the level or quality of its provision, should be regarded as a determining factor in deciding whether accommodation is suitable for families. The relevant Council witness when questioned on the matter was unable to identify any of the proposed units which would be too far distant from parking to provide suitable accommodation for a family.

35. Bringing these matters together, I am not convinced that the development plan requires there to be any particular proportion of family housing on this site. Having regard to its location, which justifies a higher proportion of smaller units, I have found that the scheme provides a satisfactory mix of dwellings. I have identified no conflict in that respect with LP policy 3A.5 or UDP policy H4. Insofar as the Local Housing Market Assessment mentioned by the Council suggested that there was an unsatisfied need for 3 and 4-bedroom market housing in the Borough, the proposal would make a material contribution to that need by providing 13 3-bedroom houses and 4 5-bedroom houses.

*Living conditions for occupiers of the development*

36. Criticisms were made of the internal arrangement of many of the flats, but the evidence did not refer to any conflicts with internal space standards which are either part of the development plan or are contained in supplementary guidance which has been adopted following public consultation. The only standards referred to are those in the DLHDG. For the reasons given earlier, no significant weight can be attached to those standards. Even if some weight were to be given to them, the shortfalls relative to the minimum overall unit areas in the DLHDG are not so significant as to indicate that unsatisfactory living conditions would result. In that regard, the appellant's evidence was that 72 of the 92 dwellings would exceed the minimum overall areas, and of the rest 16 would have 99.5% of the minimum, 2 would have 98%, and the other 2 would have 94%.
37. Some room sizes within the flats would fall short of the minimum requirements in the DLHDG, particularly with respect to the aggregate areas of living/kitchen/dining areas. Having regard to the draft status of the DLHDG, together with the lack of any assessment which establishes objectively how the room sizes would impact in any practical way on the living conditions within the dwellings, I have not found that matter to be a determining consideration. It is outweighed by the appellant's undisputed evidence that the scheme would comply with the Homes and Communities Agency's Housing Quality Indicators and with the Lifetime Homes standard. References were made in general terms to the limited storage space to be provided, but I have been given no evidence which firmly establishes that the accommodation would be deficient in that respect to a degree that would be materially harmful to the living conditions within the proposed dwellings.
38. The Council referred to the pre-assessment for the purposes of the Code for Sustainable Homes as an indicator of deficiencies with respect to daylight. The appellant's evidence was that the assessment at that stage had been on a generalised and cautious basis in advance of full knowledge of all the key variables. The rebuttal statement from the appellant's expert adviser indicated that all the habitable rooms would comply with the required design standard for daylighting taken from a British Standard Code of Practice.

39. The Council also argued that 3 single aspect flats in Block A would receive little direct sunlight, but no reference has been made to any policy or guidance which specifically requires set levels of sunlight within the habitable rooms of dwellings. As a result, there is no objective evidence before me which would allow a conclusion that those flats would provide living conditions of a standard that would be unacceptable for that reason. With respect to some of the flats in Block C, it would have been possible to improve the receipt of sunlight in some living rooms by reversing the orientations of the flats. However, the appellant has indicated that for the flats concerned it was considered preferable to place the bedrooms on the quieter rear elevations. In my assessment, that represents a reasonable approach to balancing 2 factors which bear on the overall amenities for the occupiers of the flats and which pull in opposite directions. In those circumstances the fact that the living rooms would receive relatively little sunlight does not weigh significantly against the proposal.
40. The Council raised concerns about the limited sunlight that would be received within the courtyard of Block C, and the consequences for its use as amenity space. The rebuttal evidence of the appellant's expert adviser indicated that the courtyard would satisfy the recommendations of the Building Research Establishment's relevant guidelines in terms of the proportions of the courtyard that would receive sunlight relative to those that would be in permanent shade at the spring equinox. Bearing in mind also that the extent of shade would be less during the summer months when greatest use of the courtyard would be likely, I have not found this matter to constitute a substantial deficiency in the living conditions of the occupiers of the flats in Block C.
41. The Council also criticised the arrangement of rooms in the care/nursing home, due to the limited sunlight that would be received by the rooms with windows in the north east elevation. Taking into account that the occupiers of rooms facing that way would have the compensation of a high quality outlook over the LOL, and the fact that a range of rooms would be available in the home with various orientations, I have not found that matter to be a significant drawback of the scheme. In reaching that view, I have taken into account that those residents who would be able to use the other facilities would have access to communal rooms with differing orientations and to a secure outdoor garden.
42. The element of the scheme which has caused me some concern is the ground floor of the rear wing of Block A. The CL2 var. flat on that floor would have a single aspect, with its habitable rooms facing adjacent parking spaces at close proximity. The CL4 flat on that floor would have one of its bedrooms and its main living room doors facing in the same direction with a similar separation. The intervening space could accommodate some planting, but its height would need to be limited to avoid it having an oppressive effect on the outlook. I find some merit in the Council's concerns about the limited defensible space. However, taking into account that the movements of vehicles and people to and from the parking spaces would be transient occurrences, I have not found the consequent effects on the living conditions of the occupiers of these flats to be so significant as to justify dismissal of the appeal. These units would be part of the market housing provision, and so future occupiers would purchase them in the knowledge of the limited outside space and the relationship between the windows and the parking spaces.

43. The final matter to be considered under this issue relates to the Code for Sustainable Homes. The Council sought to argue that the scheme was deficient in that it did not provide for compliance with Code Level 4. References were made to UDP policies which require development to be sustainable and to take account of the impact on the environment. It was argued that the high standard of design sought by UDP policy SP3 justified the expectation that developments should meet Level 4. Reference was also made to LP policy 4A.3. Whilst that policy refers to ensuring the highest standards of sustainable design, it does not specifically require compliance with Level 4. Moreover, with reference to paragraph 4.16 of the LP, I have been given no evidence that the Mayor's Sustainable Design and Construction SPG or his Strategic Housing Investment Plan have been amended to require Level 4.
44. Therefore, whilst there may be other existing and approved schemes in the Borough which achieve Code for Sustainable Homes Level 4, there is no specific requirement within the development plan to meet that Level. The Building Regulations do not yet require Level 4, and there is no justification in the evidence which would support dismissal of the appeal on the basis of a failure to meet a Code Level which is at present not mandatory.
45. I have come to the conclusion that the proposed development would provide adequate living conditions for its future occupiers. It would accord with the intentions of UDP policy UD1, with respect to high quality design, of UDP policy UD3, in terms of ensuring comfortable and quality homes, and of UDP policy UD8, with respect to protection of residential amenity.

*Living conditions of adjacent and nearby residents*

46. The Council withdrew the reason for refusal which alleged that increased vehicle movements would have a harmful impact on residents in Chalfont Road. The NHA pursued this matter, but furnished no detailed evidence. The appellant did provide detailed evidence from a qualified noise consultant, who had assessed the impact on the potentially most affected property at 20 Chalfont Road. As background noise is dominated by the effects of traffic on South Norwood Hill, and as No. 20 is furthest from that highway and closest to the appeal site, it provides an appropriate worst case for assessment.
47. It was predicted that noise levels in the vicinity of No. 20 would increase by less than 3dB(A) as a direct result of the vehicular movements along Chalfont Road associated with the development. Based on the advice in the Glossary to Planning Policy Guidance Note (PPG) 24, such an increase would not be perceptible under normal conditions. The effect on No. 20 of vehicle movements in the car park of the day care centre and care/nursing home was also assessed. The results indicate that the increase in noise levels during the daytime would not be perceptible under normal conditions, and that night-time noise levels would be below those recommended by the World Health Organisation so that people may sleep with bedroom windows open.
48. Aside from that technical evidence, objections made at the inquiry included the view that the increased traffic arising from the proposal would cause discomfort in a more general sense to the residents of Chalfont Road. As the volumes of traffic would remain modest by comparison with many roads in urban and

suburban areas, I have found no basis on which a dismissal of the appeal could be justified in terms of those generalised concerns.

49. The separation distances between the houses in Southern Avenue and the houses on Plots 9-20 would be sufficient to maintain reasonable degrees of privacy and outlook. The relationships that would exist between the dwellings on Plots 1 and 5 and the neighbouring dwellings at the present head of Chalfont Road would be similar to those that exist between other houses in the area. There is no basis on which to conclude that any material harm would be caused to the living conditions of the occupiers of those houses.
50. I have concluded that the proposal would not cause any significant harm to the living conditions of adjacent and nearby residents. I have found no conflict in that respect with UDP policy UD8, which seeks to protect residential amenity.

*Safety and convenience of highway users*

51. The local highway authority (LHA) raised no objections, but the NHA argued that there would be an unacceptable increase in traffic. Concerns were expressed about the ability of Chalfont Road to cater for that traffic, as sections of that road operate as a single lane as a result of on-street parking. It was envisaged that the resulting problems would be intensified outside the hours of the Controlled Parking Zone. It was argued that outside those hours vehicles would be parked on the parts of the road that served as passing bays during the controlled hours, with the result that vehicles travelling in opposite directions along Chalfont Road would have no means of passing.
52. The only detailed evidence I have on highway and traffic matters is that provided by the appellant's professional witness. The NHA provided no alternative estimates of traffic generation. As a result, the appellant's figures are the best evidence that is available, and it is evidence that was not disputed by the Council. Those estimates appear to me to be reliable given that they are based on the TRICS database, which draws on traffic generation of similar developments. In addition, surveys of the traffic generation of 2 similar day care centres and care/nursing homes in the Borough had been undertaken, which adds weight to the likely accuracy of the traffic forecasts.
53. The proposal would lead to a significant increase in peak hour traffic from 2-way base flows of 15 and 17 in the am and pm peaks to 2-way flows of 70 in each of those peak hours. However, it is intended to alter the location of some of the parking bays, thereby creating more potential for vehicles to pass. A greater length of carriageway close to the junction with South Norwood Hill would be free of parking bays. Implementation of these changes to on-street parking is provided for in the Section 106 agreement.
54. With those changes, and having regard to Transport Research Laboratory research on the capacity of roads with passing places, the evidence indicated that Chalfont Road would accommodate up to 300 vehicle movements per hour. Therefore, the road would be more than capable of catering for the increased traffic. The evidence also indicated that the maximum traffic flows would be well below the figure at which the environmental capacity of the road would be exceeded. With respect to concerns about the situation outside the controlled parking hours, I have found no reason in the evidence as to why the

- new traffic regulation order or orders which would be needed could not seek to prohibit parking on the necessary lengths of Chalfont Road at all times.
55. The appellant's evidence also established that the A215 South Norwood Hill/Chalfont Road/Holmesdale Road junction would operate within its capacity in both the am and pm peak periods after the development. With respect to the A215 South Norwood Hill/A213 High Street junction, the Transport Assessment (TA) acknowledged that this already operates over its practical design capacity during both peak periods. However, the TA also indicates that the increase in traffic flows through that junction would be very small and would have a negligible impact, with only minimal changes to queue lengths. Bearing in mind that the LHA did not find the consequences for this junction to be a matter that justified refusal of permission, and the indication in the TA that total delays there could be reduced after the development by comparison with the existing situation if the cycle time of the traffic lights were to be increased, I have not found the effects on this junction to be a determining factor.
56. The traffic generation figures used in the evidence make no allowance for the traffic associated with previous uses of the site. The Statement of Common Ground (SOCG) indicated that these included a children's home and a live-in care facility for young people, and there were some staff dwellings. The fact that the evidence has been based on the predicted total traffic generation, and not on the increase in traffic relative to the previous uses, makes the analysis robust and adds weight to the confidence of my conclusions on these matters.
57. The NHA was also concerned about parking. It was clarified that the residential part of the scheme would have 73 spaces, with 1 for each house and the rest as unallocated provision for the flats. The day care centre and care/nursing home would have 10 spaces, including 1 for a minibus. This provision would be comparable to that which exists at other similar facilities, including some in this Borough, and I have been given no evidence to show that this provision has proved to be inadequate.
58. The Council was satisfied with this provision. There would be no conflict with the UDP's parking standards, which are phrased in line with Government advice in PPG13 as maxima. Bearing in mind the site's sustainable location and its PTAL, it is appropriate to restrict parking so as to encourage residents to use modes other than the car. That would be in accordance with the key objectives of PPG13, which include promoting more sustainable transport choices and reducing the need to travel, especially by car. It would also be in line with the similar objectives in the LP and the UDP. The Section 106 agreement makes provision for a contribution to the promotion of sustainable transport.
59. It is particularly pertinent that PPG13 advises that developers should not be required to provide more parking spaces than they themselves wish, "other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls". The evidence does not establish that there are any such circumstances in this case. The proposal would accord with LP policy 3C.23, which seeks to ensure that on-site parking at new developments is the minimum necessary, and that there is no over-provision that could undermine the use of more sustainable modes.

60. The Section 106 agreement includes a provision which would prevent occupiers of the dwellings from applying for parking permits for the CPZ. Whilst the NHA was concerned that this could lead to parking being displaced to areas outside the CPZ, this is not a consideration to which any significant weight can be attached. Given the distances which would have to be walked to and from such parking locations, residents of the scheme would be unlikely to choose to park there. If they did do so in numbers which had significant implications for road safety, application of the advice in PPG13 quoted above would suggest that this would be a matter to be addressed by further on-street parking controls.
61. An appeal at 1-9 South Norwood Hill (Ref: APP/L5240/A/09/2096714) was dismissed on the basis of inadequate on-site parking, but the circumstances were different as just 4 parking spaces were proposed for 14 residential units. The Inspector's indication that 14 spaces may have been too many for that scheme, but that 4 spaces would be too few, is not inconsistent with my own conclusion that 83 spaces would be sufficient provision for the 92 dwellings and the day care centre and care/nursing home in the proposal before me.
62. I have concluded that the proposal would not cause any significant harm to the safety and convenience of users of the highways in the area, including Chalfont Road. There would be no conflict with UDP policy T2, as the evidence indicates that the traffic generated by the proposal could be satisfactorily accommodated on nearby roads, or with UDP policy T8 with respect to car parking standards.

#### *Community facilities*

63. UDP policy CS2 applies to part of the site. It provides that development which would lead to the loss of community facilities will not be permitted except in 2 specified circumstances. The first is where there is no need for the facilities. The second is where there are no alternative community uses which could make use of the buildings or site. These tests are expressed as alternatives, but the supporting text suggests that both need to be satisfied. The Inspector at the previous appeal interpreted the policy in that way, and I find no reason to take a different view. I also find no reason to disagree with his view that the former use of Cumberlow Lodge did not provide community uses as generally understood. On the basis that the Southwood Centre (also referred to in the evidence as Southwood House) had provided publicly-available day care, the Inspector considered that this element of the former buildings should be regarded as a community facility. That view, and the Inspector's conclusions that the Southwood Centre fell to be considered under policy CS2 and amounted to 22% of the site, were not challenged in the current appeal.
64. The present proposal would make some provision for community facilities in the form of the day care centre. The Section 106 agreement provides for the appellant to make a contribution of £240,000 for improvement works to the Stanley Halls, which is an existing community facility nearby. The Inspector at the previous appeal considered whether the requirements of policy CS2 might be satisfied by the making of a contribution of that kind. Although he noted that the policy itself did not make provision for a commuted sum, he drew attention to advice in paragraphs B3 and B16 of Annex B to Circular 05/2005 which envisaged that a planning obligation might provide for a developer contribution to compensate for loss created by a development, and indicated that it might not be necessary to provide an exact substitute of the item lost.

65. At the time of that appeal, the Council's position was that the sum then offered did not begin to compensate for the lack of community space in the scheme then proposed. That situation has changed, as the Council decided that it could not defend the reason for refusal which alleged conflict with policy CS2. The Council accepted in the SOCG that the provision of the day care centre, together with the financial contribution, would satisfy the policy requirements. In taking that view, the Council has not supported the NHA's view that an alternative community use exists for the site, specifically as open space to serve the Harris Academy. A similar point was considered by the previous Inspector, but he recorded that the Academy had no detailed plans for the land and that there was no indication of how any acquisition would be funded.
66. I heard evidence from a Governor of the Academy, and I received a letter of representation from its Principal. However, that evidence has not materially altered the position expressed by the previous Inspector. Based on the evidence before me, there are still no detailed plans as to how the Academy would use any part of the land comprised in the appeal site. Although the Principal stated a willingness to "look at a range of funding options", there is still no firm evidence as to how any acquisition could be funded.
67. Due to pupil safety/security issues the Academy has had to discontinue use of South Norwood Recreation Ground for sports purposes, but the evidence indicates that the area of the appeal site subject of policy CS2 would be insufficient to provide for an alternative sports pitch, which is the principal facility that the Academy requires. The suggested use put forward instead was for more general outdoor purposes, including mention of nature conservation. Although the Principal has indicated that the space could be made accessible after hours and at weekends for community use, no details have been provided as to how this would be achieved, or to establish what actual benefits there would be for the wider community. By contrast, the Stanley Halls is an indoor facility available to that community, and a survey submitted by the NHA showed that 84% of respondents used this facility or attended events there, and that 96% thought that the developers should be asked to renovate and refurbish this facility as a contribution to the community. On the available evidence, it seems to me that greater community benefit is likely to arise from the renovation and refurbishment of the Stanley Halls than from any out of Academy hours community use of a relatively small area of open land.
68. One final relevant consideration is that the proposal would open up the LOL on the site for use by the public, whereas previously there has been no such access. Whilst that would not provide a community facility in the terms of UDP policy CS2, it would fulfil an intention of UDP policy RO11 to improve the accessibility of areas of LOL. Public access to that land would facilitate the possibility of the Harris Academy using it for informal outdoor purposes.
69. Taking into account that the Council has not contended that the appeal should be dismissed on the basis of any conflict with UDP policy CS2, I have come to the view that the proposal would be beneficial in its effects with respect to community facilities. Although the day care centre would not be equivalent provision in terms of site area to the community facilities provision that has been lost, that would be more than compensated for by the improvement that would be made possible to the Stanley Halls, in circumstances where there is no evidence to suggest that the Council would otherwise have the resources to

undertake the necessary renovation and refurbishment there. Whilst there may be conflict with UDP policy CS2 on a strict interpretation of that policy, the overall benefits to the community provide a material consideration of sufficient weight as to override that conflict. The intentions of the development plan in relation to community facilities would not be materially harmed.

*Other matters and overall conclusion*

70. The Council suggested that Chalfont Close would not be provided with satisfactory pedestrian access. Although pedestrians arriving at and leaving the houses on Plots 9-20 might be inclined to follow a desire line across the shared surface, there would be an alternative route along the footway on the opposite side. As limited volumes of traffic would use Chalfont Close, there would be no substantial degree of danger to pedestrians crossing from the footway, including to any visually impaired or otherwise disabled people. I have found these pedestrian access arrangements to be satisfactory, and there would be no conflict with the intentions of LP policy 4B.5 relating to the creation of an inclusive environment.
71. The Council was concerned about the gradient of the path which would lead to the day care centre and care/nursing home. Reference was made to a statement in *Manual for Streets* that longitudinal gradients should ideally be no more than 5%, but that guidance goes on to state that topography may make that difficult to achieve, and that applies on the appeal site. The appellant showed how the path could be provided by means of a series of slopes with short level landings in between. That approach has the potential to provide a satisfactory pedestrian access, the details of which could be resolved by the suggested condition relating to the details of the new street. Whilst the Council referred to the Building Regulations in arguing against the proposed solution, those Regulations are not intended to apply to the design of streets. The intended operators of the day care centre and care/nursing home were content with the access, and I have not found this point of detailed design to be of such significance that it should stand in the way of the development.
72. The Council also had concerns about security/crime prevention matters, but the up-dated evidence indicated that these concerns could be addressed by the suggested condition to control matters including the type of boundary treatments. Satisfactory surveillance of the LOL would be provided from the windows of Block C and the day care centre and nursing/care home. That would be a positive advantage of the 4-storey form of parts of those buildings. I have not found the distance between the proposed buildings and the farthest part of the LOL to be a material matter, as that distance would be the same whatever form the development might take, given the expectation that the LOL should not be built on. I have not found the concerns about security and surveillance to be considerations which weigh against the proposal.
73. Subject to obtaining grant funding, the proposal would provide for 25 % of the habitable rooms to be affordable housing, equating to about 22% of the dwellings, with a mix of social rented and intermediate housing units. These percentages fall short of the negotiating target of 50% for a site of this size in UDP policy H13, but the Council has accepted that the proposal reflects what can reasonably be expected at present having regard to matters including viability. The Council has also accepted that lower percentages would be

achievable if no grant funding or less funding were to be obtained than that which would be required to fund the maximum proposed provision. Given that policy H13 provides for factors including the economics of providing affordable housing to be taken into account in negotiations, the proposal does not conflict with the development plan on this matter, and the extent of the provision of affordable housing does not constitute a reason to dismiss the appeal.

74. In circumstances where the LP seeks to maximise housing provision and encourages the Boroughs to exceed the housing targets, and in the light of the evidence that Croydon is predicted to have a deficit of homes by the end of LP period, the provision of the housing in the appeal scheme, including the affordable housing, is a matter which weighs in favour of the proposal.
75. Having regard to my reasoning on all the issues, I have found the development to be in accordance with UDP policy SP1 which expects development to be sustainable. I have taken account of all the other matters drawn to my attention, but I have found nothing which overrides my overall conclusion based on the assessment of the main issues. As the proposal would preserve and enhance the South Norwood Conservation Area, would cause no material harm with respect to the other main issues, and would deliver needed housing accommodation, I have concluded that the appeal should be allowed.

*Conditions and Section 106 obligation*

76. Most of the suggested conditions were accepted as being necessary by the appellant, subject to some being amended to link implementation requirements to stages of the development. I will attach conditions to cover these agreed matters, with amendments to the implementation requirements and other minor changes which I have found to be necessary in the interests of clarity and precision or to comply with advice in Circular 11/95. In some cases I have found that for implementation in stages to be effectively controlled, it is necessary to require the submission of a programme for implementation.
77. As it is intended to install solar panels, and as the manner of their installation could impact on the character and appearance of the area, I will amend the suggested condition relating to renewable energy to require the submission for approval of drawings of the panels and of their positions on the buildings. Subject to minor rewording, I will attach the condition relating to soil contamination in a form close to that suggested by the Council, as I have found this simpler wording to be more appropriate to the circumstances of this case than the model conditions issued by Communities and Local Government.
78. In the absence of any evidence to show that the site is of archaeological interest, I will not attach the suggested condition relating to archaeological work. As the site has previously been subject of ecological surveys, which found nothing of significance, it is not necessary to require further such surveys. Advice in Circular 11/95 conveys that conditions which restrict permitted development rights should not be imposed save in exceptional circumstances. In the absence of specific evidence to the contrary, I have not found there to be any such exceptional circumstances in this case, and so I will not attach the suggested condition on that matter.
79. The Council accepted that the suggested condition to limit the maximum number of "clients in the residential care facility" was unnecessary, but argued

- that the use should be restricted to avoid changes to other uses included in Class C2 of The Town and Country Planning (Use Classes) Order 1987, as amended. As the parking and access arrangements have been formulated and assessed as being adequate on the basis of the specific use proposed, I agree that it is necessary to restrict the use of the day care centre and care/nursing home. I will attach a condition to preclude changes of use without permission to the other purposes in Class C2 which the Council was concerned about, namely a hospital and a residential school, college or training centre.
80. The restriction on occupiers of the development being able to apply for parking permits is provided for in the Section 106 agreement, and so the suggested condition requiring a parking management plan is not needed to achieve that restriction. As the assessment of the adequacy of the parking has been made on the basis that the houses would be allocated a space each and that the other spaces would be unallocated, I find that a parking management plan to incorporate those details is necessary. I will attach a condition to that effect.
81. An additional condition is needed to require the submission for approval of a detailed drawing of the 2<sup>nd</sup> floor window in the feature gable of Block C, following the appellant's decision to change this window to one having 4 vertical lights. For the avoidance of doubt, in the interests of proper planning, and to reflect the advice in the CLG document *Greater flexibility for planning permissions*, it is also necessary to attach a condition to specify that the development is to be carried out in accordance with the approved plans.
82. As well as the contributions and other matters I have already referred to, the Section 106 agreement provides for contributions to improving health facilities, to library facilities and to measures in the Council's Air Quality Action Plan; for the site owner to enter into an agreement under Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 with respect to highway works; and for the LOL to be made available for use by the public. It also contains alternative options for the provision of affordable housing on the site.
83. A note agreed by the appellant and the Council was provided which conveyed the opinion that the Section 106 agreement met the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) and the tests in Circular 05/2005. It was agreed that all of the provisions in the agreement were necessary to make the development acceptable in planning terms, were directly related to the development, and were fairly and reasonably related in scale and kind to the development. Those 3 points are the requirements of Regulation 122. The note also stated that the remaining 2 tests in Circular 05/2005 were met; that the obligations were relevant to planning and reasonable in all other respects.
84. With the context of UDP policy H13 and the Council's *Planning Guidance Note 1: Planning Obligations* (PGN1), I find no reason to doubt that the provisions with respect to affordable housing would meet the requirements of Regulation 122 and the tests in Circular 05/2005. I am satisfied that the transport contribution has been justified in relation to those requirements. The need for that contribution arises from the development, in the light of the level of parking provision on the site and the consequent need to encourage use of modes of travel other than the car. It is clear from the terms of the agreement that the contribution would be spent on services and facilities that serve the

site. The library contribution has been justified in relation to the Regulation 122 requirements and Circular 05/2005 tests, as it has been calculated on a clear basis of how many residents would use libraries and what would be needed to serve each of those residents. Given that the community contribution would be necessary as a compensating factor for the absence of a sufficient replacement community facility on the site, and as it has been made clear that this would be spent on a specific existing facility nearby, I am also content that this contribution would meet the requirements of the CIL Regulations and the tests in the Circular.

85. The provisions of the agreement relating to highway works, to the creation of access to the LOL and to the restrictions on parking permits are all very clearly related to the proposed development and required to make the scheme acceptable in planning terms. Those provisions meet the requirements of the CIL Regulations and the tests in Circular 05/2005.
86. I am not convinced that the contributions to health facilities and air quality have been justified. Whilst reference has been made to a model used in calculating the health contribution, no detailed information has been given as to how this would be spent. In response to my questions, the Council failed to clarify how the intended use of this contribution towards revenue costs would be directly related to the development. With respect to the air quality contribution, no explanation has been given as to how any measures funded thereby would be related in detail to the development. The method of calculating the sum under this heading is apparently based on a standard contribution, and no details have been given as to how any specific impacts of the development have been taken into account in arriving at that sum.
87. In the light of my consideration of the provisions of the Section 106 agreement, I am unable to take account of the parts of that agreement which relate to the contributions to health facilities and air quality in coming to my decision. In accordance with Regulation 122 of the CIL Regulations, those obligations cannot constitute a reason for granting planning permission. Nevertheless, that matter does not override or invalidate my conclusion that the appeal should be allowed.

*Stephen Amos*

Inspector

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Meyric Lewis	of Counsel, instructed by the Borough Solicitor
He called:	
Mr Peter Fletcher	Urban Design Officer
BA(Hons) PG Dip	
Mr Warren Pierson	Principal Planning Officer
BA(Hons) PG Dip MRTPI	

### FOR THE APPELLANT:

Mr Timothy Corner QC	Instructed by Hogan Lovells
He called:	
Ms Amanda Reynolds	Director, Amanda Reynolds Urbanism
BArch MA UD (Dist) RIBA	
Mr Matt Stevens MIHT	Director, Milestone Transport Planning Ltd
Mr Paul Marks MSc MIOA	Technical Director in Acoustics, SKM Enviros Ltd
Mr Simon Slatford	Senior Planning Director, RPS
BA(Hons) MRTPI	

### FOR NORHYRST HOUSEHOLDERS ASSOCIATION:

Mr Derek Bunning	Secretary, Norhyrst Householders Association
He gave evidence and called:	
Mr Eric Kings	Chairman of the Norwood Society & Member of the North Croydon Conservation Area Advisory Panel
Mrs Susan Bennett	Local resident and Governor of the Harris Academy

### INTERESTED PERSON:

Mr Lawrence Mawson	Speaking on behalf of the North Croydon Area Advisory Panel of which he is a member
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## DOCUMENTS

- 1 List of appearances on behalf of Fairview New Homes Ltd
- 2 List of recommended conditions
- 3 Letter of notification & list of those notified
- 4 Opening submissions for the appellant
- 5 Opening submissions for the Norhyrst Householders Association
- 6 Extract from Approved Document M to the Building Regulations
- 7 Email message relating to daylight factors referred to in paragraph 5.20 of Mr Fletcher's proof of evidence
- 8 Exchange of emails between Fairview New Homes Ltd and Fiona Baker of the Metropolitan Police 23 June 2010 to 8 July 2010
- 9 Tree Preservation Order No. 21, 2006

- 10 Appeal Decision Ref: APP/L5240/A/09/2115503 – 3-9 Station Approach, South Croydon
- 11 Appeal Decision Ref: APP/L524/A/09/2096714 – 1-9 South Norwood Hill, South Norwood
- 12 Letter from the Development Director, Fairview New Homes Ltd, to the Chair of Governors of the Harris Academy – 26 March 2008
- 13 Letter from the Development Director, Fairview New Homes Ltd, to the Chair of Governors of the Harris Academy – 22 September 2008
- 14 Statement of Mr Mawson
- 15 Undated open letter from Ganymede Care Ltd relating to levels and gradients
- 16 Letter from Anstey Horne (Kaivin Wong) to Hogan Lovells relating to daylight levels – 14 July 2010
- 17 Annex 4 to the London Plan – Parking Standards
- 18 Draft Section 106 agreement
- 19 Extract from the Croydon Plan (UDP) – Policy CS1 and its supporting text
- 20 Extract from the London Plan – Objectives 4, 5 and 6
- 21 Air Quality Assessment – Report by Enviros Consulting Ltd – July 2009
- 22 Desk Study and Ground Investigation, Final Report – by Hydrock Consultants – March 2006
- 23 Remediation Method Statement (Rev 2) – by Card Geotechnics – August 2007
- 24 Letter to the Inspector from Ms Carolyn English, Principal of the Harris Academy, 15 July 2010
- 25 Summary of the affordable housing provisions of the Section 106 agreement
- 26 Agreed statement of Fairview New Homes Ltd and Croydon Council relating to the compliance of the provisions of the Section 106 agreement with the relevant policy and statutory tests
- 27 Certified copy of Section 106 agreement
- 28 Extract from London Housing Design Guide – Draft for Consultation
- 29 Closing speech by Mr Bunning for Norhyrst Householders Association
- 30 Closing submissions on behalf of Croydon Council
- 31 Closing submissions for the appellant

#### PLANS

- A Drawing No. FNH343/P/106 Rev A – Sketch Montage
- B Drawing No. FNH343/P/121 Rev B – Block C Elevations
- C Drawing No. FNH343 LS/05 – Adventure Trail
- D Drawing No. FNH343 LS/06 – Adventure Trail Equipment
- E Drawing No. FNH343 LS/07 – Site Boundary Treatments & Internal Boundary Details

## **SCHEDULE**

The planning permission granted is subject to the following conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No dwelling shall be occupied until the car parking and cycle parking provision for the dwelling has been provided as specified in the application and on the approved drawings, and the day care centre and nursing/care home shall not be occupied until the parking provision to serve that facility has been provided as specified in the application and on the approved drawings. In each case, the parking provision once provided shall be retained for as long as the development remains in existence.
- 3) Prior to the commencement of the development details of the following matters shall be submitted to and approved in writing by the local planning authority:
  - (i) the external lighting scheme;
  - (ii) the layout and details of the equipment for the children's play space;
  - (iii) the slab levels of each of the proposed buildings;
  - (iv) the provision to be made for refuse and recycling storage;
  - (v) the boundary treatments and any screen fences or walls.

The details to be submitted shall include a programme for implementation of the approved details. The development shall be carried out in accordance with the approved details and programme, and the elements of the development which are subject of this condition shall be retained for as long as the development remains in existence.

- 4) No development shall take place until samples of the external walling and roofing materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details to be submitted shall include the existing planting to be retained, the proposed new planting including the sizes and species of the plants to be used, and the materials to be used for hard landscaping (which will be expected to be permeable as and where appropriate). The approved details shall be provided before any part of the development is occupied, or within such longer period or periods as the local planning authority may previously agree in writing. All planting shall be maintained for a period of 5 years from the date of planting. Any planting which dies or is severely damaged or becomes seriously diseased or is removed within that 5 year period shall be replaced by planting of a similar size and species to that originally provided.

- 6) Fencing for the protection of the trees shown to be retained (including those which are subject of Tree Preservation Orders) shall be erected in accordance with Drawing No. TPP26-1037.05 Rev A before any materials, equipment or machinery are brought onto the site for the purposes of the development. The fencing shall be retained in position until the development is complete, and nothing shall be placed within the fencing, nor shall any ground levels within the fencing be altered, nor shall any excavation within the fencing be made, without the prior written consent of the local planning authority.
- 7) Works to establish areas of hard surfacing (including car parking areas and access roads) and fencing within the tree protection zones around the trees shown to be retained and as referred to in condition 6, shall be implemented as specified in the Construction Method Statement dated October 2009.
- 8) Those dwellings which have been designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users shall be provided as specified in the application, and shall be retained as such for as long as the development remains in existence.
- 9) The dwellings shall be provided in conformity with "Lifetime Homes" standards as specified in the application, and shall be retained as such for so long as the development remains in existence.
- 10) No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority identifying the means by which a minimum of 10% of the carbon emissions for which the development is responsible will be off-set by on-site renewable energy production methods. The carbon savings which result from the scheme will be above and beyond what is required to comply with Part L of the Building Regulations. The details to be submitted and approved shall include detailed drawings of any solar thermal and solar voltaic panels to be installed, and of those panels in their positions on the buildings. The details shall also include an implementation programme which identifies which elements of the proposed scheme relate to which parts of the development. The scheme shall be implemented in accordance with the approved details and programme, and no part of the development shall be occupied until the on-site renewable energy production equipment to serve that part has been provided.
- 11) No development shall take place until the applicant has provided to the local planning authority a design stage report, verified by a Code for Sustainable Homes assessor, confirming that the design will achieve Code for Sustainable Homes Level 3, and until that report has been approved in writing by the local planning authority. The approved scheme shall be provided in accordance with the approved details. No dwelling shall be occupied until a report and certification has been provided to the local planning authority confirming that the Code for Sustainable Homes Level 3 has been achieved in the construction of that dwelling.
- 12) No development shall take place until a report of historical uses of the site has been carried out to the approval of the local planning authority, to provide an assessment of the possibility of soil contamination. If the report indicates the possibility of contamination, an intrusive

investigation and assessment into the possibility of soil, water and gaseous contamination must be carried out to the approval of the local planning authority. The investigation report shall include a risk assessment and details of remediation if required. Remedial works which are shown to be required must be approved by the local planning authority before any such works are carried out. A validation report detailing evidence of all remedial works carried out shall be submitted to and approved in writing by the local planning authority at the conclusion of the approved remedial works and before any occupation of the buildings. The developer shall notify the local planning authority of any on-site contamination which is found which was not initially identified by the site investigation, so that an officer of the authority may attend the site and agree any appropriate remedial action.

- 13) Plans and details of the new streets, including levels, gradients, surface water drainage and construction details, shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The foundation of the carriageways shall be constructed in accordance with the approved details prior to the commencement of any other building operations. No part of the development shall be occupied until the lengths of the new streets which serve the part of the development to be occupied have been completed in accordance with the approved details.
- 14) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, (or any order revoking, re-enacting or modifying that Order), the building containing the day care centre and care/nursing home shall be used only for those purposes, and that building shall not be used for any other purposes, including any of the other uses listed in Class C2 of the Town and Country Planning (Use Classes) Order 1987, as amended, which include use as a hospital and as a residential school, college or training centre.
- 15) Prior to the occupation of any part of the development, a parking management plan shall be submitted to and approved in writing by the local planning authority. The plan shall include details of which parking spaces are to be allocated to which of the proposed houses, and details of the spaces which are to be available to the proposed flats on a communal basis. The parking provision shall be retained and operated in accordance with the approved management plan for as long as the development remains in existence.
- 16) Prior to the commencement of any building or engineering operations a construction method statement shall be submitted to and approved in writing by the local planning authority. The statement shall include the following information:
  - (i) hours of construction;
  - (ii) hours of deliveries;
  - (iii) details of parking provision for vehicles associated with deliveries, and for the vehicles of site personnel, operatives and visitors;
  - (iv) details of the provision to be made for loading and unloading of plant and materials to be used in the construction of the development, and for the storage of all such plant and materials;

- (v) details of all plant and noise mitigation measures to be employed during construction.
- 17) Prior to the occupation of any part of the development, a travel plan to encourage the use of sustainable modes of transport shall be submitted to and approved in writing by the local planning authority. The travel plan shall include a programme for implementation, and the plan shall be implemented in accordance with the approved details.
- 18) Prior to the commencement of the building of Block C, a detailed drawing of the 2<sup>nd</sup> floor window below the Gothic-arch headed window on Elevation 2 of that Block (as numbered on Drawing No. FNH343/P/121 Rev B) shall be submitted to and approved in writing by the local planning authority. The drawing to be submitted shall be at a scale of 1:50, and the drawing shall show the window divided into 4 vertical lights. The development of Block C shall be carried out in accordance with the approved details.
- 19) The development hereby permitted shall be carried out in accordance with the following approved plans:
- FNH 343/P/101 - Location Plan
  - FNH 343/P/102 Rev A - Site Layout
  - FNH 343/P/103 Rev D - Site Layout G.F.
  - FNH 343/P/104 - Section
  - FNH 343/P/105 - Aerial Site Plan
  - FNH 343/P/106 Rev A - Sketch Montage
  - FNH 343/P/110 Rev B - Blocks A & B
  - FNH 343/P/120 Rev B - Block C - plans
  - FNH 343/P/121 Rev B - Block C - elevations
  - FNH 343/P/130 Rev A - Houses
  - 08024/02 Drawing No. 2 - Proposed New Residential Care Home
  - FNH 343 LS/01 - Landscape Design Strategy
  - TPP26-1037.05 Rev A - Tree Protection Plan
  - FNH 343/P/140 - Refuse Store Locations